



# POSITIVE HANDLING/USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN STUDENTS POLICY

## **Introduction**

The aim of our behaviour policy is:

- To promote high standards of behavior.
- To protect every person in the school community from harm.
- To protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful?
- To provide adequate information and training for staff so that they are clear as to what constitutes appropriate behavior and to deal effectively with violent or potentially violent situations.

## **Staff training**

The Principal will consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the students when doing so.

## **Telling parents when force has been used on their child**

Parents will always be informed face to face about serious incidents involving the use of force. It is envisaged that there will be very few occurrences when staff will have to use force. All members of staff who may have to intervene physically with students must clearly understand the options and strategies open to them. This policy clarifies what is acceptable and what is not.

## **Corporal punishment is in no way authorised through the following policy.**

School policy and the law forbids a member of staff to use any degree of physical contact which is deliberately intended to punish a student, or which is intended to cause pain or injury or humiliation. Every effort will be made to ensure that all staff will have a clear understanding of this policy and be trained accordingly.

## **Implications of DfE guidance**

This policy has regard to non-statutory DfE Guidance *Use of reasonable force, Advice for headteachers, staff and governing bodies July 2013* which applies to all leaders and staff in all schools in England.

### Key points

- School staffs 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.

### **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 students.
2. Force is usually used either to control or restrain. This can range from guiding a student 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 students and to restrain them. Control means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom.
5. Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students 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 student.

### **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 Principal has temporarily put in charge of students 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 students from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control students 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.

### **Staff can use reasonable force to:**

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a student behaving in a way that disrupts a school event or a school trip or visit;

- prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a student from attacking a member of staff or another student, or to stop a fight in the playground; and
- Restrain a student at risk of harming themselves through physical outbursts.

**Staff cannot:**

- Use force as a punishment – **it is always unlawful to use force as a punishment.**

**Power to search students without consent**

In addition to the general power to use reasonable force described above, the Principal and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”<sup>3</sup>: 3 Section 550ZB(5) of the Education Act 1996

- 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.

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

Separate guidance is available on the power to search without consent – see *Screening, searching and confiscation – advice for Principals, staff and governing bodies*

**Communicating the school’s approach to the use of force**

- Our behaviour policy and additional documentation is to be read in conjunction with this policy.
- The school acknowledges that it has a legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).
- Parental consent to use force on a student is not required.
- We do **not** have a ‘no contact’ policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a student, or prevent them taking action needed to prevent a student causing harm.

- By taking steps to ensure that staff, students and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

### **Using force**

A panel of experts identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:

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

### **Time out, withdrawal and internal exclusion**

- Time-out - the restriction of access to all positive reinforcements as part of a planned and structured behavioural programme.
- Withdrawal - the removal from a situation which causes anxiety or distress to a location where the student can be continuously observed and supported until ready to resume usual activities.
- Internal exclusion – The removing a student from normal timetabled lessons and their placement in supervised education in a separate room, sometimes with a small number of other students. It can be an alternative to fixed term exclusion. It is not to be confused with ‘seclusion’ which means forcing a child to spend time alone against their will.

### **Restricting students’ liberty**

While current legislation gives powers to staff to use reasonable force in certain circumstances, it does not authorise them to restrict students’ liberty, except in specific circumstances outlined below.

Force cannot be used to enforce ‘time-out’, ‘withdrawal’ or ‘seclusion’ except in an emergency to prevent students from hurting themselves or others.

An emergency is a genuinely unforeseeable event e.g. when a child acts completely out of character.

Locked includes another person holding a door shut.

Seclusion is also sometimes defined as confinement alone in a room. This use, where a young person is forced to spend time on their own against their will, is considered to

be a restriction of liberty and should usually only be used under the Mental Health Act, where secure accommodation has been approved, or where a court order is in operation.

It is an offence to lock a person in a room without a court order except in an emergency, for example where the use of a locked room is a temporary measure while seeking assistance.

### **Senior leaders and Governors should consider:**

- If the use of force was reasonable
- If the use of force is part of a planned strategy, or a response to an emergency/safety situation
- the extent to which the focus of the strategy used by a member of staff is on the prevention of the need for the use of force
- the quality of the behaviour and risk assessment that takes into account the individual needs of the young person involved
- the effectiveness of the strategy – for example in terms of frequency and duration of use
- the reasonableness of the use of force

### **Staff training**

The Principal will consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the students when doing so.

### **Telling parents when force has been used on their child**

- Parents will always be informed face to face about serious incidents involving the use of force.
- In deciding what is a serious incident, teachers should use their professional judgement and consider the:
  - student's behaviour and level of risk presented at the time of the incident;
  - degree of force used;
  - effect on the student or member of staff; and
  - the child's age.

### **Recording**

Serious incidents must be recorded carefully using the attached form.

### **What happens if a student complains when force is used on them?**

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this

will provide a defence to any criminal prosecution or other civil or public law action.

- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer KCSIE 2018.

Date Policy Reviewed: 6<sup>th</sup> September 2018

Print Name (Chair of Governors): **Moulana Muhammad Abdul Jalil**

Signature (Chair of Governors):

Next Review Date: September 2019

Responsibility for review: Principal / Governors

**REPORT FORM FOR USE FOLLOWING AN INCIDENT INVOLVING USE OF PHYSICAL RESTRAINT**

Student name .....

Date and time of incident .....

Location of incident .....

Names of other staff or students who witnessed the incident .....

.....

.....

The reason that use of force was necessary e.g. to prevent injury to another student .....

.....

.....

A full report of the incident including how the incident began and progressed, details of the student’s behaviour, what was said by each of the parties, the steps taken to defuse the situation, the degree of force used and how that was applied and for how long. Indicate the student’s response and the outcome of the incident including details of any injury suffered by the student, another student or a member of staff and of any damage to property. Also indicate whether there were any witnesses to the incident, with their details.

Signature..... Printed name ..... Date .....

Date & time of staff meeting .....

Date and time of student meeting .....

Dear .....

I write to inform you that on .....(date) at .....(time) your son .....(name) was involved in an incident which occasioned the need for a member of my staff to restrain him.

.....

.....(description of events )

As the school has a Duty of Care to prevent physical harm to students and staff and a remit to promote good discipline and behaviour, the action by the member of staff was fully compliant with Section 550A of the Education Act 1996 in force from 1.9.98.and the school’s policy document governing the use of reasonable force to control or restrain students.. The Act lists occasions when ‘authorised’ persons may use force to control students as:

- Prevention of an offence.
- Prevention of personal injury or damage to property.
- Prevention of behaviour prejudicial to good order and discipline.

During the restraint .....(student name) was not at risk of harm, he was effectively removed from the situation and allowed to calm down.

I am sure that you would wish to support the school in its actions and if you would like to discuss the situation further please contact the school to make a mutually convenient appointment.

**OR (delete either paragraph as appropriate when ariting to parents)**

I am sure that you would wish to support the school in its actions and I should be grateful if you would contact the school to make a mutually convenient appointment to discuss the situation.