



Inspiring Primaries Academy Trust

Policy for Use of Reasonable Force (M7)

The Board of Trustees adopted this policy on: 8th October 2018

To be reviewed: Autumn 2021 or earlier if required

Rationale

The Trust is committed to ensuring that all staff and adults with responsibility for pupils' safety and welfare will deal professionally with all incidents involving aggressive or reckless behaviour, and use physical intervention only as a last resort. If used at all it will be in the context of a respectful, supportive relationship with the pupil, and be reasonable and proportional to the circumstances of the incident. We will always aim to ensure minimal risk of injury to pupils and staff. It is recognised in both Statute and Common Law that there is a need to intervene when there is an obvious risk of safety to pupils, staff and property.

This policy is based on The Department for Education guidance Use of Reasonable Force Advice for Headteachers, Staff and Governing Bodies.

Objectives

The key objectives of this policy are to:

- Maintain the safety of pupils, staff and visitors;
- Prevent serious damage to property;
- Prevent serious breaches of school discipline.

Deciding if the use of restrictive physical intervention is appropriate

The term restrictive physical intervention describes the use of reasonable force to control a person's behaviour. It involves the use of reasonable force to:

- Restrict movement;
- Restrict mobility;
- Disengage from dangerous or harmful physical contact.

Staff will view physical intervention of pupils as a last resort. Every effort will be made to manage behaviour positively to prevent the need for restrictive physical intervention.

The decision to use physical intervention will be based on a variety of criteria including:

- Following the guidance issued by the Department of Education;
- Following Trust policy on physical intervention;
- Implementation of a Positive Handling Plan;
- Recording of all incidents in the Bound and Numbered book;
- Staff training;
- Professional judgement.

In the following situations staff must judge whether or not physical intervention would be reasonable or appropriate to control the following behaviours:

- Self-harming;
- Injury to other children or staff;
- Damage to property;
- An offence being committed;
- Any behaviour prejudicial to the maintenance of good order and discipline within the school or among any of its pupils.

Any member of staff who undertakes a restrictive physical intervention should be clear as to why it is necessary and be able to show that it was in the pupil's best interest and that it was reasonable and proportionate. For those pupils assessed as being at risk of restrictive physical intervention, Positive

Handling Plans will be developed. These plans outline what techniques should be used and not used along with de-escalation strategies. School is aware that it has a legal duty to make reasonable adjustments for disabled children and children with special educational needs.

The judgement on whether to use physical intervention and what physical intervention should be used should always depend on the circumstances of each case and, in the case of pupils with special educational needs, information about the individual concerned.

Staff need to make the clearest possible judgements about:

- a. The seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used. The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified.
- b. The chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified.
- c. The relative risks associated with physical intervention compared with using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force may be justified.

Using physical interventions

Before using restrictive physical intervention, staff should be aware of the de-escalation techniques and supporting strategies and interventions outlined in the Positive Handling Plan. Staff will communicate in a calm and measured manner throughout the incident. Wherever practicable a pupil should be warned that physical intervention may have to be used before applying it. Staff should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

The types of physical intervention could include:

- a. Passive physical contact resulting from standing between pupils or blocking a pupil's path.
- b. Active physical contact such as:
 - i) Leading a pupil by the hand or arm;
 - ii) Ushering a pupil away by placing a hand in the centre of the back;
 - iii) In more extreme circumstances, using appropriate restrictive interventions, which require specific expertise and training.

The restrictive physical interventions authorised by the Trust are those techniques in which staff have received appropriate training and development through 'Team Teach'. Each school keeps an up to date record of staff who are trained in positive handling.

Team-Teach techniques seek to avoid injury to the pupil, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the pupil remains safe.

The core principles of 'Team Teach' include:

- Minimum of two staff involved;
- Last resort, minimum force and time;
- Techniques that do not rely on pain or locks and allow for verbal communication;
- Staff safety and protection addressed;
- Planned responses and techniques are written out and included in positive handling plans for individual pupils.

Where there is a high and immediate risk of death or serious injury, any member of staff is justified in taking any necessary action (consistent with the principle of seeking to use the minimum intervention required to achieve the desired result.)

Alternatives to physical intervention

A member of staff who chooses not to make a physical intervention can still take effective action to reduce risk by implementing the school's behaviour policy and plan. They can:

- Show care and concern by acknowledging unacceptable behaviour and requesting alternatives using negotiation and reason.
- Give clear directions to the pupils to stop.
- Remind them about rules and likely outcomes.
- Remove an audience or take vulnerable pupils to a safer place.
- Make the environment safer by moving furniture and removing objects which could be used as weapons.

- Use 'positive touch'¹ to guide or escort pupils to somewhere less pressurised.
- Ensure that colleagues know what is happening and get help.

