**Reasonable Force Policy**

**Next review 31/08/2022**

**South Kirkby Academy Reasonable Force Policy**

This policy has been written with due regard to the Equality Act 2010.

At South Kirkby Academy we strive to create an environment in which both children and adults feel happy, safe, secure and valued. We aim to ensure a whole school approach to behaviour known and understood by all staff, children, parents and outside agencies.

Schools have a duty of care to their pupils. This may involve all staff having to having to handle pupils to prevent them harming themselves, others or damaging property.

The use of force upon any pupil by a member of staff is a serious matter, and should only be considered as a last resort. However, the law is clear and the Governing Body has a responsibility to all concerned, to support any member of staff who as a last resort uses reasonable force in accordance with the law, and with this policy.

**Aims of the Policy**

The aims of this Reasonable Force Policy are to:

* Provide clarification on the use of reasonable force in school
* To enable staff to feel more informed and confident about the use of reasonable force when they believe it to be necessary
* To make clear the responsibilities of Headteacher, senior staff and governing bodies in respect of this power.

This policy is drawn from advice contained in the document ‘Use of Reasonable Force – Advice for Headteachers, staff and governing bodies’ issued July 2013 by the Department for Education.

This policy should be read in conjunction with other school policies relating to interaction between adults and pupils and in particular the Behaviour Policy. Its contents are available to parents and pupils.

**Key Points**

* School staff have a legal power to use force and lawful use of this power will provide a defence to any related criminal prosecution or other legal action.
* Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
* Senior school leaders should support their staff when they use this power.
* Parents may not request that individual pupils be exempt from physical intervention, as outlined in the policy, as this policy will be implemented on health and safety grounds.

**What the Law says**

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:

* Committing a criminal offence
* Causing personal injury to themselves or another
* Causing damage to property belonging to them or another, including the school.
* Any behaviour prejudicing the maintenance of good order and discipline in the school.

**Who may use force?**

The staff to which this lawful power is granted are defined in the Act. Through this policy, the Headteacher expressly gives authority to:

a) All staff who have control or charge of pupils (including teaching staff, teaching assistants,

special needs assistants, midday assistants and supply staff) who work at South Kirkby Academy

and

b) The Headteacher also gives authorisation to those who do not usually have such control or charge - for example catering staff, and suitable unpaid volunteers such as parents or Governors accompanying pupils on school organised visits – in circumstances where the safety of the child or other children becomes an imperative.

**What is reasonable force?**

The term ‘reasonable force’ covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

‘Reasonable in the circumstances’ means using no more force than is needed.

As mentioned above, schools generally use force to control pupils and to restrain them. Control means 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 a classroom.

Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

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

**Schools can use reasonable force:**

* In situations where a pupil (including one from another school) is on school premises or
* elsewhere in the lawful control or charge of a staff member – for example on a school visit.
* To remove disruptive children from the classroom where they have refused to follow an
* instruction to do so;
* To prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
* prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
* To prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;
* And to restrain a pupil at risk of harming themselves through physical outbursts.

**Schools cannot:**

* use force as a punishment – **it is always unlawful to use force as a punishment.**

**Deciding whether to use force**

As a general rule staff should only use force when:

* The potential consequences of not intervening are sufficiently serious to justify it,
* The chance of achieving the desired outcome by other non-physical means are low; and
* The risk associated with not using force outweighs the risk of using it.
* Staff do not require parental consent to apply reasonable force on a pupil.

**Using Force**

Before using force, staff should - where practicable - tell the pupil to stop misbehaving. Care should be taken to avoid giving the impression that the member of staff is angry or frustrated, or are acting to punish the child. It should be made clear with calm language that as soon as the need for force ceases, it will stop.

Appropriate use of force will range from physical passive presence in between pupils, to blocking a pupil’s path, ushering them by placing a hand in the centre of the back, leading them by the hand or arm, to in more extreme circumstances using appropriate restraining holds. Particular attention will be given to individuals’ needs which arise from statements of SEN or disability.

Whilst it is highly desirable that staff should avoid acting in any way which might reasonably be expected to cause an injury, in truly exceptional circumstances it is recognised that it may not always be possible to avoid. Any such injury caused will be properly investigated by the school and will require justification.

**Types of incidents where physical intervention may be required as described in Circular 99/9 and the Department of Education 2002**

These fall into three broad categories

1. Action due to imminent risk of injury;
2. Action due to developing risk of injury or significant damage to property;
3. Action where a pupil is behaving on a way that compromising good order and discipline.

