LINSLADE SCHOOL
(Linslade Academy Trust)
Use of Force by Staff to Restrain Pupils Policy

This policy and procedure is subject to The Equality Act 2010 which recognises the following categories of individual as Protected Characteristics: Age, Gender Reassignment, Marriage and Civil Partnership, Pregnancy and Maternity, Race, Religion and Belief, Sex (gender), Sexual orientation and Disability.
Linslade School: Policy on the Use of Force by Staff to Control or Restrain Pupils: November 2012

Objectives:

Situations involving decisions about whether to use force can occur in any school. However, although the need to use force at Linslade is likely to be rare, we accept that both using force and deciding not to, can entail significant risks for pupils and staff. Following this policy is, therefore, instrumental in terms of reducing such risks.

The primary objectives of this policy on the use of force by staff are to:

- maintain the safety of pupils and staff at all times when on school business
- minimise risks to staff and pupils in the event that physical intervention is deemed necessary
- make clear what the law says about the use of force by staff and reduce the likelihood of actions by staff being challenged successfully in the courts

Legal Context:

Section 93 of the Education and Inspections Act 2006 (as it applies to us at Linslade) enables school staff to:

“use such force as is reasonable in the circumstances to prevent pupil from doing, or continue to do, any of the following:

a. committing any criminal offence;
b. causing personal injury to, or damage to the property of, any person (including the pupil him/herself);
c. prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.”

There is no legal definition of when it is reasonable to use force, nor what constitutes reasonable force. However, there are clear examples of what would never be considered reasonable force.

- It is always unlawful to use force as a form of punishment. Hence it is extremely unwise to use force in anger i.e. in response to an incident in which a pupil has caused upset, offence or hurt to you either directly or vicariously through any other person.

The following incidents are examples where there is likely to be insufficient “danger” to warrant physical intervention because there are almost certainly other ways of dealing with the behaviour that do not require the use of physical intervention or restraint:

a. A pupil is trying to leave a classroom without there being any reason to consider that he or she would put him/herself, others or property, or the good order of the school in danger. (However, passive intervention might well be reasonable in this case, but only when taking account of the potential threat to the safety of the member of staff making the intervention.) In this case the pupil should be allowed to leave.
b. A pupil persistently refuses to leave a classroom. (the class could be removed leaving the pupil behind)
c. Use of force cannot be justified to prevent trivial misbehaviour i.e. something that would normally be dealt with via department procedures including detention and would not be immediately reported to the Head of Year or a member of the Leadership Team.

The test is whether the force used is proportionate to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result.

It is important that all staff are familiar with this policy in its entirety to ensure that they understand fully the statute in force and Linslade School’s interpretation of it.
When staff act in accordance with this policy, the school should be able to offer full support for them.

**Physical intervention or restraint should be actions of the last resort.**

The school Policy will always be informed by Guidance from the DfE. (See separate publication available to all staff and governors: Use of Reasonable Force: Advice for Staff, Headteachers and Governing Bodies, 2012)

**Minimising the need to use force:**
Wherever possible, all reasonable steps should be taken to help reduce the need to use physical intervention. These include
- creating a calm, orderly and supportive environment that minimises the risk and threat of violence of any kind.
- developing effective relationships between pupils and staff in order to maintain good order
- a school-wide approach to developing the social and emotional skills of pupils
- recognising that challenging behaviours are often foreseeable
- managing individual incidents calmly (de-escalation) by:
  - using non-threatening verbal or body language
  - making sure that a pupil can see a way out of a situation
- wherever possible, warning a pupil that force may have to be used before using it.

**Individual Risk Assessments:**
Where it is possible to foresee the rare occasions that the use of force may be needed to restrain a particular pupil, such as a pupil with SEN and/or disability associated with extreme behaviour, the will liaise with the Headteacher to carry out an individual risk assessment. All members of staff will be made aware of this risk assessment and provided with guidance and strategies to improve the chances of dealing with an incident positively and safely should it arise.

*Where, in his/her professional judgement, a colleague believes that a pupil displays the potential for extreme behaviours, they are encouraged to bring the matter to the attention of the SENCO/Head of Pastoral Care and/or the Headteacher with a view to an individual risk assessment being drawn up if it is deemed to be appropriate.*

All staff will be made aware in such cases where a specific risk assessment is deemed necessary.

**Staff authorised to use force:**
This power may be used by any member of staff authorised by the Headteacher to have control or charge of pupils including:
- when they are on school trips.
- any other adults, either paid or unpaid, but acting officially on the school site, who find themselves in a situation which requires urgent emergency intervention to maintain the safety of pupils or other staff.

A synopsis of this policy will be available to all new and existing staff via the staff handbook. The full policy and guidance are available on the staff area of the school intranet.

**Deciding whether to use force:**
Although, decisions to use force to restrain have to be made instantly in the “heat” of a situation, such decisions must take account of the imminent dangers of intervening and not intervening, as well as the special education needs, or disabilities of the pupil. This means:
- Considering 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.
- Considering the chance of achieving the same ends by other means.
c. Assessing the relative risks associated with the physical intervention compared with using other strategies.

