



Denefield School

Reasonable Force and Restraint Policy

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Review cycle	Triennial
Type of policy	Non statutory
Policy owner	Headteacher
Location of policy	Website

Reasonable Force and Restraint Policy

Status: Non-statutory

Purpose

School staff have a legal power to use reasonable force as set out in the Education and Inspections Act 2006. Reasonable force may also be used where appropriate, in order to search a student where a member of staff has reasonable grounds to suspect the possession of a prohibited item.

The safety and well-being of all staff and students at Denefield is of paramount importance in enabling the school to establish and maintain a well ordered, supportive environment which is conducive to teaching and learning.

Aims

This policy aims to provide clear guidance for staff, trustees, students and parents, so that they can understand what is meant by reasonable force and the extreme circumstances in which the use of physical intervention or force may be required, usually to 'prevent students committing a criminal offence, injuring themselves or others, damaging property or causing disorder'.

Legal framework

- Children Act (1989) (see Appendix 1)
- Section 93 of the Education and Inspections Act 2006 (see Appendix 1)
- Health and Safety at Work Act (1974) (see Appendix 1)
- Use of Reasonable Force: advice for head teachers, staff and governing bodies, DFE, 2013
- Searching, screening and confiscation: advice for head teachers, staff and governing bodies, DFE, 2014

Definition

Force is usually used either to control or restraint students.

Reasonable means using no more force than is needed. The use of force should be proportionate to the level of risk and should always be reduced and the earliest possible opportunity. Reasonable force may be used where appropriate in order to search a student where a member of staff has reasonable grounds to suspect the possession of a prohibited item.

'Control' means either passive physical contact, such as standing between students to prevent injury, or blocking their path to prevent them getting to another person to cause potential injury or active physical contact such as leading a student by the arm out of the classroom. A student's path should not be blocked if that is their only escape route.

'Restrain' means the use of restraint techniques and will usually be in extreme circumstances such as students fighting and their evident refusal to separate without physical intervention. This will often require appropriate restrictive or restraining holds which may require specific expertise or training.

Using reasonable force to physically restrain a student

In some circumstances, staff may use reasonable force to restrain a student to prevent them:

- Committing an offence
- Hurting themselves or others
- Damaging property
- To prevent prejudicing the maintenance of good order or discipline at the school or among students

Incidents of physical restraint must:

- Always be used as a last resort
- Be applied using the minimum amount of force and for the minimum amount of time possible
- Be used in a way that maintains the safety and dignity of all concerned
- Never be used as a form of punishment
- Be recorded and reported to parents/carers

Roles and responsibilities of the Headteacher, other staff, and Trustees

The **Headteacher** has responsibility for ensuring that:

- all staff are aware of this policy and that they follow the guidance provided;
- guidance is provided for all teaching and support staff regarding the boundaries and expectations surrounding physical intervention and the use of force;
- training is provided for specialist teams and where practical these people, when judged to be necessary, should use force or restraint on students;
- any complaints by staff or students regarding incidents using force are reported to the Chair of Trustees;
- significant incidents are reported to the Chair of Trustees. Appendix 2 gives guidance on whether an incident is deemed 'significant';

The **designated safeguarding lead** will ensure that:

- any incidents that require the use of force are recorded on CPOMS, under the category, "Physical restraint required".
- all incidents of the use of force are reported to the Headteacher
- appropriate contact with parents/carers is made following an incident of force through the House Team
- Reflect on the incident, with the investigating officer if assigned, including whether it could have been prevented or managed differently, allowing for continuous safety improvements – see appendix 4 for a debrief form
- any significant incidents are recorded and are then shared with parents/carers

explaining why force was necessary in those circumstances and how the situation arose

- where a concern exists for the student's welfare following the use of force by a member of staff, they in consultation with the Headteacher, will take the decision to report the incident to Children's Services of the student's home local authority
- in the event of the person using force being the lead designated person, the Headteacher should report the incident to the Children's Services at the student's home local authority
- in the event of the person using force being the Headteacher, the Chair of Trustees should direct the lead designated person to report the incident to Children's Services at the student's home local authority

The **SENDCO** has responsibility for ensuring that:

- students who require risk assessments have a recorded plan of strategies which is shared with all staff likely to have contact with them
- the Head of House will liaise with him/her on any students that may require risk assessments following incidents
- updates are offered termly to remind staff of appropriate strategies for SEND students to avoid the risk of incident escalation.

