

# Use of Reasonable Force policy

Silver Birch School



**Approved by Proprietor:** Noel Thomas

**Last reviewed on:** January 2022

**Next review due by:** January 2023

At Silver Birch School we strive to create an environment in which both young people and adults feel happy, safe, secure and valued. We aim to ensure a whole school approach to behaviour known and understood by all staff, pupils, parents/carers and outside agencies. The use of force upon any pupil by a member of staff is a serious matter, and should only be considered as a last resort. However, the law is clear and the Proprietor has a responsibility to all concerned, to support any member of staff who as a last resort uses reasonable force in accordance with the law, and with this policy.

### **AIMS OF THE POLICY**

- To safeguard the well-being of pupils and staff when an incident requires the use of reasonable force.
- To ensure that staff use consistent and safe practices in the use of reasonable force.
- This policy is drawn from advice contained in the document '[Use of Reasonable Force – Advice for head teachers, staff and governing bodies](#)' issued 2013 by the Department for Education (DFE)

### **WHAT THE LAW SAYS**

[Section 93 of the Education and Inspections Act 2006](#) enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:

- Committing a criminal offence;
- Causing personal injury to themselves or another;
- Causing damage to property belonging to them or another, including the school;
- Any behaviour prejudicing the maintenance of good order and discipline in the school.

### **MINIMISING THE NEED TO USE FORCE**

Silver Birch School manages behaviour successfully in a number of ways in order to reduce the number of situations where teachers may need to use force for the safety of pupils. These include:

- Creating a calm orderly environment in the classroom (and around School)
- Developing effective relationships between staff and pupils
- Helping staff to develop skills of positive behaviour management and managing conflict
- Ensuring a sufficient number of staff are on duty at break, lunch and other times of free movement
- Meeting the needs of pupils with SEN, including through appropriate training for staff

### **WHO MAY USE FORCE?**

All members of school staff may use reasonable force. This right may also apply to people whom the Headteacher has put in charge of pupils temporarily e.g., volunteers or parents/carers accompanying pupils on School trips. The power may be used where the pupil (including a pupil from another school) is on the premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

### **WHAT IS REASONABLE FORCE?**

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.

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.

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 pupil needs to be restrained to prevent violence or injury.

'Reasonable in the circumstances' means using no more force than is needed. 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.

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.

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.

### **DECIDING WHETHER TO USE FORCE**

Reasonable force should be the last option but staff should not hesitate to act in an emergency providing they follow the guidance below. Staff are not expected to place themselves in danger. The decision on whether to physically intervene is down to the professional judgement of the staff member and should always depend on the individual circumstances.

Reasonable force may be used when:

- The potential consequences of not intervening are sufficiently serious to justify considering use of force;
- The chances of achieving the desired result by other means are low;
- The risk associated with not using force outweighs those of using force;
- The degree of force must be in proportion to the circumstances of the incident and the seriousness of the behaviour or consequences it is intended to prevent.

Circumstances when staff may use reasonable force may include:

- To prevent a pupil from committing a criminal offence;
- To prevent a pupil from causing injury to his or herself or others;
- To prevent or stop a pupil from causing serious damage to property;
- To stop the pupil from engaging in any behaviour which is prejudicial to the maintenance of good order and discipline at School or elsewhere when the pupils are in the care of the school;
- To prevent a pupil leaving a classroom where allowing the pupil to leave would risk their safety or lead to behaviour which disrupts the behaviour of others;
- To remove the pupil from a classroom where they have refused to follow an instruction to do so.

Reasonable force may never be used as a punishment.

### **USING FORCE**

The minimum reasonable force should be used to calm down the situation, to restore safety and appropriate behaviour. The age, understanding and competence of the individual pupil will always be taken into account. Particular attention will be given to individuals' needs which arise from statements of SEN or disability. ·

Every effort will be made to secure the presence of other staff, and these staff may act as assistants and/or witnesses. Only in an emergency should a member of staff intervene without help; other pupils should never be involved in restrictive physical intervention.

Care should be taken to avoid giving the impression that the member of staff is angry or frustrated, or are acting to punish the young person. It should be made clear with calm language that as soon as the need for force ceases, it will stop.

Appropriate use of force 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.

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.

### **ACCEPTABLE FORMS OF INTERVENTION**

There are occasions when staff will have cause to have physical contact with student for a variety of reasons, for example:

- To comfort the student in distress (so long as this is appropriate to their age);
- To give First Aid;
- To gently direct a student eg: holding a hand at the front or back of a line; • For curricular reason (for example in PE, Music, Drama etc);
- In an emergency to avert danger to students or staff;
- In rare circumstances, when restrictive physical intervention is warranted.

In all situations where physical contact between staff and students takes place, staff must consider the following:

- The student's age and level of understanding;
- The student's individual characteristics and history;
- The location where the contact takes place (it should not take place in private without others present).

Reasonable force can take several forms. It might involve staff:

- Physically interposing between students;
- Blocking a student's path;
- Holding;
- Pushing;
- Pulling;
- Leading a student by the hand or arm;
- Shepherding a student away by placing a hand in the centre of the back, or (in extreme circumstances) using more restrictive holds.

