

REASONABLE FORCE POLICY

Introduction

At Pinewood Infant School we strive to create an environment in which both children and adults feel happy, safe, secure and valued. A whole school approach to behaviour is known and understood by all staff, children, parents and outside agencies. The use of force upon any child 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 Governing Body 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 this policy.

This policy is designed to serve the best interests of children and to reduce risk of harm to school staff. It is based on, and should be read alongside DfE 'Use of Reasonable Force – Advice for head teachers, staff and governing bodies' (2013), DfE 'Keeping Children Safe in Education' (2015), Hampshire County Council 'Policy and Guidance on Restrictive Physical Intervention in Schools' (2015) and school policies on Positive Behaviour, Anti-Bullying, Child Protection and SEN.

In this policy, the term "staff" refers to teachers, teaching assistants, mid-day assistants and support staff.

Aims

- To provide clarification on the use of reasonable force in school;
- To enable staff to feel more informed and confident about the use of reasonable force when they believe it to be necessary;
- To make clear the responsibilities of Head teachers, senior staff and governing bodies in respect of this power;

The Legal Framework

Section 93 of the Education and Inspections Act 2006 states that reasonable force may be used to prevent a child from doing, or continuing to do, any of the following:

- injuring themselves or others;
- committing a criminal offence;
- causing damage to property
- engaging in behaviour prejudicial to maintaining good order and discipline at the school whether that behaviour occurs in a classroom or elsewhere.

The DfE Use of Reasonable Force Guidance (2013) allows all staff at a school to use reasonable force to keep children safe. It also allows other adults in the school to use physical interventions where reasonable, proportionate and necessary to ensure the safety of children. Those might include classroom assistants, midday supervisors, specialist support assistants, escorts, caretakers or voluntary helpers, including people accompanying children on visits, organised by the school.

Key Points

- School staff have a legal power to use reasonable force and lawful use of this 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.

- School leaders should support their staff when they use this power.

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 children.

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 child to safety by the arm through to more extreme circumstances such as breaking up a fight or where a child 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 children and to restrain them. Control means either passive physical contact, such as standing between children or blocking a child's path, or active physical contact such as leading a child by the arm out of a classroom. Restraint means to hold back physically or to bring a child under control. It is typically used in more extreme circumstances, for example when two children are fighting and refuse to separate without physical intervention. 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 child.

Schools can use reasonable force

- In situations where a child (including one from another school) is on school premises or elsewhere in the lawful control or charge of a staff member – for example on a school visit;
- To remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- To prevent a child behaving in a way that disrupts a school event or a school trip or visit;
- To prevent a child leaving the classroom where allowing the child to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- To prevent a child from attacking a member of staff or another child, or to stop a fight in the playground;
- And to restrain a child 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.**

Deciding whether to use force

As a general rule staff should only use force when:

- The potential consequences of not intervening are sufficiently serious to justify it;
- The chance of achieving the desired outcome by other nonphysical means are low;
- And the risk associated with not using force outweighs the risk of using it;
- Staff do not require parental consent to apply reasonable force on a child.

Using Force

Before using force, staff should - where practicable - tell the child to stop misbehaving. Care should be taken to avoid giving the impression that the member of staff is angry or frustrated, or are acting to punish the child. 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 children, to blocking a child's path, ushering them by placing a hand in the centre of the back, leading 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 statements of SEN or disability.

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.

Training for Staff

Physical restraint is an available option, only to be used when other means of dealing with the situation have failed. Staff are made aware of this policy and receive training on child protection.

At Pinewood Infant School only staff who have received appropriate Team Teach training are authorised to use positive handling techniques where a plan has been agreed for any children. All staff have a duty of care to keep all children safe but a few individuals will have planned interventions in place.

Recording Incidents

Immediately following any such incident, the member of staff concerned should tell the Headteacher, or a senior member of staff and provide a written report as soon as reasonably possible afterwards using the school's chronology of action sheet. That should include:

- Date
- Time
- People present
- Lead up to the incident
- Details of the incident
- Actions taken
- Signature

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.

A violent incident and/or accident report may also be needed to be completed and submitted to the Local Authority depending on the nature of the incident and intervention.

Post-incident support

- If injuries result from the application of reasonable force, medical help should be sought straight away. It is also important to ensure that the child is given emotional support;
- We will ensure that staff who have been involved in a difficult incident (not just that which involves physical restraint) have access to internal de-briefing and support as required. If staff wish to receive support independent of their school, it can be provided by the County Council's support and counselling service. The employee support line is a confidential 24 hour help-line (01962 846388).
- As soon as possible after the incident parents / carers should be informed and provided with a copy of this policy. If necessary, details of the incident will be confirmed in writing;
- When assessing the incident, consideration may be given to involving multi-agency partners to offer support or advice;

- Where a child is responsible for injury to another, as well as holding him/her to account and issuing appropriate sanction, the child will be given the opportunity to repair the relationships with children and staff affected by the incident. The child will be offered appropriate support to help develop strategies for avoiding such crisis points in future.

Other physical contact with children

It is not illegal to touch a child. There are occasions when physical contact, other than reasonable force, with a child is proper and necessary.

Examples of where touching a child might be proper or necessary:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed child;
- When a child is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching;
- To give first aid.

Complaints and allegations

If a parent has a concern about the use of reasonable force in the school then they will be asked to follow the school complaints procedure. If an allegation is made against a member of staff concerning the use of force or physical restraint the Headteacher will be immediately informed and the school will follow Child protection and Safeguarding procedures taking advice from the Local Authority. .

Monitoring

We monitor the use of reasonable force in the school and particularly restrictive physical intervention or restraint. The Headteacher and SENCo are responsible for reviewing the records so that appropriate action can be taken. The information is also used by the governing body when this policy and related policies are reviewed.

Analysis will consider equalities issues such as age, gender, disability, culture and religion issues in order to make sure that there is no potential discrimination; potential child protection issues will also be considered. As well as any trends in the relative use of restrictive physical intervention for specific children or classes and across different times of day or settings. The aim is to protect children, to avoid discrimination and to develop an ability to meet the needs of children without using restrictive physical intervention. This analysis is shared with the governing body so that appropriate further action can be taken and monitored.