

The Bromfords School and Sixth Form College



Reasonable Force and Restraint Policy

This Policy should be read in conjunction with the DFE guidance published in July 2013, “The use of force to control or restrain students” which has been shared with all staff.

Aims

- To create a learning environment in which young people and adults feel safe;
- To protect every person in the school community from harm;
- To protect all students against any form of physical intervention that is unnecessary, inappropriate, excessive or harmful;
- To put in place guidance for staff so that they are clear about the circumstances in which they might use reasonable force to restrain students and how such reasonable force might be applied.

General principle of behaviour management

Because the use of force should only be a last resort, staff and volunteers at The Bromfords School and Sixth Form College recognise that they should minimise the possibility of force being needed by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind.

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 students;
- Force is usually used either to control or restrain. This can range from guiding a student 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 students and to restrain them. Control means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom;
- Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students 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 student.

Who can use reasonable force?

- All members of school staff have a legal power to use reasonable force; ¹
- This power applies to any member of staff at the school. It can also apply to people whom the Headteacher has temporarily put in charge of students such as unpaid volunteers or parents accompanying students on a school organised visit.

When can reasonable force be used?

- Reasonable force can be used to prevent students from hurting themselves or others, from damaging property, or from causing disorder;
- In a school, force is used for two main purposes – to control students or to restrain them;
- 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;
- The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

¹ section 93, Education and Inspections Act 2006

² Section 550ZB (5) of the Education Act 1996

³ DfE, Searching, Screening and Confiscation February 2014

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 student behaving in a way that disrupts a school event or a school trip or visit;
- prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a student from attacking a member of staff or another student, or to stop a fight in the playground; and
- restrain a student 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.

Prevention should be the primary consideration.

Steps to avoid situations should be taken and the adult should be able to demonstrate that those steps were taken. **Physical restraint that requires reasonable force should always be the last resort.**

Staff have a responsibility to ensure the safety and welfare of their students. They are in a particular position of trust (in loco parentis).

The following should be applied in all cases:

- Staff should delay the use of reasonable force if at all possible. (However, in some circumstances e.g. a child running out onto the road, you might be deemed negligible if you do not intervene);
- An 'on the spot' risk assessment for each occasion that you feel reasonable force or restraint may be necessary should be made;
- Consideration should be given to the environment, the medical circumstances and the clothing;
- Action being taken should always be for the good of the child and trying to keep them safe;
- Assure the child that the restraint is not a punishment;
- Never use other children in the restraint;
- Where possible, restraint or reasonable force should be witnessed by another responsible adult. A radio call out, where possible, should be made to alert the Senior Leadership team members.

Preventative Strategies

Prevention should be the primary consideration. All staff in school need to be aware of strategies and techniques for dealing with difficult students and steps, which they can take to defuse and calm a situation. Staff should be able to demonstrate that the types of strategies listed below have been taken, which will be influenced by the age of the student(s) and the context in which they are applied.

- Move calmly and confidently;
- Make simple, clear statements;
- Intervene early;
- Try to maintain eye contact;
- If necessary summon help before the problem escalates; and
- If possible, remove the audience from the immediate location.

1 section 93, Education and Inspections Act 2006

2 Section 550ZB (5) of the Education Act 1996

3 DfE, Searching, Screening and Confiscation February 2014

Action Steps

- Tell the student who is misbehaving to stop and tell him/her the possible consequences of failure to do so, this is outlined in the Positive Behaviour policy;
- Summon another adult. (Another adult should be present if physical restraint of any kind needs to be applied.) Send another student / message to alert a member of the Senior Leadership team;
- Continue to communicate with the student throughout the incident;
- Make it clear that physical intervention will cease as soon as it is no longer necessary;
- Appropriate follow-up action should be taken, which may include;
 - providing medical support;
 - providing respite for those involved; and
 - accessing external advice/support.

A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper or are acting out of anger or frustration when dealing with a problem. Whilst limiting damage to property and/or persons, it is advisable not to 'corner' or give the child a feeling of being 'trapped' in any way as this can often exacerbate reactions. Where possible, allow the child space to move.