Examples of situations that fall into one of the first two categories are:

* A pupil attacks a member of staff or another pupil;
* Pupils are fighting;
* A pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
* A pupil is causing, or is at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
* A pupil is running in a corridor or on a stairway un a way which he or she might cause an accident or injury to himself, herself or to others;
* A pupil absconds from a class or tries to leave school (this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations that fall into the third category are:

* A pupil persistently refuses to obey an instruction to leave a classroom
* A pupil is behaving in a way that is seriously disrupting a lesson

**Acceptable Measures of Physical Intervention**

The use of any degree of force can only be deemed reasonable if:

1. It is delivered in accordance with the seriousness of the incident and the consequences which it is intended to prevent;
2. It is carried out as the minimum to achieve the desired result;
3. The age, and level of understanding and gender of the pupil are taken into account;
4. It is likely to achieve the desired result.

Wherever possible assistance will be sought form another member of staff before intervening.

**Training for Staff**

Physical restraint is an available option, only to be used when other means of dealing with the situation have failed. Staff are made aware of this policy and have training on child protection and other training that will ensure they are aware of their duties and the law. All staff, who are able, have had Team Teach training and this is repeated every 2-3 years. Advice is also taken from professionals between this time if needed around helping a specific child or a specific hold.

**Use of the Calm Room**

South Kirkby Academy has the facility to use a calm room for children. This can be used in 3 ways.

1. For a child to be held safely in a two person seated hold until calm enough to be released. This protects the child’s privacy and gives a safe space to calm down.
2. Once a child has calmed enough for them to be released they can use the space as a restorative activity. Time can be given to explore what has happened and also to be fully calm before re-entering the learning environment.
3. A child who is beginning to become upset or anxious can access the space to be able to calm down in their own space safely. This can stop a child going into crisis and hopefully limit the use of team teach.

**Recording Incidents**

South Kirkby Academy will keep a record of each significant incident of the use of force to control and restrain. If a restraint has been used, then this will be documented in the Team Teach Book, which is number bound legal document. All other incidents will be logged on CPOMs, which is an online system used to log a range of different things. Whether or not an incident is significant will be a matter for the School to decide on a case by case basis. Decisions will include the following considerations:

* The pupil’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,
* Together with the effect on the pupil or member of staff.
* The effect on the pupil or member of staff
* The child’s age

The purpose of recording is to ensure that policy guidelines are followed, to inform parents/carers, to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

Parents / carers will be informed of the incident. School will provide details of the incident and what hold, if any, was used on the child. Parents/carers are not able to request copies of the Team Teach number and bound book.

**Post-incident support**

* If injuries result from the application of reasonable force, medical help should be sought straight away. It is also important to ensure that staff and pupils are given emotional support.
* As soon as possible after the incident parents / carers should be informed. A letter will be sent home stating that a child has needed to be restrained.
* When assessing the incident, consideration may be given to involving multi-agency partners to offer support or advice.
* Where a pupil is responsible for injury to another, as well as holding him/her to account and issuing appropriate sanction, the pupil will be given the opportunity to repair the relationships with pupils and staff affected by the incident. The pupil will be offered appropriate support to help develop strategies for avoiding such crisis points in future.
* Children who have been subjected to a physical intervention will be given the opportunity to discuss the incident with a member of staff at the first reasonable opportunity following the incident. Such discussions will offer pupils and staff fresh opportunities to work together and renew relationships that may be strained by the incident.
* Pupils will be informed of ways in which their behaviours could change in order to prevent a repetition of the incident.

**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:

* Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
* When comforting a distressed pupil;
* When a pupil is being congratulated or praised;
* To demonstrate how to use a musical instrument;
* To demonstrate exercises or techniques during PE lessons or sports coaching;
* To give first aid

**Complaints and allegations**

If a complaint is made against a member of staff about the use of force the school will follow the guidance set out in Section Eight of the Use of Reasonable Force: Advice for Headteachers, staff and governing bodies DfE-000602011.

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them. Any complaints received by the Headteacher from parents, staff or any other persons regarding alleged ill treatment of pupils or injuries received by a student during the course of physical intervention must be investigated fully by the Headteacher. The chair of Governors will be informed of complaints. Please see Complaints Procedure which is available online an on request from the school office.