The **Trust Board** is responsible for ensuring that:

- the number of reported incidents is monitored and trends identified
- the Headteacher implements the policy
- significant incidents reports are compiled by the appropriate staff

Class teachers and support staff are responsible for ensuring that:

- they act in the best interests of students at all times
- they use appropriate behaviour management and de-escalation strategies to avoid, as far as possible, the need to use physical intervention or force
- they know the individual needs of each child, particularly in relation to their SEND profile and individual risk assessments
- they attend any training provided on physical intervention or the use of force
- in the extreme circumstance of needing to use either physical intervention or force, the member of staff should ensure that all language is clear and their tone of voice is both calm and informative of the actions that are about to be taken
- they never give the impression that they are using force out of anger or frustration or as punishment
- they make it clear that they only intend to use physical intervention as a last resort to ensure that the situation is addressed as safely as possible
- immediate completion of the incident record form takes place following the need for either physical intervention or force being used so that follow up actions can occur in a timely manner.

Arrangements for monitoring and evaluation

In the event of an incident, the member of staff should immediately report it, initially

verbally, to both the Head of House and the designated safeguarding lead. By the end of the school day an incident record should then be completed and passed to the designated safeguarding lead. Parents/carers will then be informed of the incident by an appropriate member of the house team initially by telephone and then followed up in writing and records kept on the student file. Decisions will be taken by either the Head, Deputy Head, Assistant Headteacher or designated safeguarding lead safeguarding as to whether a 'Significant incident' report will need to be sent to parents / carers.

The incident will be reviewed and the debrief document completed following investigation and outcome (see appendix 4). This is likely to be by a member of SLT or the designated safeguarding lead.

Heads of House and other members of the house team will monitor trends in physical intervention and the use of force regarding specific students, teachers, year groups and subject areas. The headteacher will report incidents and any trends to trustees at Standards committee.

The designated safeguarding lead, Headteacher, Deputy Head, and Assistant Headteacher will discuss any reported incidents and outcomes. These discussions and reports from the Guidance Team will then be shared where necessary with staff.

Trustees will annually monitor trends in reported incidents and review the policy triennially as part of the Standard committee remit.

The safeguarding trustee will discuss any incidents with the designated safeguarding lead during the annual safeguarding visit.

Complaints

The School's Complaints Policy is published on the school's website.

Adherence to this policy by staff, and appropriately timed involvement of parents/carers if an incident occurs, should ensure that complaints are kept to a minimum. However, in the event of a complaint an investigation into the use of force by a member of staff may occur, either under the school's disciplinary or child protection procedures.

In the unlikely event that a complaint results in a disciplinary hearing, or a criminal prosecution, or in a civil action by the child or the parents/carers, the panel or the court would have regard to:

- the provisions of law (see Appendix 1)
- the school's policy and whether it has been followed
- the particular circumstances and need to prevent injury or damage.

Relationship to other policies

- Anti-bullying policy
- Behaviour and discipline policy
- Code of conduct for parents/carers and visitors

- Code of conduct for staff
- Drugs policy
- Equality policy
- Respect and responsibility Charter
- Safeguarding and child protection policy
- Special educational needs policy
- Search and confiscation policy

Who/what was consulted

SLT

SENDCO

West Berkshire guidance: *West Berkshire Council Use of Restrictive Interventions / Positive Handling Guidance*, September 2023

APPENDIX 1

The legal framework

Section 93 of the Education and Inspections Act 2006 (replaces section 550A of the Education Act 1996) enables school staff to use such force as is reasonable in the circumstances to prevent a student from doing, or continuing to do so, any of the following:

- commit a criminal offence
- cause personal injury of any person (including themselves)
- causing damage to property

The Health and Safety at Work Act (1974) sets out the duty of an employer to ensure the health, safety and welfare of their employees whilst at work.

The Trustees and Headteacher, therefore, are required to manage the risk posed to staff from aggressive and challenging children and young people.

Staff also have a responsibility to take reasonable care of their own health and safety and that of others.

The Children Act (1989) requires schools to do everything in their power to protect children from coming to harm or harming others.

- Everyone has the right to defend themselves against attack, provided that a disproportionate degree of force is not used.
- Any member of staff may intervene in an emergency if a child or young person is at immediate risk of injury, or on the point of inflicting injury on someone else.

Section 550ZV (5) of the Education Act 1996 identifies the following as prohibited items:

- knives and weapons
- Alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images; and

Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

In addition to prohibited items listed above, the following items are banned by the school;

- Possess any prohibited items, including:
 - Training knives or other visually threatening implements,
 - Drugs paraphernalia
 - Cigarettes, cigars, e-cigarettes or smoking paraphernalia
 - Laser pens
 - Fake ID

APPENDIX 2

Statutory guidance on recording and reporting significant incidents

In deciding if an incident is 'significant', schools should take into account:

- an incident where unreasonable force is used on a student would always be a significant incident
- any incident where substantial force has been used (e.g., physically pushing a student out of a room) would be significant
- the use of a restraint technique is significant
- any incident where a child was very distressed (and clearly not over reacting) would be significant.

