

Use of Reasonable Force and Physical Restraint Policy

This policy was approved by Trustees as follows –

**Board/Committee: Education & Personnel
Committee**

Date: 25 August 2017

Frequency of review: Every 2 year(s)

Next review date: July 2019

ELT Owner: Director of Education

Author: Regional Safeguarding Lead (London &
Bucks)

Summary of changes at last review:

- Amendments to address non-compliance with the recommended accredited training that should be delivered to staff - this now specifically requires training to be accredited, details who within the academy should lead on this training (SLT behaviour lead) and how often it should be renewed (every two years).
- Removal of list of scenarios in which it would be deemed acceptable for reasonable forward to be used in line with behaviour management advice given to staff.
- Clarification of techniques and strategies that should be used before force is considered.
- Addition of responsibilities section outlining responsibilities of key roles within trust and academy.
- Addition of an incident reporting form in the appendix.

Use of Reasonable Force and Physical Restraint Policy

1 Scope

- 1.1 This policy applies to Academy and trust staff. A copy of this policy can be found on the Academy's website and is available on request. The policy can be made available in large print or other accessible format if required.

2 Purpose and Aim

- 2.1 In order to maintain the safety and welfare of our pupils, it may sometimes be necessary to use reasonable force on a pupil, as permitted by law.
- 2.2 Both using force and deciding not to can incur significant risks for students and staff. This policy sets out mandatory requirements for all staff when considering use of reasonable force and physical restraint to ensure that it is used:
- a) only when absolutely necessary; and
 - b) in a manner that will protect the safety of both our staff and our pupils.

3 Regulation and Legislation

- 3.1 This policy is an important part of minimising these risks and has been written in accordance with the Department for Education guidance Use of reasonable force: advice for head teachers, staff and governing bodies and takes account of the Academy's public sector equality duty set out in section 149 of the Equality Act 2010.

4 Use of reasonable force

- 4.1 Any use of force by staff will be reasonable, proportionate and lawful. Reasonable force will be used only when immediately necessary and for the minimum time necessary to prevent a pupil from doing or continuing to do any of the following:
- committing a criminal offence
 - injuring themselves or others
 - causing damage to property, including their own
 - engaging in highly disruptive behaviour that undermines good order and discipline at the academy or among any of its pupils, whether that behaviour occurs in a classroom or elsewhere.
- 4.2 Force should never be used as a punishment.

5 Minimising the need to use force

- 5.1 All E-ACT academies strive to create a calm environment which minimises the risks of incidents that might require using force, by:
- Supporting staff in learning how to de-escalate incidents before they become serious or confrontational

- Assemblies, tutor time and PSHE programmes, through which students are taught how to manage conflict and are supplied with mechanisms for managing their emotions
- Only supporting the use of force when the risks involved in doing so are outweighed by the risks involved by not using force
- Identifying students that present as a significant risk and putting in place risk assessments and positive handling plans for that individual

6 Staff authorised to use force

- 6.1 All permanent teachers and staff who as part of their role are in charge of students, automatically have statutory powers to use force. Agency staff, or staff on temporary contracts should seek support from a permanent member of staff if they feel that restraint of a student is needed.
- 6.2 Temporary authorisation can be given to staff whose jobs do not normally involve supervising students. This can be done if these members of staff are temporarily in charge of students, ie, supervising vaccinations.

7 Deciding whether to use force

- 7.1 Staff should only use force when:
- 7.2 the potential consequences of not intervening are serious enough to justify using force, ie, if the student or another person are at significant risk of harm
- 7.3 the chances of achieving the desired result by other means are low, therefore the risk for not using force outweighs the need to use force
- 7.4 If the academy is made aware that a student may pose a risk to themselves or others, a risk assessment should be completed by a member of the pastoral team, in partnership with the DSL and/or Safeguarding Officer. This information will then be shared with relevant staff to ensure the safety and wellbeing of the student and Academy staff

8 Power to search pupils without consent

- 8.1 Reasonable force can also be used in order to conduct a search of students 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.

8.2 Force cannot be used to search for items banned under the academy's rules

8.3 If a member of staff suspects a particular risk surrounding a student, ie, possession of a weapon or drugs, then a senior member of staff, or the academy's Safer School's Police Officer should be contacted immediately to deal with the student

9 Using Force

9.1 It is vitally important that staff only use the minimum amount of force necessary in order to de-escalate the situation

9.2 Before any force is carried out, the staff member involved should give a clear oral warning to the student to inform them that if the behaviour that they are displaying continues then force may be used

9.3 When restraint has to be used on a student, it should not involve the following:

- pulling limbs
- pulling hair
- hitting.

9.4 Staff should ensure that they use movements that are protective towards themselves and the student and to minimise the student using their limbs to cause harm to anyone

9.5 As far as possible, staff should not use force unless another responsible adult is present to support and call for assistance

10 Staff training

10.1 All members of staff will receive training about the use of reasonable force appropriate to their role to enable them to carry out their responsibilities. This will include training on any restraint techniques which must not be used because they are known to present an unacceptable risk when used on children and young people.

