



The Robert Carre Trust

Use of Reasonable Force Policy

Aims

The aims of this policy are to:

- explain the staff right to use reasonable force when necessary;
- explain the circumstances in which reasonable force may be justified;
- set out the recording and reporting system; and
- explain the various responsibilities.

Powers of members of staff to use reasonable force

The Education and Inspections Act 2006 confirmed the right of staff to use 'such force as is reasonable' for the purpose of preventing a student from:

- committing an offence;
- causing personal injury to, or damage to the property of, any person (including themselves); and
- prejudicing the maintenance of good order and discipline.

The explanatory notes give an example of 'reasonable force' - leading a student by the arm to enforce an instruction to leave the class. However, nothing in the law concerning the use of reasonable force legitimises corporal punishment.

This power applies to any member of staff at school. It can also apply to people whom the Head of School has temporarily put in charge of students, such as unpaid volunteers or parents accompanying students on a school organised visit.

Where a school has students with known behaviour difficulties, only trained staff are allowed to use restraint techniques. The member of staff must be trained in the technique that is to be used. No staff can physically restrain students exhibiting extremes of behaviour unless so trained.

Circumstances where reasonable force may be justified

Reasonable force should only be used as a last resort; other non-physical strategies for defusing the situation must be tried first.

It can be used to prevent students from hurting themselves or others, from damaging property or causing disorder.

Whenever possible, the age, level of understanding, gender and SEND needs of the student should be considered. Students with SEND may require additional time to process and assimilate an instruction before complying. Staff must allow such students time to comply. In addition, staff should be mindful of any student who is on the Child Protection Register. 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.

If there is need to restrain a child with known behavioural difficulties, only staff trained in appropriate restraint techniques should attempt to restrain such students.

The Trust appreciates that in some instances (such as stopping a student who is running down a corridor) staff may have to act quickly, and without having the time to consider all the circumstances.

Examples of behaviour that could lead to the use of reasonable force:

- physical attack by a student on a member of staff or another student, or to stop a fight in the playground;
- deliberate damage to school property;
- a student behaving in a way which places himself/herself or others at risk, e.g. pushing, tripping on a staircase, rough play or running in a corridor;
- preventing a student running into a busy road or placing themselves at risk of serious harm;
- refusal by a disruptive student to leave the classroom;
- preventing a student behaving in a way that places themselves or other students at risk of harm on a school event, trip or visit;
- preventing 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;
- restrain a student at risk of harming themselves through physical outbursts.

Use of force is **NOT** a punishment and must not be used as such.

It is advised that

- **ASSISTANCE** should be sought whenever possible;
- the student(s) should be told that this has been done, i.e., assistance sought;
- any other students who are at risk should be removed from the area;
- staff should avoid the use of restraint in a one-to-one situation; witnesses are important to safeguard both parties.

Restraint should not lead to injury: staff **SHOULD NOT**:

- hold a student around the neck or collar, or in a way that might restrict breathing;
- slap, punch or kick;
- twist or force limbs against a joint;
- trip;
- hold or pull by the hair or ear; or
- hold a student face down on the ground;
- use the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward whilst a third monitors breathing;
- use the 'double basket hold' which involves holding a person's arms across their chest;
- use the 'nose distraction' technique which involves a sharp upward jab under the nose.

Physical contact with vulnerable students

Normally all staff should avoid physical contact with students. But it is accepted that some more vulnerable students, and particularly those with special educational needs, require more physical contact than other students in order to assist their everyday learning. This is entirely appropriate and proper for staff, but it is crucial that they only do so in ways appropriate to their professional role and in accordance with the school's policies on which restraint techniques may be used and by whom.

It is good practice to secure a student's consent before initiating physical contact where this is practicable.

Except in an emergency only **trained staff** should use restraint techniques on vulnerable students with behavioural difficulties, and the techniques which may be used are only the ones that the member of staff is trained to use.

Specific arrangements should be:

- understood and agreed by all concerned;
- justified in terms of the child's needs;
- consistently applied;
- open to scrutiny; and
- reviewed regularly.

When physical contact is made with students this should be in response to their needs at the time, of limited duration and appropriate given their age, SEND needs, stage of development, gender, ethnicity and background.

Reporting Incidents

If a member of staff has had cause to use reasonable force, the relevant document should be completed and submitted to the Safeguarding Lead. All incidents will be logged on a central record for the purposes of monitoring and safety

Power to search students without consent

In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following "prohibited items":

- knives and weapons;
- alcohol;
- illegal drugs;
- legal highs;
- 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.

Staff Code of Conduct

Staff at the Trust schools are expected to:

- be aware that even well intentioned physical contact may be misconstrued by the student, an observer or by anyone to whom this action is described;
- always be prepared to explain actions and accept that all physical contact is open to scrutiny;
- be aware of the government guidance in respect of physical contact with students and meeting medical needs of children; and
- ensure that all incidents are reported and logged in the school's Incident Log.

Staff may legitimately intervene using reasonable force to:

- prevent a student from committing a criminal offence;
- injuring themselves or others;
- causing damage to property;
- engaging in behaviour prejudicial to good order; and
- maintain good order and discipline.

Staff should have regard to the health and safety of themselves and others.

Under no circumstances should physical force be used as a form of punishment.

The school will report to parents where there have been serious incidents involving the use of force. In deciding what constitutes a serious incident, consideration will be given to the student's behaviour and level of risk presented at that time, the degree of force used, the effect on the student or member of staff, and the student's age.

The use of unreasonable physical force may well constitute a criminal offence.

Staff at the Trust schools must:

- always seek to defuse situations; and
- always use minimum force for the shortest period necessary.

Training and Support

The Executive Headteacher will ensure that appropriate training is provided for all staff at least every two years as part of annual safeguarding refresher training.

Where the needs of a student identify that specialist training is required, relevant staff will be trained and maintain that training.

The Executive Headteacher will ensure that the system enables account to be taken of the records in the Incident Log.

Equal Opportunities

In implementing this policy all staff must take account of the Trust's Equal Opportunities policies.

Only trained staff are authorised to use permitted restraint techniques on students who may exhibit behavioural difficulties.

Responsibilities

The Trust is responsible for making and reviewing the policy.

The Heads of School are responsible for the implementation of the policy in the schools.

All staff have a duty to know the policy and to ensure that it is implemented.

Monitoring and Review

The Executive Headteacher will:

- ensure that a recording and reporting system is in place and is maintained;
- ensure that a senior member of staff is in charge of the Incident Log and reports regularly to the Leadership Team;

- report incidents and the outcome to the Trust / Local Governing Body.

The Governing Body will review the policy every three years-

Reviewed at the meeting of the Board on 28 February 2019

Next Review Date: March 2022 (3 years)