

Pentland Primary School



Guidance for Use of Reasonable Force

February 2019

The purpose of the guidance is to set out Pentland Primary School's policy on the use of reasonable force in schools and settings for children and young people and is in line with Stockton Borough Council and endorsed by SLSCB.

This policy is to inform staff how to respond to children displaying challenging behaviour, and how they should record and report incidents to the Directors' Safeguarding Committee. Pentland is fully committed to the view that restraint is used rarely and only when absolutely necessary.

Staff in Pentland acknowledge and understand that all behaviour is a means of communication and has a purpose. Behaviour that challenges and requires restraint signals a need for support. Behaviour policies and practice reflect this.

This guidance aims to support schools/academies develop plans in order to reduce the use of restraint; and to promote and safeguard the children and young people in their care by providing a framework to work within.

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Defining the use of Reasonable Force (including control and restraint)

In July 2013 (reviewed July 2015) The Department for Education (DfE) provided non- statutory advices for school leaders and school staff in **all schools in England** (All schools includes; Academies, Free Schools, Independent schools and all types of maintained schools).

The **DfE** advice states that:

- **Reasonable Force** is usually used to control or restrain.
 - **Reasonable** in the circumstances means using no more force than necessary.
 - **Control** means either passive physical contact i.e. blocking a pupil's path or active physical contact i.e. leading a pupil by the arm out of the classroom.
 - **Restraint** means to hold back physically or to bring a pupil under control. This is typically used in more extreme circumstances (e.g. to stop a fight where pupils are refusing to separate)

School staff should always try to act in a way as to avoid injury to the pupil, but in some extreme cases this may not be possible.

Keeping Children Safe in Education (September 2018) guidance states: The use of 'reasonable force' in schools and colleges

Para103. There are circumstances when it is appropriate for staff in schools and colleges to use reasonable force to safeguard children and young people. The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury. 'Reasonable' in these circumstances means 'using no more force than is needed'. The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

Legal Context

Who can use reasonable force?

- All members of school staff have a legal power to use reasonable force. It can also apply to whom the headteacher has temporarily put in charge of pupils such as volunteers or parents accompanying pupil on a school visit.
- It may be appropriate for volunteers or parents to use reasonable force to prevent significant harm to a child or young person, for example:
 - To prevent a child or young person running toward a busy road.
 - To prevent a child or young person self-injuring

Schools do not require parental consent to use force on a student. Keeping Children Safe in Education (September 2018) guidance states:

- **When can reasonable force be used?**
- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- The decision whether to physically intervene is down to the judgement of the professional based on individual circumstances at that time.

Keeping Children Safe in Education (September 2018) guidance states:

Para 105. When using reasonable force in response to risks presented by incidents involving children with SEN or disabilities or with medical conditions, schools and colleges should in considering the risks carefully recognise the additional vulnerability of these groups. They should also consider their duties under the Equality Act 2010 in relation to making reasonable adjustments, non-discrimination and their Public Sector Equality Duty. By planning positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children, and agreeing them with parents and carers, schools and colleges can reduce the occurrence of challenging behaviour and the need to use reasonable force.

DfE Guidance states:

- Restraint should only be used when a situation warrants immediate action.
- De-escalation techniques should be appropriate to the individual needs of the child or young person, acknowledging that the member of staff may not speak the child or young person's first language or that the child or young person may not have sufficiently developed language skills to be able to respond to verbal de-escalations.
- The use of restraint is also governed by the principles of ethical practice.

The intervention should:

- Be in the interests of the child or young person.
- Be reasonable and proportionate to the circumstances.
- Use the minimum force necessary for the minimum time necessary.
- Be based on a comprehensive risk assessment and/or positive handling plan.
- Have due regard for others present.
- Respect the safety and dignity of all concerned.

Schools cannot use force as a punishment. It is always unlawful to use force as a punishment.

Force cannot be used to search for items banned under school rules.

Communicating the school's approach to the use of force

- Although there is no requirement to have a policy on the use of force, Directors of 1Excellence Multi Academy Trust and Pentland's Local Advisory Board will notify the headteacher/Head of School that it expects the behaviour policy to include the power to use reasonable force and should acknowledge their legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).
- Pentland does **not** have a 'no contact' policy as this risks putting staff at risk of being in breach of their duty of care or prevent them taking the necessary action needed to prevent a pupil causing harm.
- For some pupil's **touch** which may include a **hold** is required for Sensory Regulation.
- Sensory Regulation is the ability to listen to the environmental feedback your body is receiving and respond through movement accordingly. Sensory regulation is required during all aspects of life, it is how we interpret the world around us, complete everyday activities and be able to function in a safe and successful manner.
- Pentland staff do all they can to ensure that staff, pupils and parents are clear about when force might be used by completing Risk Assessments and reporting incidents.

Reporting and Recording DfE Guidance states that:

All incidents of restraint should be recorded as quickly as possible and in any event within 24 hours of the incident. The Head Teacher or a person acting on his or her behalf must be informed at the earliest opportunity. The schools will monitor and analyse records of restraint to inform risk assessments and positive handling plans for individual pupils.

Monitoring at the individual level allows for improved practice with the individual member of staff and/or child or young person, whilst at the strategic level it has the potential to influence policy and practice.

For those pupils for whom restraint is used regularly there is both a Positive Handling Plan and a Behaviour Plan in place that is shared with the staff in school, with both the child and their parents. This is reviewed with all key people regularly.

Plans need to include how support will be provided for the individual with challenging behaviour including strategies for prevention, de-escalation or defusing which can both avert and reduce the need for use of reasonable force.

Behaviour Plans typically will detail response/script and strategies used by all staff when a pupil begins to appear anxious, aroused or distressed. Positive Handling Plans require guidance on how staff will react when a pupil's behaviour escalates to a point where they place themselves and/or others at risk of harm.