10.2 Training should be organised by the academy lead responsible for behaviour, delivered by an accredited trainer and should happen at least every two years.

10.3 Additional and refresher training will be provided where necessary.

11 Responsibilities

11.1 The following responsibilities apply in relation to this policy:

- Education and Personnel Committee – is ultimately accountable for ensuring the organisation has an appropriate 'Use of Reasonable Force and Physical Restraint Policy' in place.

- Chief Executive – is ultimately responsible for ensuring that the organisation follows the standards set out in its ‘Use of Reasonable Force and Physical Restraint Policy’.
- Director of Education – is responsible for approving this policy at Executive Leadership Team level and leading on organisation-wise standards relating to this policy.
- Regional Education Director and Regional System Leaders – are responsible for ensuring and monitoring implementation of this policy across their region and for providing advice and challenge to schools in relation to this policy.
- Headteachers – Headteachers are responsible for the implementation of this policy within their academy, ensuring the policy is accessible on their academy website and modelling the standards set out in this policy to the staff at their academy.
- All staff – all staff are responsible for ensuring they have read, understand and comply with the standards and expectations set out in this policy.
- DSL within each academy is responsible for ensuring that all staffs accredited training is up to date

12 Recording Incidents

- 12.1 All incidents where reasonable force has been used should be formally recorded immediately after the incident. Staff should write a full and accurate account of what took place, and circulate to the Headteacher and SLT so that they can make a decision on any further actions which may need to be taken. A summary of the incident must also be recorded on the academy's MIS system.

13 Reporting incidents

- 13.1 While the Academy is not required to obtain the consent of parents to use force on a pupil, parents will be informed on the same day of serious incidents involving the use of force. They will be invited into the academy for a meeting to discuss the incident in detail
- 13.2 Depending on the severity of the incident and the level of restraint used, the academy may contact the borough's Children's Social Care Services, the CEO of E-Act and the police

14 Post-incident support

- 14.1 Support will be provided by the academy for staff and pupils involved in a serious incident where restraint has had to be used. This will be provided by the Academy Counsellor and / or Learning Mentor, or via external support services
- 14.2 In the first instance any immediate injuries sustained will be looked at by a first aider. If deemed necessary then an ambulance / paramedic will be asked to attend.
- 14.3 The Academy will facilitate mediation between the students and staff involved in the incident to enable relationships to be re-built. The member of staff providing the mediation will ensure that lessons are learnt to avoid a repeat of the incident occurring.

15 Complaints and Allegations

- 15.1 Any complaints about the use of force will be investigated in accordance with the Academy's complaints procedures.

16 Disabilities and special educational needs

- 16.1 Those exercising the power to use reasonable force will take into account any Special Educational Needs (SEN) or disabilities a pupil may have. Reasonable adjustments will be made to ensure that a disabled pupil is not treated less favourably than other pupils because of his / her disability.
- 16.2 The SENCo will discuss the needs of such pupils with the parents and the members of staff who work with them to ensure that clear guidelines are in place as to the pupil's needs and when physical intervention may be necessary.
- 16.3 If physical restraint is likely to be necessary because of a pupil's disability or Special Educational Needs, a risk assessment will be put in place, following consultation with the parents, setting out the techniques that should normally be used, taking into account the pupil's statement of Special Educational Needs or Education, Health and Care plan where appropriate.
- 16.4 The Academy will ensure that all members of staff involved with such pupils have received the appropriate training to enable them to carry out their responsibilities safely.

Use of Reasonable Force Incident reporting form

The purpose of this form is to gain a comprehensive report about the incident that has taken place. The member of staff who used reasonable force will need to complete sections 1 & 3 as fully as possible and sign the. Once completed a copy of this form needs to be given to the member of SLT investigating the incident, and also the DSL.

SECTION 1	
Your name:	Place where incident took place:
Your role:	
Student's name:	Student's date of birth:
Does the student have a SEND? (please circle)	
<p>Yes* No Unknown</p>	
<i>*Please state</i>	
Student's gender (please tick):	
<input type="checkbox"/> Male <input type="checkbox"/> Female	
Parent's / carer's name(s):	
Contact information (parents/carers):	
Address:	Postcode:
Telephone numbers:	Email address:
Date and time of incident:	

Details of the incident:

Include all relevant information about the incident, including where it took place, what led to reasonable force having to be used, description of any approved holds used, injuries sustained to yourself or the student, and whether you are recording this incident as the member of staff who used reasonable force, or were witness to it

All witness will need to provide a written account of the incident

SECTION 4 – to be completed by a member of SLT

Please provide details of action taken to date:

Has the incident been reported to any external agencies, ie, police, CSC?

- Yes
- No

If YES please provide further details:

Name of organisation / agency:

Contact person:

Telephone numbers:

Email address:

Agreed action or advice given:

Signature of staff member completing sections 1 & 3

Print name:

Date:

Signature of SLT member completing sections 2 - 4

Print name:

Date:	
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A copy of this form needs to be given to your Designated Safeguarding Lead in line with the academy's reporting procedures, and the member of SLT investigating the incident.