Reasonable force **must not**:

- Involve deliberately hitting the pupil
- Involve deliberately inflicting pain on the pupil
- Restrict the pupil's breathing
- Involve deliberate contact with sexually sensitive areas.

During an incident the restrainer should:

- Offer verbal reassurance to the pupil
- Cause the minimum level of restriction of movement
- Reduce the danger of any accidental injury.

### **POWERS TO SEARCH PUPILS WITHOUT CONSENT**

The Headteacher and authorised staff can use such force as is reasonable 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.

A search will always take place with two members of staff present.

### **POST-INCIDENT SUPPORT**

Serious incidents that require the use of force can be upsetting to all concerned and may result in injuries to the pupil or a member of staff. Immediate action will be taken to provide first aid for any injuries and access to medical help for any injuries that go beyond first aid. It is also important to ensure that staff and pupils are given emotional support. Procedures at Silver Birch School are in place through the pastoral system for supporting and debriefing staff and pupils after every serious incident of restrictive physical intervention.

In deciding what is a serious incident, School staff will use their professional judgement and consider:

- The pupil's behaviour and level of risk presented at the time of the incident;
- The degree of force used;
- The effect on the pupil and member of staff and
- The pupil's age.

### **RECORDING AND REPORTING INCIDENTS**

Silver Birch School will keep a record of each significant incident of the use of force to control and restrain. Whether or not an incident is significant will be a matter for School to decide on a case by case basis.

Decisions will include the following considerations:

- The pupil's behaviour and the level of risk presented at the time;
- The degree of force used and whether it was proportionate in relation to the behaviour, together with the effect on the pupil or member of staff;
- The effect on the pupil or member of staff;
- The child's age.

The purpose of recording is to ensure that policy guidelines are followed, to inform parents/carers, to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future

enquiry. After a serious incident, parents/carers will always be informed unless doing so would in any way endanger the child. Parents/carers will be contacted as soon as possible. Parents/carers will also receive a copy of this policy and information on post-incident support.

The letter sent to parents/carers informing them about the use of the intervention may be used to engage them in discussing the incident and for setting out subsequent actions and support. It is recommended that parents/carers be involved in agreeing appropriate support arrangements. It may be desirable to agree on an individual behaviour plan. This would include strategies to prevent and deal with any recurrence of behaviour that could lead to the use of restrictive physical interventions.

## **DEVELOPING A POSITIVE HANDLING PLAN**

If a pupil is identified, for whom it is felt that restrictive physical intervention is likely, then a Positive Handling Plan will be completed. This plan will help the pupil and staff to avoid difficult situations through understanding the factors that influence the behaviour and identifying the early warning signs that indicate foreseeable behaviours that may be developing. The plan will include:

- Involving parents/carers and pupils to ensure they are clear about what
- specific action the School may take, when and why;
- A risk assessment to ensure staff and others act reasonably and consider
- the risks;
- A record to be kept in School of risk reduction options that have been
- examined and discounted, as well as those used;
- Techniques for managing the pupil's behaviour ie. Strategies to deescalate a conflict, and stating at which point a restrictive physical
- intervention may be used;
- Identifying key staff who know exactly what is expected;
- Ensuring a system to summon additional support;
- Identifying training needs;
- If it is known that any pupil has specific medical needs, medical advice may be sought as to the safest way to hold the pupil.

See Appendix 1 for a Positive Handling Plan Pro-forma

## **COMPLAINTS**

It is intended that by adopting this policy and keeping parents/carers and governors informed we can avoid the need for complaints. All disputes which arise about the use of force by a member of staff will be dealt with according to Child Protection and Safeguarding policies. If necessary, see Complaints Policy.

## **TRAINING**

This policy will be explained to staff as part of their induction. The Headteacher will consider whether any members of staff need further training based on the needs of the pupils.

## **EQUAL OPPORTUNITIES**

In making decisions about physical restraint all staff will take into account any special educational needs, disabilities, gender and cultural differences that may be relevant to the case.

## **REVIEW OF THE POLICY**

This policy will be reviewed every two years or in light of any significant changes to legislation.

**Appendix 1**

**Positive Handling Plan**

Name of Pupil: \_\_\_\_\_ Group: \_\_\_\_\_

Name of teacher: \_\_\_\_\_

Name of Parent/Carer: \_\_\_\_\_

Identification of Risk	
Describe the foreseeable risk (ie. What specific behaviours have occurred)	
Is the risk potential or actual? (ie. Has this happened before)	
List who is affected by the risk	
Assessment of Risk	
In which situations does the risk occur?	
How likely it is that the risk will arise? (ie. How often has it happened before)	
If the risk arises, who is likely to be injured or hurt?	
What kinds of injuries or harm are likely to occur?	
How serious are the adverse outcomes?	

Assessment completed by: \_\_\_\_\_

Signature: \_\_\_\_\_ Date: \_\_\_\_\_