Plans require reviewing regularly with parents/carers/child and any external agencies involved. Pupils who have a Positive Behaviour Plan should have an Early Help Assessment opened to ensure that relevant external agency support is sought and actioned.

Reports on C-POMS must include the following:

1. Name of person using restraint/Designation
2. Names of any people present
3. Date/Time/Location
4. Details of behaviour leading to the restraint
5. Preventative methods used
6. Why the restraint was used
7. A description of the restraint
8. How effective the restraint was
9. Any injuries
10. External agencies informed e.g. The LADO/social worker
11. **Must** be signed or ticked as read on C-POMS by Head Teacher/Head of School and the Safeguarding Team.

Following up and de-briefing

As soon as possible after the incident the pupil and the member of staff involved should be de-briefed by an appropriate senior member of staff. The de-brief should allow for reflection and the relevant senior member of staff should be prepared to deal with the emotions raised by the incident. The de-brief enables learning to take place and contributes towards professional development.

Copies of restraint may be sent to **Stockton-Local Authority** if additional support or advice could be offered. In such cases, copies of restraint to be sent to restraint@stockton.gov.uk inbox.

Staff Training

Pentland ensures that key staff are regularly trained in the **Team Teach** approach to use of reasonable force as the focus is on **de-escalation**. De-escalation techniques, appropriate to the child or young person, set within a positive and proactive approach to behaviour, should always be used to try and avoid the use of restraint.

Using force

Certain restraint techniques should not be used as they present as unacceptable risk to children and young children. These are:

- 'seated double embrace' which involves two members of staff forcing a child or young person into a sitting position and leaning them forward, whilst a third monitor breathing;
- 'double basket hold' which involves holding a child or young person's arms across their chest; and
- 'nose distraction technique' which involves a sharp upward jab under the nose.

Telling parents/carers when force has been used on their child.

Pentland will always tell parents/carers if their child has been handled, involving the use of force. When considering the nature of serious incidents, schools should use their professional judgement considering:

- The pupil's behaviour and the risk level presented at the time of the incident.
- The degree of force used.
- The effect on both the child and the member of staff.
- The age of the child.

Pentland staff acknowledges that sometimes there is a necessity for an unplanned intervention to take place where there is no Positive Handling Plan in place. In these cases, a risk assessment is undertaken subsequently to inform whether a plan needs to be written.

Complaints

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted lawfully- that is they have used reasonable force appropriately – this will provide a defence to any criminal prosecution or other civil or public law action.
- Suspension should not be an automatic response.
- Schools should refer to the "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance.

This policy is ensure aligned to the following:

- Safeguarding policy
- Behaviour Policy
- Anti-Bullying Policy
- SEN Policy
- Educational Visits Policy

- Complaints Policy

Further sources of Information

Use of reasonable force Advice for headteachers, staff and governing bodies updated 2015

Keeping Children Safe in Education September 2018

Positive Environment that helps children flourish DfE 2018

Behaviour in Schools – GOV.UK March 2017 Creating a culture: how school leaders can optimise behaviour –Tom Bennett

Case studies of behaviour management practices in schools rated. Outstanding Research report March 2017 Amy Skipp and Dr. Vicky Hopwood – ASK Research

Mental health and behaviour in schools – DfE March 2016

Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)

Screening, searching and confiscation – advice for headteachers, staff and governing bodies.

Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools

Appendix One

On the rare occasion where a child is restrained in exceptional circumstances, the form in Appendix Three is to be used.

Appendix Two

Where children have a Positive Handling Plan in place, the following structure to be followed when Positive Handling is recorded on C-POMS:

- Select Positive Handling tag on C-POMS
- Context – immediate circumstances and de-escalation techniques used
- Reasons for intervening
- Description of intervention which is detailed, factual and objective
- Record any injuries to pupils or staff on body map
- Click Safeguarding Lead on C-POMS
- Inform parents according to timescales agreed in Positive Handling plan
- Add action – note when parents are informed and any outcomes (review of Plan/Risk Assessment/Pupil Voice)

Teachers to review the Risk Assessments regularly and date any changes, uploading to C-POMS where needed.

Appendix Three

Risk Assessment for Positive Handling

Name of child

Name of teacher/staff involved

Describe the foreseeable risk	
Is the risk actual or potential?	
List who is affected by the risk	
Risk Assessment	
In which situation does the risk normally arise?	
How likely is it that the risk will arise?	
If the risk arising, who is likely to be hurt?	
What kind of injuries are likely to be incurred?	
How serious are the likely adverse outcomes?	

An example of a Positive Handling Plan

Use of Positive Handling Plan		
Behaviour	Response	Follow up
Risk of hurting another child or risk of hurting themselves (threatening to attack pupil/adult)	Reminder of choices	
	Verbal warning – calm and quiet instruction	Seek additional support in preparation for next step
	Use of restraint to prevent risk becoming actual (probable removal from current position to designated area)	
		Staff write up report – include trigger, types of hold, length of intervention; share with SLT and parents within working day.

Agreed by: date

Relationship to child

Pentland Primary School

Physical Intervention Incidents- Incident Report Form To be shared with parents

Date of Incident	Time
Pupil/s involved	
Staff involved	Staff Member completing form
Location of incident	
Context/Circumstances (including immediate precipitating even and preventative approaches attempted where appropriate)	
Reasons for intervening	

Description of Intervention (detailed, factual ,objective)
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Pupil Assessed for Injury
Staff Assessed for Injury
Staff Signature
Date Report Completed

Follow- up Actions	Date	Initials
Parents informed:		
Staff Debrief/Evaluation Completed		
Pupil C-POMS Updated		
Risk Assessment Reviewed:		