

*The school is committed to safeguarding and promoting the welfare of children and expects all staff to share this commitment.*



**Cramlington Village Primary School**

**POLICY ON THE USE OF REASONABLE FORCE**

**July 2020**

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<b>Policy Title</b>	Use of Reasonable Force
<b>Policies that interrelate</b>	Behaviour Policy Anti-Bullying Policy, Safeguarding Policy Child Protection Policy
<b>Legal and Statutory documents linked</b>	
<b>Governor Committee responsibility</b>	Education Committee
<b>Date of last review</b>	May 2014, May 2017, January 2019, July 2020
<b>Reviewer name and position</b>	Education Committee
<b>Date of next review</b>	January 2021
<b>Date approved by Governors</b>	
<b>Audit file updated (date and name)</b>	

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### **Objectives**

- To protect pupils and staff
- To prevent serious breaches of school discipline
- To prevent serious damage to property

This policy is shared and communicated to all staff and parents.

### **Minimising the Need to Use Force**

Use of force is only used as a last resort and procedures are in place at Cramlington Village Primary School to create a calm and orderly environment and supportive school climate that lessens the risk and threat of violence of any kind. Effective relationships are developed between staff and pupils and PSHCE and Thrive activities that support pupils to manage conflict and cope with feelings. Staff are also given guidance and training in how to manage pupil behaviour using positive strategies first and foremost.

### **Staff Authorised to Use Force**

All staff are authorised to use force when the relevant thresholds for its use are met. The term staff includes all teachers, support staff and other staff employed by the school. **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 doing so threatened their own safety.

The Governing Body of Cramlington Village Primary School has adopted DFE guidance on 'The Use of Reasonable Force to Control or Restrain Pupils' 2013. Most of the guidance is non-statutory, though staff are strongly advised to follow all sections of the guidance, but the section on 'recording and reporting significant incidents' is statutory.

Temporary authorisation can also be granted in specified circumstances such as volunteer parents helping on a school trip but this is under specific direction of a supervising member of staff.

### **Definitions**

There is no statutory definition of 'reasonable force'. It depends on:-

- whether the force used is justified in the context in which the misbehaviour takes place.
- whether the force used is proportionate to the consequences it is intended to prevent.

In schools force is generally used for two different purposes – to 'control' and to 'restrain' pupils.

**Control** means either passive contact (standing between pupils) or active physical contact (leading a pupil by hand or arm)

**Restraint** is when staff physically prevent a pupil from continuing what they were doing when told to stop, or when involved in a fight.

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School staff should always avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring a pupil.

### **Who can use Reasonable Force**

All members of staff have a legal power to use reasonable force. This can also apply to people whom the principal has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on an organised visit.

### **Deciding Whether to Use Force**

Staff should only use force when:

- the potential consequences of not intervening were sufficiently serious to justify considering use of force
- the chance of achieving the desired result by other means were low
- the risk associated with not using force outweighed those of using force

Staff in charge of pupils must ensure that clear guidance is given to volunteer helpers working with pupils who present particular risks to themselves or others, such as those with SEN or severe behavioural difficulties.

According to Section 93 of the Education and Inspections Act 2006 **reasonable force can be used in the following circumstances:-**

- where a criminal offence is being committed
- self defence or where pupils may injure themselves or others
- where the behaviour is prejudicial to maintaining good order and discipline at the school or among the pupils
- a risk of significant damage to property
- where the action occurs on the school premises or during an authorised activity off the premises
- when exercising the statutory power (sect 45 – Violent Crime Reduction Act 2006) to search pupils without their consent for weapons, alcohol, illegal drugs and stolen property.

**NOTE: It is always unlawful to use force as a punishment.**

**Schools can use reasonable force to:**

- remove disruptive children from the classroom where they have refused to follow an instruction to do so
- prevent a pupil behaving in a way that disrupts a school event or trip
- prevent a pupil leaving the classroom where allowing them to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight on the playground
- Restrain a pupil at risk of harming themselves through physical outbursts

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## **Communicating the School's Approach to the Use of Force**

This is done through the behaviour policy and this policy. Schools do not require parental consent to use force on a student but makes policies available to parents.

### **Using Force**

At all times the degree of force used should be the minimum needed to achieve the desired result and it cannot be used to prevent trivial misbehaviour. The judgement on whether to use force and what force to use should always depend on the circumstances of each case.

If at all possible, prior to physical intervention, pupils should be warned that force may have to be used.

### **Physical Intervention can take a number of forms, for example:**

- physically interposing between pupils
- standing in the way of a pupil
- holding, pushing or pulling
- leading a pupil away from an incident by the hand
- holding the tops of both arms or both hands
- sitting the child on your lap with a 'hug' to restrict movement and calm the child down (Keep your chin away from the head.)
- going for a walk so that the child is doing the holding – 'which finger will you hold?' – trying to negotiate
- taking shoes off if there is a chance you will get kicked
- using techniques advised by the team

### **Advice for Staff**

- 1) Stay calm and keep repeating the request to calm down in a quiet voice. Try to de-escalate the situation.
- 2) Get down to the child's level if possible.
- 3) Remember physical restraint is a last resort and try to ensure another adult is available if the situation requires it.
- 4) Never get involved physically with a child when you are angry – hand over to someone else.
- 5) Force that should **NOT** be used includes holding round the neck, kicking, slapping or punching, forcing limbs against joints, tripping or holding by hair or ear, holding face down on the ground.
- 6) Any form of force or restraint that is likely to injure a pupil (particularly anything that could constrict breathing) should only be used in extreme emergencies and where there is no viable alternative.