Schools should also consider:

- the student's behaviour and the level of risk presented at the time
- the degree of force used and whether it was proportionate in relation to the behaviour
- the effect on the student or member of staff.

APPENDIX 3

Intruders on the school site – reminder of procedures

All visitors must report to reception to sign in and receive a visitors' badge. Visitors will be issued with safeguarding procedures and will be directed to these on arrival by the reception staff.

All staff should approach anyone on the school site who they do not recognise or who is not wearing a visitor's badge. Staff should approach these individuals with confidence and ask if they can be helped in anyway, directing them to reception, avoiding a confrontation.

If it is clear that the person is on site without a legitimate reason, they should be asked to leave. The headteacher's PA should be informed of the intruder with as much detail as possible, such as gender, height, position of discussion on the school site and she will log this information.

The headteacher's PA or a member of the reception team will contact a member of SLT if the intruder fails to comply with the requests of the original member of staff to leave.

The SLT member may contact the PCSO or the police should the situation become unmanageable and the intruder non-compliant.

We all have a collective responsibility to safeguard young people and therefore we must all question anyone that we are unfamiliar with.

APPENDIX 4

Unacceptable and Dangerous Interventions

There are a number of examples of interventions that are either unacceptable, dangerous, or both, including:

- Prone restraint. This involves holding a student face down, whether or not they placed themselves in this position or not, whether they are resistive or not, and whether their face is down or to the side;
- Supine restraint. This involves holding a child face up, whether or not they placed themselves in this position or not and whether they are resistive or not;
- Any restraint using the locking of joints;
- Any restraint using pain to achieve compliance;
- Any restraint that involves forcing the head forward onto the chest area;
- Any restraint that blocks, or has the potential to block airways;
- 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.

The above interventions must not be used under any circumstances, even in emergency situations. Particular care should be taken with any restraint involving a person with known or suspected underlying health problems such as swallowing, obesity, or heart problems. Use of any restrictive intervention/positive handling must be recorded.

Seclusion/Isolation

There may be exceptional situations where it is necessary to physically prevent a student from leaving a room in order to protect the safety of students and staff from immediate risk (as a safety measure). It should only ever be used as a last resort, where 'There Is No Alternative' ('TINA'), and be proportionate to the risk presented. Schools must act lawfully, reasonably, and proportionately in all cases. Any separate room should only be used when it is in the best interests of the child and other students.

There is an important distinction to be made between a child being actively 'secluded' by staff and a child personally choosing to 'retreat' to a safe place to regulate. Having the latter option of a safe room to retreat to is important for many students, and can be very important. However the key distinction here is that they are free to choose when to access the room, and when to leave. If they are not free to choose when they access the room or when they leave (whether because, for example, they are taken there, the door is barred, or an adult 'guards' the door) then the child's liberty is being restricted and this is seclusion - no matter what the room is called or whether it is intended therapeutically.

The sole reason for seclusion is to contain behaviour that is likely to cause harm to the pupil or others. This might be, for example, because the pupil is highly aroused, agitated, overactive, and/or aggressive, is making serious threats or gestures towards others, and/or is

being seriously destructive to their surroundings. In this instance, other interventions will have failed to contain the behaviour and There Is No Alternative.

If, in these exceptional situations, there is a period of seclusion for a student, the school must also ensure the health and safety of pupils, safeguarding, and welfare requirements. Isolation can also be used to give a child a place of safety. Staff must remain available to the pupil throughout. Staff must be able to observe the student at all times. This includes access to the toilet, food and drink, and activities.

APPENDIX 5: Use of restraint or force



Debrief

(prompts for discussion with member of SLT or DSL)

Date of incident:
Name of student involved:
Name of member of staff involved:
Name of staff conducting debrief:
Confirmation that the parent / carer has been informed: Yes <input type="checkbox"/>
Confirmation that an investigation into the incident has taken place: Yes <input type="checkbox"/> / ongoing <input type="checkbox"/>
Confirmation that the incident is recorded on CPOMS (under "Physical restraint required"): Yes <input type="checkbox"/>

Student view

What happened?	
Could you have handled the situation differently?	
What might have helped prevent the situation escalating?	

Staff view

What happened?	
Why was it necessary to handle the situation in this way?	
Could using restraint or force been avoided?	
Was it handled in the best way possible?	
Was the action reasonable?	
Was it appropriate to the degree of risk?	
Was it in the best interests of the student?	