**The following guidance and introduction is taken from the government document:**

***Use of reasonable force Advice for headteachers, staff and governing bodies July 2013***

***Use of reasonable force Advice for headteachers, staff and governing bodies July 2013?subject=Use of Reasonable Force in Schools***

It states that:

• School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.

• Suspension should not be an automatic response when a member of staff has been accused of using excessive force.

• Senior school leaders should support their staff when they use this power.

It also gives the following definitions:

**What is reasonable force?**

1. The term ‘reasonable force’ covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.

2. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

3. ‘Reasonable in the circumstances’ means using no more force than is needed.

4. As mentioned above, schools generally use force to control pupils and to restrain them.

 Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.

5. Restraint means to hold back physically or to bring a pupil under control.

It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

6. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

**Who can use reasonable force?**

• All members of school staff have a legal power to use reasonable force.

• This power applies to any member of staff at the school.

It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

**When can reasonable force be used?**

• Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

• In a school, force is used for two main purposes – to control pupils or to restrain them.

• The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

• The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

**Schools can use reasonable force to:**

• remove disruptive children from the classroom where they have refused to follow an instruction to do so;

• prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;

• prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;

• prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and

• restrain a pupil at risk of harming themselves through physical outbursts.

**Schools cannot:**

• use force as a punishment – it is always unlawful to use force as a punishment.

**Power to search pupils without consent**

In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”:

• knives and weapons

• alcohol

• illegal drugs

• stolen items

• tobacco and cigarette papers

• fireworks

• pornographic images

• any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force cannot be used to search for items banned under the school rules.

(All the above from: Section 93, Education and Inspections Act 2006)

**The use of reasonable force / positive handling at SKAPE**

1) SKAPE is committed to ensuring that all staff and adults with responsibility for children’s safety and welfare deal professionally with all incidents involving aggressive or reckless behaviour.

We will use physical intervention/positive handling only as a last resort, for the shortest time possible, and only when there is no other alternative to help children and staff to stay safe.

2) At all times, staff will follow the guidance in this policy and any additional Department for Education guidance. Staff should refer to the DfE publication, ‘Use of reasonable force’ July 20131 for further information. (Extracts used in this policy)

3) Members of staff have a legal power, under Section 93 of the Education and Inspections Act 2006, to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom.

Lawful use of this power will provide a defence against any related criminal prosecution or other legal action.

Suspension should not be an automatic response when a member of staff has been accused of using excessive force.

4) The power to use positive handling also extends to people whom the Centre Manager has temporarily put in charge of pupils, such as unpaid volunteers or parents accompanying pupils

**SKAPE will not**:

• Use positive handling as a punishment – it is always unlawful to use force/positive handling as a punishment.

**Deciding whether to use positive handling**

• As a general rule, staff should only use positive handling when:

- The potential consequences of not intervening are sufficiently serious to justify it

- The chance of achieving the desired outcome by other non-physical means is low

• Before using positive handling, staff should – where practicable – take steps to de-escalate the situation by using clear verbal commands.

• Care should be taken to avoid giving the impression that the member of staff is angry, or frustrated, or acting to punish a child.

It should be made clear with calm language that as soon as the need for the positive handling ceases, it will stop.

• Appropriate use of positive handling will range from physical passive presence in between pupils, to blocking a pupil’s path, ushering them by placing a hand in the centre of the back, leading/guiding them by the hand or arm, to, in more extreme circumstances, using appropriate restraining holds.

• Particular attention will be given to individuals’ needs which arise from students’ Educational Health and Care Plans or to any specific, particular needs of the student known to the member of staff which may not be stated officially on a Care Plan.

• Whilst it is highly desirable that staff should avoid acting in any way which might reasonably be expected to cause an injury, in truly exceptional circumstances it is recognised that it may not always be possible to avoid.

• Any such injury caused will be properly investigated by the school and will require justification.

**Unacceptable use of ‘positive handling’**

The following techniques must not be used as they present an unacceptable risk when used on children and young people:

 - the ‘seated double embrace’ which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing

- the ‘double basket-hold’ which involves holding a person’s arms across their chest

- the ‘nose distraction technique’ which involves a sharp upward jab under the nose.

**Staff Training**

The SKAPE Centre Manager must consider whether members of staff or other adults require any additional training to carry out their responsibilities and should consider the needs of pupils when doing so. Records of certified training will be kept in SKAPE’s central records and will be updated in a cyclical manner to ensure sufficient staff coverage at all times.

**Record keeping and informing parents when force has been used on their child**

-Whenever a member of staff uses positive handling, this must be recorded in SKAPE’s Behaviour Record and be reported to the Senior Leadership Team. It will be discussed and debated at the next staff meeting.

-Parents must always be informed, as soon as is reasonably possible and, if necessary, in writing, when positive handling has been used on their child.

-The views of students and parents about individual instances where positive handling has been used, must be sought and recorded. Where no views have been offered, this must also be recorded.

-When assessing the incident, consideration may be given to involving multiagency partners to offer support or advice.

-Where a student is responsible for injury to another, as well as holding him/her to account and issuing any appropriate sanction, the student will be given the opportunity to repair the relationships with students and staff affected by the incident.

The student will also be offered appropriate support to help develop strategies for avoiding such crisis points in the future. (see SKAPE’s Behaviour Support Plan for how this might be implemented and recorded)

-The relevant leader must monitor trends and patterns about the use of positive handling in respect of individual students and members of staff.

Any poor practice must be explored with action being taken to address this.

**Complaints**

-All complaints about the use of positive handling must be investigated thoroughly and speedily in line with the SKAPE’s complaints procedure, following the guidance set out in Section Eight of the Use of Reasonable Force:

Advice for headteachers, staff and governing bodies (DFE Ref: DFE-00341-2014)

Signed:
 Date: 29/08/2024

Print Name: L. James

Reviewed: Annually

Review Date: August 2025

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| --- | --- | --- | --- |
| **Date**  | **Reason for Change** | **Approved By** | **Revision Number** |
| 11/08/23 | Initial Policy | K Watson | 01 |
| 20/12/23 | Policy update as requested by DCC Inclusion Lead for DCC AP application | K Watson | 02 |
| 29/08/24 | Policy Review | K Watson | 03 |
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**Appendix 1**

**SKAPE Behaviour Record for Use of Positive Handling**

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| --- | --- | --- | --- | --- | --- | --- |
| **Date:** | **Member of staff involved:** | **Student involved:** | **Nature of force/restraint used:** | **Circumstances of the use of reasonable force / restraint** | **Resolutions sought:** | **Impact of resolution and update including dates** |
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