

Use of Reasonable Force Policy February 2019

Published date: February 2019	Next review date: February 2022	Statutory	Lead at ATT: Susan Byles Regional Education Director
--	--	------------------	---

Associated documents:	
Links to	
<ul style="list-style-type: none"> Behaviour for Learning Policy 	

Our Mission

To provide the very best education for all pupils and the highest level of support for our staff to ensure every child leaves our academies with everything they need to reach their full potential.

We promise to do everything we can to give children the very best education that gives them the best opportunity to succeed in life. All of our academies have it in them to be outstanding and achieving this comes down to our commitment to our pupils, staff and academies.

Our commitment

We are committed to taking positive action in the light of the Equality Act 2010 with regard to the needs of people with protected characteristics. These are age, disability, pregnancy and maternity, religion and belief, race, sex, sexual orientation, gender reassignment and marriage and civil partnership.

We will continue to make reasonable adjustments to avoid anyone with a protected characteristic being placed at a disadvantage.

Contents

1	Purpose of Policy	5
2	Legal Framework	5
3	Definitions	6
4	Academy 'Safety' Areas	7
5	Authorised Staff	8
6	Other Workers within ATT Academies	8
7	Training	8
8	Risk Assessment and Individual Behaviour Management Plans or Postive Handling Plans	8
9	Recording	9
10	Monitoring Incidents	9
11	Complaints	Error! Bookmark not defined.
12	Guidance	9

1 Purpose of Policy

- 1.1 This policy has been developed in line with DfE guidance, January 2013 entitled 'Use of Reasonable Force, Advice for Headteachers, Staff and Governing Bodies'. This document has been prepared to assist all staff and volunteers working within ATT academies.
- 1.2 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 a 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 student by the arm out of the classroom.
- 1.3 Every effort will be made to ensure that staff in our academies:
 - Clearly understand this policy and their duty of care responsibilities
 - Are provided with appropriate training to support the management of challenging behaviour (including the use of reasonable force).

2 Legal Framework

- 2.1 Reasonable force should only be used if it is deemed to be in the best interest of the child, following an analysis of the presented risks. The Education and Inspections Act 2006 (Par. 7, Chapter 1) stipulates that reasonable force may be used to prevent a child from doing, or continuing to do any of the following:
 - Engaging in any behaviour prejudicial to maintaining good order and discipline at the academy or among any of its pupils, whether the behaviour occurs in a classroom during a lesson or elsewhere in the academy (this includes authorised out-of-school activities)
 - Self-injuring
 - Causing injury to others
 - Committing an offence.
- 2.2 All staff and volunteers should operate an appropriate duty of care and within policy guidance. The application of any form of physical contact can place staff in a vulnerable position. Staff, therefore, have a responsibility to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

2.3 Academy staff 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 an academy event or a school trip or visit
- Prevent a student leaving the classroom, where allowing the pupil 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
- Restrain a student at risk of harming themselves through physical outbursts.

2.4 Academy staff cannot use reasonable force as a punishment. It is unlawful to use reasonable force as a punishment.

Power to search pupils without consent

2.5 In addition to the general power to use reasonable force described above, Principals, Heads of Academy and other authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following prohibited items:

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any article that has been or likely to be used to commit an offence, cause personal injury or damage to property.

3 Definitions

3.1 **Reasonable Force** - Reasonable means 'using no more force than is needed' and Force is used to 'control or restrain'.

3.2 **Physical Contact** – This describes situations when physical contact occurs between staff and pupils (e.g. in the care of pupils with learning difficulties, in games/PE or to comfort pupils).

3.3 **Control** – Active control may be used to divert a student from a destructive or disruptive action (e.g. guiding a student forward by placing a hand gently on the centre of the child's back or leading a child by the hand, arm or shoulder with little or no force). Passive control may be moving between two pupils or blocking a pupil's path.

Transforming education: Transforming performance: Transforming lives

- 3.4 **Physical Restraint** – The use of force to overcome rigorous resistance; completely directing, deciding and controlling a person’s free movement. The purpose of its application should be to safeguard the person, other people or prevent significant damage to property. The level of compliance from the student determines whether or not the interaction is a control or restraint.