Examples of incidents for which the school is likely to accept that physical intervention or restraint was necessary would include:

a. A pupil attacking a member of staff, or any adult or pupil on the school premises.
b. Pupils fighting and hence causing a risk of injury to themselves and others
c. Restraining a pupil at risk of harming themselves through physical outbursts.
d. A pupil is committing, or is on the verge of committing, deliberate and substantial damage to the property of others. However, in this case as there is no (or little) risk of injury to anyone, very careful consideration should be given to dealing with the situation in ways other than by physical intervention or restraint.
e. A pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or an object(s). Again, very careful consideration should be given to alternative methods of dealing with the situation without using physical intervention or restraint.
f. Remove disruptive children from the classroom where they have refused to follow an instruction to do so. This will only occur in cases where it is not possible to evacuate the class safely.
g. Preventing a pupil behaving in a way that disrupts a school event or a school trio visit

Using force:

Before using force staff should, wherever practicable:

- talk to the pupil calmly and try to give him or her options regarding what to do next;
- inform the pupil of the specific behaviours that are leading you to consider physical intervention along with the reasons why, and ask/tell them to stop;
- issue a warning that if the pupil does not respond you may have to use force to restrain them;
- speak and act calmly in a measured way, explaining what you are doing and that the physical contact or restraint will stop as soon as it ceases to be necessary.

Finally, before acting, it is wise to consider whether to intervene or call for assistance, particularly when the member of staff considers that he or she and other bystanders may be at risk of injury. In these circumstances the member of staff should summon assistance and take steps to remove and protect other pupils whose safety might be at risk. We recognise that in the urgency of the immediate situation, assessing all of the attendant risks and responsibilities will be difficult, but we would advise everyone to give real attention to these points before rushing in.

Caveats:

- The use of force must not be used as a punishment.
- Staff should always make every effort to avoid acting in such a way as might reasonably be expected to cause injury, or in such a way as might be interpreted as sexually inappropriate.
- Under no circumstances should actions be taken that constrict breathing
- Use of force cannot be justified to prevent trivial misbehaviour i.e. something that would normally be dealt with via department procedures including detention and would not be immediately reported to the Head of Year or a member of the leadership team.
- 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 so doing threatened their own safety.
Where force is used legally it must always be in proportion to the consequences it is intended to prevent and should be the minimum needed to achieve the desired result.

The types of force that the headteacher and governors consider to be reasonable in some circumstances include:
- Passive physical contact resulting from either blocking a pupil’s path or standing between two pupils.
- Leading or ushering a pupil by guiding with a hand placed gently on the back, shoulder or arm (without gripping).

However, if there is an immediate and high risk of serious physical injury or death, then any action consistent with the principle of using the minimum force necessary to achieve the desired result would be justified.

The following techniques present 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.

**Staff Training:**
The main principles of the Behaviour Policy at Linslade stress the need to adopt a positive approach to behaviour management based upon building and maintaining good relationships with pupils and the provision of appropriate curriculum opportunities that meet the needs of the individual pupil.

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

**Responsibilities of the Governing Body:**

From September 2010 governing bodies must ensure that a procedure is in place for:
- Recording each significant incident in which a member of staff uses ‘force’ on a pupil.
- Reporting these incidents to the pupil’s parents/carers as soon as practicable after the incident (See Recording and Reporting Incidents)
- Ensuring that staff follow these procedures.

**Recording Incidents & Reporting Incidents:**

Recording and reporting significant incidents is a statutory requirement (Arising from the Apprenticeships, Skills, Children and Learning Act: 2009). For your own protection the use of force to restrain a pupil must always be reported to either the Headteacher or the Deputy Headteacher. The official form should then be used to make a record of the incident. Copies of the form are available from the Headteacher’s P.A.

In the interests of transparency, parents/carers will usually be informed after an incident has occurred*. Initial contact by the Headteacher or the Deputy may be by telephone. This will then be followed up in writing. A copy of this policy will be attached to any such communication. Parents/carers will not be given a copy of the incident record as a matter of course. However any written communication will include:
- When and where the incident took place
- Why it was decided that force had to be used
• What force was used & whether any strategies had been used to try to prevent this
• Whether there were any injuries
• What follow up action will be taken (support and/or disciplinary) in relation to the pupil.
* The legal requirement is to notify each parent. (E.g. where parents are separated and each retains parental responsibility OR where a child is in Local Authority Care, the incident should be reported to the parent(s) and the LA.

However the incident will not be reported to the parents/carers if by doing so, it is likely to result in significant harm to the pupil. In such cases, the incident will be reported to the Local Authority where the pupil normally resides.

Post Incident Support:
A debriefing with the member(s) of staff involved will be carried out by either the Headteacher or Deputy Head or Assistant Headteacher.

The Headteacher or the Deputy, or the Head of Pastoral Care will ’work through’ the incident with the pupil concerned when it is appropriate to do so. The aim of this session will be to help them to understand the causes and consequences of their actions and to discuss ways of avoiding similar situations. A record of this meeting must be kept.

We strongly advise any member of staff involved in such an incident to contact their union representative.

Colleagues may also access support from the school’s Occupational Health Provider, their own professional association.

Complaints and allegations:
The School’s complaints and allegations procedures will be followed in the event of any complaint arising from the use of physical intervention.

Monitoring and Review:
This policy will be reviewed on an annual basis by members of the governing body in the light of any recorded incidents and their final outcome.

Further Information:
DfE Guidance:
Use of reasonable force
Advice for head teachers, staff and governing bodies, 2012

Other related policies:
Health and Safety Policy
Safeguarding Policy
Behaviour Policy

This policy will be reviewed annually