Recording the use of significant incidents

Governing Bodies must ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a student, and for reporting these incidents to the student's parents as soon as practicable after the incident. Our staff will use the Incident Report form set out in Appendix A. The Governing Body will take all reasonable steps to ensure that staff follow the procedure. This is to ensure that parents are kept informed of serious events at school concerning their child. If the school believes that reporting the incident to a parent may result in significant harm to the student, then the incident must be reported to the local authority where the student normally lives.

What happens if a student complains when force is used on them?

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated;
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action;
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably;
- The school has a duty of care towards their employees. It is important that school provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident;
- Suspension is not an automatic response when a member of staff has been accused of using excessive force.

What about other physical contact with students?

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

Examples of where touching a student might be proper or necessary:

- When comforting a distressed student;
- When a student is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.

1 section 93, Education and Inspections Act 2006

2 Section 550ZB (5) of the Education Act 1996

3 DfE, Searching, Screening and Confiscation February 2014

Power to search students without consent

Key Points

In accordance with the DfE Guidance 2014³. Through the school's ethos of respect it is usual for students to volunteer any items deemed illegal or dangerous if reported to staff. In rare occasions it may be necessary to conduct a search. In addition to the general power to use reasonable force described above, Headteachers and authorised staff to search without consent and use such force as is reasonable given the circumstances to conduct a search for the following "prohibited items" ³

- 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;
- any items banned from the school.

It is expected staff conducting a search:

- Would be the same sex as the student being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the student being searched;
- There is a limited exception to this rule. Staff can carry out a search of a student the opposite sex to them and without a witness present, but **only** where there is reasonably believe that there is a risk that **serious harm** will be caused to a person if you do not conduct the search immediately and where it is not **reasonably practicable** to seek a witness.

¹ section 93, Education and Inspections Act 2006

² Section 550ZB (5) of the Education Act 1996

³ DfE, Searching, Screening and Confiscation February 2014

1. Basic Information

Name of student: _____

Form Group: _____

Staff Member: _____

2. Events leading to the incident

Where did the incident occur? _____

When did the incident occur? Date: _____ Time: _____

3. Describe the incident

What was happening at the time?

What behaviour was the student presenting that warranted restraint?

Did anyone else see what happened? (Give details)

Was there damage to property or an assault on a student or member of staff during the incident? YES/NO if yes give details

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What did you do to try to defuse the situation before using restraint?

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How was the student restrained? (Describe –e.g. two people escort, one person wrap, etc.)

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How long for? _____ By how many staff _____

4. Injuries sustained

Was anyone injured? Yes/No (if yes give details)

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Was the student checked for injuries by a member of staff who was not involved in the incident? Yes/No (if yes by whom?)

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Report compiled by:	
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Name and position:	
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Date	
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Report countersigned by:	
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Name and position :	
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Date	
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Please note: the names of students should be removed before the completed form is sent to parents and the names of members of staff should only be included with their consent.

The member of staff involved in the incident compiles the incident report. The member of staff with lead responsibility for safeguarding checks the record and that the school provides the member of staff involved in the incident with a copy of the final version. It is important that this information is treated in confidence.

All accounts of the same incident should be recorded, including those of the student or students involved. Parents should not be given a copy of the incident record as a matter of course, but they should be told when and where the incident took place, why it was decided that force had to be used, the strategies used to try to avoid having to use force, 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. Ordinarily the names of those involved in the incident should not be disclosed in the report. However, the student may give this information to the parent or the parent can request the information from the school. The school should deal with these requests in accordance with the Data Protection Act 1998.

COMPILED BY: MR COULSON	ISSUE: 4
APPROVED BY: _____ Chair, Local Governing Body Date: January 2020	REVIEW DATE: DECEMBER 2021

1 section 93, Education and Inspections Act 2006

2 Section 550ZB (5) of the Education Act 1996

3 DfE, Searching, Screening and Confiscation February 2014