A physical intervention should use the minimum degree of force necessary for the shortest period of time to prevent a student harming themselves, others or damaging property. The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled and the nature of the harm they might cause (see page 3 of the DfE guidance, Use of Reasonable Force 2013). Reasonable adjustments for pupils with a disability or special educational needs will be made to take account of known information about the pupil’s needs and their understanding of the situation.

4 Academy ‘Safety’ Areas

- 4.1 It is notable that some pupils will refer themselves to these areas to ‘sit quietly’ and self-manage their behaviour. On occasions, staff will refer pupils to use these dedicated areas within the academy to reduce the presented and potential risks. These areas are not to be used as a punishment or sanction. While the pupil(s) are in these areas, they will be supervised by an adult at all times to ensure their safety. It is important that time spent in these areas is recorded by the academy.

Isolation/Seclusion Areas

- 4.2 Academies can adopt a policy which allows disruptive pupils to be placed in an area away from other pupils for a limited period, in what are often referred to as isolation or seclusion rooms. If an academy uses isolation or seclusion rooms as a disciplinary sanction, this should be made clear in their Behaviour for Learning Policy. As with all other disciplinary procedures, academies must act reasonably in all the circumstances when using such rooms. Any use of isolation that prevents a child from leaving a room of their own free will should only be considered in exceptional circumstances. The academy must also ensure the health and safety of pupils and any requirements in relation to safeguarding and pupil welfare.
- 4.3 It is for individual academies to decide how long a student should be kept in isolation or seclusion, and for the staff member in charge to determine what pupils may and may not do during this time. Academies should ensure that pupils are kept in isolation or seclusion no longer than is necessary and that their time spent there is used as constructively as possible. Academies should also allow pupils time to eat or use the toilet.

Police Intervention

- 4.4 If it is felt that a situation can no longer be managed safely by the academy, then the decision may be made by the Principal, Head of Academy or other senior staff to call the police for assistance.

5 Authorised Staff

- 5.1 In ATT academies, all staff are authorised to use reasonable force within the context of the DfE publication 'Use of Reasonable Force, Advice for Headteachers, Staff and Governing Bodies' (July 2013). The Principal can legally authorise others (e.g. volunteers or parents assisting on a school trip, but caution in extending such authorisation should be exercised. The Principal is responsible for ensuring that all staff are aware of their right to use reasonable force and in what circumstances they may use it (this right is not a basis for a legal defence in the event of an allegation of misconduct or malpractice).

6 Other Workers within ATT Academies

- 6.1 It is the responsibility of the Principals or Heads of Academy to make sure that individuals entering the site to work are aware of the nature of the pupils and are offered some guidance in what to do if an incident occurs or is witnessed.

7 Training

- 7.1 It is the responsibility of the Principals or Heads of Academy to arrange suitable training for all staff. No member of staff will be expected to use a physical intervention without the appropriate training, led by authorised training providers. Phoenix Academy is able to provide such training by arrangement.
- 7.2 Prior to the provision of training, new staff or volunteers will receive guidance from the Principal, Head of Academy or designated person on actions to be taken in the event of challenging and/or dangerous circumstances.

8 Risk Assessment and Individual Behaviour Management Plans/Positive Handling Plans

- 8.1 Specific assessments of risk will be made for each child as appropriate, in the context of identified behaviour(s) and environments in which they occur. The assessment should identify potential control measures.
- 8.2 Any interventions used will take account of a pupil's:

- Age and gender
- Level of physical, emotional and intellectual development
- Particular special needs
- Social context
- Physical, medical or relevant conditions.

9 Recording

- 9.1 All incidents of physical restraint should be recorded using the Academies recording system.
- 9.2 Staff who have been involved in an incident involving reasonable force should have access to counselling and support.

10 Monitoring Incidents

- 10.1 Monitoring of incidents must be part of the work on the DSL and will help to ensure that staff are following the correct procedures and will alert the senior leadership team (SLT) to developing trends and to engage necessary action/intervention, including therapeutic intervention or other agency involvement where needed.

11 Guidance

- 11.1 The following government guidance and ATT policies can be used for further guidance on this matter:
- ATT Safeguarding Policy
 - ATT Health and Safety Policy
 - Academy's own Child Protection Policy
 - DfE document 'Use of Reasonable Force, Advice for Headteachers, Staff and Governing Bodies' (July 2013).
 - Behaviour for Learning Policy