Reducing the likelihood of situations arising where physical intervention may be required

All physical interventions at the Trust schools are conducted within a framework of positive behaviour management. Each school's behaviour and discipline policy rewards effort and application, and encourages pupils to take responsibility for their own behaviour. The behaviour and discipline policy also outlines the steps each school undertakes to ensure a calm, orderly and supportive school climate which minimises the risk and threat of violence of any kind, thereby reducing the need for physical intervention.

A structured approach to staff development is adopted through the 'Team Teach' programme, which allows staff to develop the skills of positive behaviour management and de-escalating incidents.

Staff should recognise the need to effectively manage individual incidents. It is important to communicate calmly with the pupil, using non-threatening verbal and body language and ensuring that the pupil can see a way out of the situation.

Authorisation of staff to use physical intervention and staff development

All members of our Trust staff have a legal power to use reasonable force. This power can also apply to unpaid volunteers or parents accompanying / in charge of children in school or on a school organised visit. However it will only be used when the criteria outlined in this policy has been satisfied. Furthermore staff are clear why it is necessary and it is reasonable and proportionate and they have been trained in specific physical interventions and de-escalation strategies through the 'Team Teach' approach.

Positive Handling Plans

Individual pupils assessed at being at greatest risk of requiring restrictive physical intervention will be placed on Positive Handling Plans developed in consultation with the school, parents / carers, and the pupil. They should include

- risks assessments where necessary and alert people to risks;
- warn against strategies which have been ineffective in the past;
- preferred strategies and suggest ideas for the future;
- bring together contributions from key partners working in partnership and signed by all concerned
- reviewed regularly.

Positive Handling Plans set out the situations that may provoke difficult behaviour, preventative strategies and the de-escalation strategies that are most effective. Specific strategies and techniques that have been agreed by staff when physical intervention is required are also included.

Recording and reporting incidents

Each school keeps a record of all physical interventions in the Bound and Numbered Book or similar located in the headteacher's office. In addition to the above, each school keeps records / copies of incidents of restraint, for a minimum period of 25 years from the date of the incident and at least until the member of staff involved has reached normal retirement age if that is longer. The purpose of recording is to ensure that policy guidelines are followed, to inform parents / carers, to inform future planning as part of the school improvement process, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry. Accounts of the incident should be taken from the member of staff who undertook the physical intervention, the pupil/s involved and any third party witnesses.

Parents/carers will be informed as soon as practicable when a significant incident requiring restrictive physical intervention has occurred. Parents/carers will be telephoned before details are confirmed in writing. Parents/carers will be informed of when and where the incident took place, which members of staff were directly involved (anonymised where necessary), why they decided physical intervention had to be used, what physical intervention was used, whether there were any injuries and what follow up action was being taken in relation to their child. Parents/carers will also be given a copy of this policy.

The welfare of pupils is paramount and, if for any reason a school believes a pupil could come to harm as a consequence of a parent being notified, a judgement will be made by the Headteacher to notify the Local Authority.

Records will:

- be completed as soon as possible after everyone has recovered
- include the supportive strategies and intervention used for de-escalation
- state briefly exactly what happened

¹ 'Positive touch' is a 'Team Teach' technique where the pupil is guided by touching the arm above the elbow. Please refer to the Team Teach training manual for specific guidance on the technique.

- be signed and dated
- be monitored and evaluated
- inform positive handling plans.

The Local Governing Body will be informed of the number of physical interventions on an annual basis.

Search for Weapons & Prohibited Items

Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006 (and re-enacted by Section 242 of the ASCL Act 2009), to search pupils without their consent for weapons. Headteachers and authorised staff can use 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. Reasonable force may be used by the searcher. Where resistance is expected school staff may judge it more appropriate to call the police.

Post-incident support

The Trust recognises the need to ensure that staff and pupils have appropriate emotional support. The pupil and the member of staff will be checked for any sign of injury after an incident. Immediate action will be taken to provide first aid for any injuries requiring attention. The pupil will be given time to become calm whilst staff continue to supervise. When it is deemed that the pupil is composed, a senior member of staff will discuss the incident with the pupil and ascertain the reason for its occurrence. All necessary steps will be taken to re-establish a positive relationship between the pupil and the member of staff involved in the incident. All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. A senior member of staff (or his/her nominee) will provide support to the member of staff involved. Parents/carers will be engaged in discussing the incident and for setting out subsequent actions and support.

Complaint procedure

If a parent/carers or pupil is concerned about any aspect of the management of an incident requiring physical intervention, the Headteacher should be informed of their concern. The Headteacher will respond to the complaint in accordance with the school's policy and procedure.

- Where a member of staff has acted within the law i.e. 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 their allegation is true, it is not for the member of staff to show that he/she has acted reasonably.
- Where an allegation of using excessive force is made, we will refer to the guidance on 'dealing with allegations of abuse against teachers and other staff.'
- We have a duty of care towards staff and will provide appropriate pastoral care for any member of staff who is subject to a formal allegation following a use of force incident.