Avishayes Primary School & Early Years Centre Use of Reasonable Force Policy

Responsibility:	**Governors**
Reviewed:	**September 2023**
Next review date:	**September 2024**
Key legislation:	**Equality Act 2010** **Children Act 1989**
This policy should be read in conjunction with:	
Exclusion Policy **Anti-bullying policy** **Special Educational Needs (SEN)** **Equal Opportunities Policy** **Safeguarding and Child Protection Policy** **Behaviour Policy** **KCSIE part 1** **DfE Non-Statutory Guidance for Schools – Use of Reasonable Force (July 2013),**	

Aims:

- To create positive behaviour that enables all children to be ready to learn
- To create an ethos where respect is shown by all
- To create an ethos where responsibility is taken by all
- To reinforce positive behaviour especially through the language used
- To safeguard the wellbeing of pupils and staff

Objectives:

- To maintain the wellbeing and safety of pupils and staff
- To prevent serious breaches of school discipline
- To prevent serious damage to property

This policy is shared and communicated to all staff and parents.

Definitions

There is no statutory definition of 'reasonable force'. It depends on:-

- whether the force used is justified in the context in which the misbehaviour takes place.
- whether the force used is proportionate to the consequences it is intended to prevent.

In schools force is generally used for two different purposes – to 'control' and to 'restrain' pupils

- **Control** means either passive contact (standing between pupils) or active physical contact (leading a pupil by hand or arm)
- **Restraint** is when staff physically prevent a pupil from continuing what they were doing when told to stop, or when involved in a fight

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

Minimising the Need to Use Force

Use of force is only used as a last resort and procedures are in place at Avishayes School to create a calm and orderly environment and supportive school climate that lessens the risk and threat of violence of any kind. Effective relationships are developed between staff and pupils and RSE and SCARF activities support pupils in managing conflict and coping with feelings. Staff are also given guidance and training in how to manage pupil behaviour.

Staff Authorised to Use Force

All teachers and staff that the head has authorised to have control or charge of pupils automatically have the legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action. This includes all teachers, support staff and lunchtime supervisors. Members of staff should not put themselves at risk. An individual would not be seen to be failing in their duty of care by not using force to prevent injury, if doing so threatened their own safety.

The Governing Body of Avishayes School has adopted DCSF guidance on the 'Use of Reasonable Force' (July 2013). Most of the guidance is non-statutory, though staff are strongly advised to follow all sections of the guidance.

Temporary authorisation can also be granted in specified circumstances such as volunteer parents helping on a school trip but this is under specific direction of a supervising member of staff.

Deciding Whether to Use Force

Staff should only use force when:

- the potential consequences of not intervening were sufficiently serious to justify considering use of force
- the chance of achieving the desired result by other means were low
- the risk associated with not using force outweighed those of using force

Staff in charge of pupils must ensure that clear guidance is given to volunteer helpers working with pupils who present particular risks to themselves or others, such as those with SEN or severe behavioural difficulties.

According to Section 93 of the Education and Inspections Act 2006 **reasonable force can be used in the following circumstances**:-

- where a criminal offence is being committed
- self defence or where pupils may injure themselves or others
- where the behaviour is prejudicial to maintaining good order and discipline at the school or among the pupils
- a risk of significant damage to property
- where the action occurs on the school premises or during an authorised activity off the premises
- when exercising the statutory power (sect 45 – Violent Crime Reduction Act 2006) to search pupils without their consent for weapons, alcohol, illegal drugs and stolen property.

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 trip
- prevent a pupil leaving the classroom where allowing them 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 on the playground
- Restrain a pupil at risk of harming themselves through physical outbursts

Using Force
At all times the degree of force used should be the minimum needed to achieve the desired result and it can not be used to prevent trivial misbehaviour. The judgement on whether to use force and what force to use should always depend on the circumstances of each case.

If at all possible, prior to physical intervention, pupils should be warned that force may have to be used.

Physical Intervention can take a number of forms, for example:

- physically interposing between pupils
- standing in the way of a pupil
- holding, pushing or pulling
- leading a pupil away from an incident by the hand
- holding the tops of both arms or both hands
- sitting the child on your lap with a 'hug' to restrict movement and calm the child down (Keep your chin away from the head.)
- going for a walk so that the child is doing the holding – 'which finger will you hold?' – trying to negotiate
- taking shoes off if there is a chance you will get kicked

NOTE: It is always unlawful to use force as a punishment.

Pupils with SEN or Disabilities
The SENCO is directly involved in reviewing the needs and management programme of pupils with SEN and social emotional and mental health difficulties. An individual risk assessment is drawn up where it is known that force is more likely to be used to restrain a particular pupil, such as with a pupil with SEN or poor behaviour. This gives clear guidance on 'positive handling plans' and takes into account issues identified on a pupil's learning plan/EHCP. Staff coming into contact with such vulnerable pupils need to be made aware of situations that may provoke difficult behaviour, preventative strategies and what de-escalation strategies are likely to work.

Parents are made aware that such a risk assessment is in place for their child and the school seeks express written consent from the parent to inform staff about their child and acknowledging that physical restraint may at times be necessary.
Pupils experiencing difficulties should also be given guidance/ strategies to cope when faced with times of crisis.

Staff Training
The Headteacher will consider whether members of staff require additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so.

Recording and Reporting Significant Incidents
All serious incidents will be recorded in the Bound and numbered book – version 4 which is kept in the Headteacher's office and Parents/carers will be informed of the incident. In deciding what is a serious incident, staff should use their professional judgement and consider the:
-pupils' behaviour and level of risk presented at the time of the incident
-degree of force used
-effect on the pupil or member of staff
-the child's age

Post Incident Support

Care is taken after an incident to ensure both staff and pupils are supported including meeting immediate medical needs, rebuilding relationships and reflecting on the incident so lessons can be learned.

Complaints and Allegations
If a complaint is made - reference is made to the school's complaints procedure and guidance on dealing with allegations of abuse by staff. Further guidance is available in the 'Use of Reasonable Force – Advice for Headteachers, staff and governing bodies July 2013.

What about other physical contact with pupils?
It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

Examples of where touching a pupil might be proper or necessary are:

Holding a hand
Comforting a distressed pupil
Giving praise or congratulation
Demonstrating how to use a musical instrument
Demonstrating exercises or techniques during PE
Giving first aid.

Guidance for Staff

1) Stay calm and keep repeating the request to calm down in a quiet voice. Try to de-escalate the situation.
2) Get down to the child's level if possible.
3) Remember physical restraint is a last resort and try to ensure another adult is available if the situation requires it.
4) Never get involved physically with a child when you are angry – hand over to someone else.
5) Force that should **NOT** be used includes holding round the neck**,** kicking, slapping or punching, forcing limbs against joints**,** tripping or holding by hair or ear**,** holding face down on the ground.
6) Any form of force or restraint that is likely to injure a pupil (particularly anything that could constrict breathing) should only be used in extreme emergencies and where there is no viable alternative.