### **Pupils with SEN or Disabilities**

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The SENCO is directly involved in reviewing the needs and management programme of pupils with SEN and behavioural difficulties. An individual risk assessment is drawn up where it is known that force is more likely to be used to restrain a particular pupil, such as with a pupil with SEN or poor behaviour. This gives clear guidance on 'positive handling plans' and takes into account issues identified on a pupil's statement. Staff coming into contact with such vulnerable pupils need to be made aware of situations that may provoke difficult behaviour, preventative strategies and what de-escalation strategies are likely to work.

Parents are made aware that such a risk assessment is in place for their child and the school seeks express written consent from the parent to inform staff about their child and acknowledging that physical restraint may at times be necessary.

Pupils experiencing difficulties should also be given guidance/ strategies to cope when faced with times of crisis.

### **Staff Training**

The school will decide whether a member of staff requires specialised training in the use of force.

### **Recording and Reporting Significant Incidents**

#### ***This part of the guidance is statutory***

The governing Body must ensure appropriate procedures are in place for recording and reporting significant incidents where a member of staff has used force on a pupil.

An incident is significant and requires a written record when the answer is 'yes' to any of the following questions:-

- did the incident cause injury or distress to a pupil or member of staff?
- even though there was no apparent injury or distress, was the incident sufficiently serious in its own right to require a written record? (ie involved restrictive holds)
- is a written record needed to justify use of force? (especially when judgement is finely balanced)
- is a record needed to help identify and analyse patterns of pupil behaviour or staff training needs?
- Were other agencies involved, such as the police?

The members of the school team involved should record the incident onto CPOMS, as soon as is possible, and this should be shared with the Principal, Vice Principal and other Senior Teacher in charge. They will ask (on CPOMS) for any further detail or clarification needed, checking the details included on the attached Written Incident Form (see Appendix 1) are recorded onto the school's CPOMS system. If several staff members have been involved CPOMS allows for independent accounts to be recorded. All members of staff (including students on teaching placements) have access to the CPOMS system.

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All injuries are also recorded in line with other school procedures using the CPOMS system (see first aid policy etc) and the necessary accident forms.

If a person involved is not a member of staff and they do not have access to CPOMS the a written record (see Appendix 1) should be compiled by the individual involved with the Principal, Vice Principal and other Senior Teacher in charge. This should then be uploaded to CPOMS as soon as possible to provide continuity in the behaviour / incident log.

Parents, as soon as is practicable, are told when and where the incident took place, why force was used, what force was used, whether there were any injuries and what follow up action (support and /or disciplinary) was being taken in relation to their child.

If a child is subject to a care order the local authority is also informed. (If reporting the incident to a parent may result in significant harm to the child then the LA is informed.) If appropriate other external agencies are informed such as the Safeguarding LA Officer, the Health and Safety Executive etc.

The record forms part of the child's educational record. Further detail on what information should and should not be disclosed is available in the DCSF guidance on Use of Restraint

### **Post Incident Support**

Care is taken after an incident to ensure both staff and pupils are supported including meeting immediate medical needs, rebuilding relationships and reflecting on the incident so lessons can be learned.

The Principal can report incidents to the Governing Body and they can monitor incidents where force has been used.

### **Complaints and Allegations**

If a complaint is made reference is made to the school's complaints procedure and guidance on dealing with allegations of abuse by staff. Further guidance is available in 'Use of Reasonable Force – Advice for Headteachers , Governing Bodies and staff.

### **What about other physical contact with pupils?**

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

Examples of where touching a pupil might be proper or necessary are:

- Holding a hand
- Comforting a distressed pupil
- Giving praise or congratulation
- Demonstrating how to use a musical instrument
- Demonstrating exercises or techniques during PE
- To give first aid.

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This document should be read in conjunction with the school' Behaviour and Anti-Bullying Policies, the Safeguarding Policy & Child Protection procedures, DfE Non Statutory Guidance for Schools – Use of Reasonable Force (July 2013), Use of Physical or Restrictive Intervention in the Management of Challenging Behaviour.

<b>Cramlington Village Primary School USE OF FORCE TO CONTROL OR RESTRAIN PUPILS: INCIDENT RECORD (appendix 1 - e.g. for non-school staff e.g. volunteers)</b>
Details of pupil on whom force was used by a member of staff (name,class)
Names of staff involved (directly or as witnesses)
Details of other pupils involved (directly or as witnesses) including whether any of the pupils involved were vulnerable for SEN, disability, medical or social reasons.
Description of incident by the staff involved, including any attempt to de-escalate & warnings given that force may be used
Reason for using force and description of force used
Any injury suffered by staff or pupils and any first aid and/or medical attention required
Follow – up, including post incident support and any disciplinary action against pupils

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Any information about the incident shared with staff not involved in it & external agencies

When and how those with parental responsibilities were informed about the incident and any views expressed.

Has any complaint been lodged ? (should not be recorded here)

Report compiled by:

Name/ Role:

Signature

Date:

Report countersigned by:

Name/ Role:

Signature

Date: