



Use of Reasonable Force and Restraint Policy

This policy was updated in October 2021.

The policy will be reviewed and updated every three years.

Trustee with responsibility: Jane Randle - Behaviour, Attitudes and Personal Development Team

The policy is drawn from advice contained in the document 'Use of Reasonable Force – Advice for headteachers, staff and governing bodies' issued 2013 by the Department for Education (DFE) and DFE Keeping Children Safe in Education September 2021

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Rationale

This Policy should be read in conjunction with our Behaviour Policy.

At The Treehouse School we strive to create an environment in which both children and adults feel happy, safe, secure and valued. We aim to ensure positive behaviour is modelled and understood by all staff, children, parents and outside agencies. 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 Trustees have 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

To:

- Provide clarification on the use of reasonable force in our 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 the Director and Trustees in respect of this power.

What the law says

Section 93 of the Education and Inspections Act 2006 enables all 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.

What is reasonable force?

The term 'reasonable force' covers the broad range of actions 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 child needs to be restrained to prevent violence or injury.

'Reasonable in the circumstances' means using no more force than is needed. As mentioned above, we generally only use force to control pupils and to restrain them as a last resort. 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

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way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

Who can use reasonable force?

This power applies to any member of staff at the school. It can also apply to people whom the Director has temporarily put in charge of pupils 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 pupils from hurting themselves or others, from damaging property, or from causing disorder. In school, force is used for two purposes – to control pupils 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. Examples include:

- To remove a disruptive child from the classroom/situation where they have refused to follow an instruction to do so
- To prevent a child leaving the classroom where allowing the child to leave would risk their safety or lead to behaviour that disrupts the behaviour of others
- To avert a child from being aggressive towards a member of staff or another pupil, or to prevent a fight
- To restrain a pupil at risk of harming themselves through physical outbursts

We NEVER use force as a punishment – it is always unlawful to use force as a punishment. 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. 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. 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.

Power to search pupils without consent

In addition to the general power to use reasonable force described above, Directors and 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

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

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

Risk Assessments

If we become aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, we will plan how to respond if the situation arises. Such planning will address:

- Strategies to be used prior to intervention
- Ways of avoiding 'triggers' if these are known
- Involvement of parents to ensure that they are clear about the specific action the school might need to take
- Briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance)
- Identification of additional support that can be summoned if appropriate
- The school's duty of care to all pupils and staff

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.

Recording Incidents

The Treehouse School will keep a record of each significant incident of the use of force to control and restrain. Whether or not an incident is significant will be a matter for the Director 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 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.

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 and provided with a copy of this policy. Details of the incident will be confirmed in writing and filed in the Safeguarding folder. 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. Parents will always be informed if reasonable force has been used.

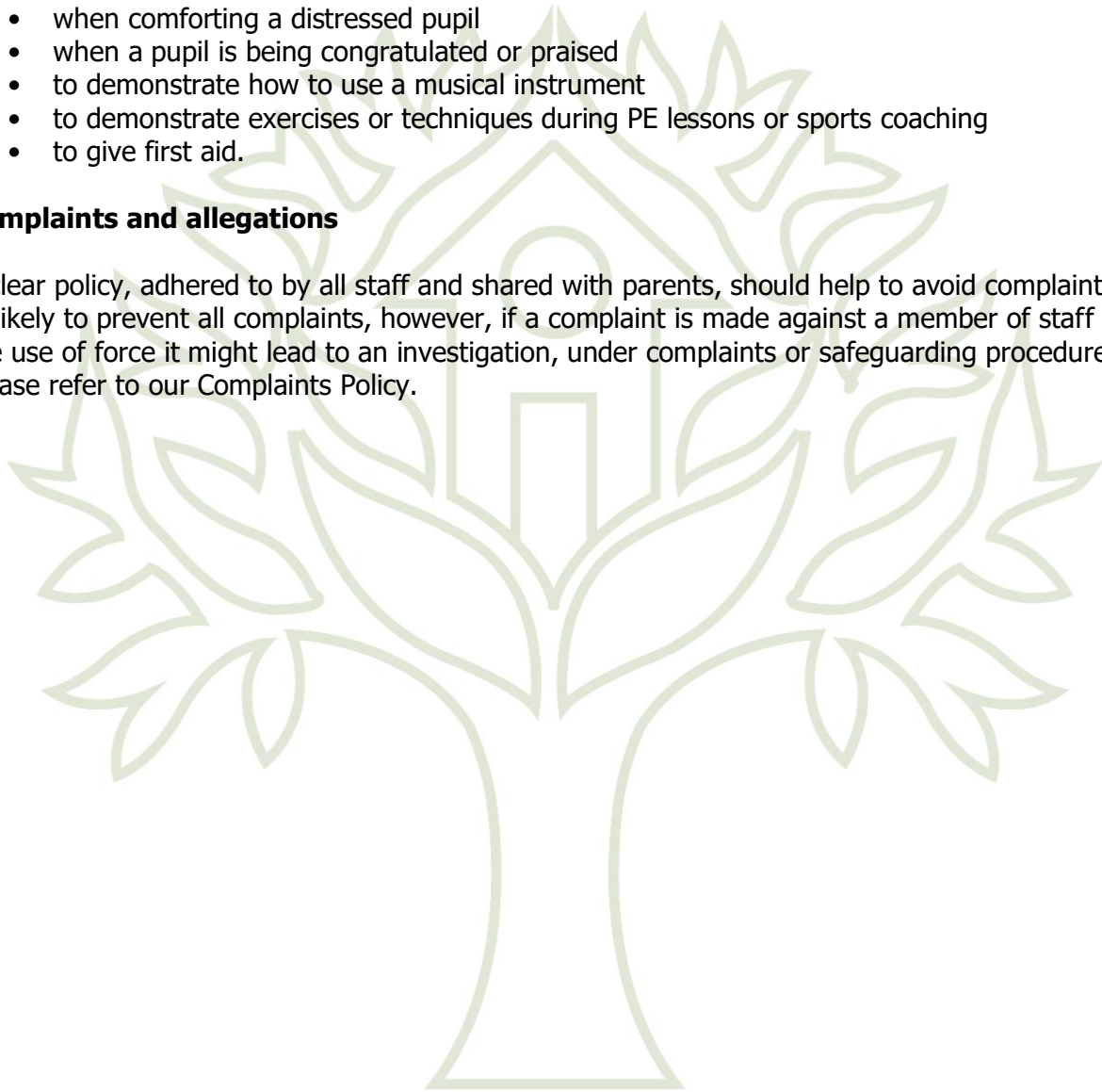
Other physical contact with pupils

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 a line
- 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

A clear policy, adhered to by all staff and shared with parents, should help to avoid complaints. It is unlikely to prevent all complaints, however, if a complaint is made against a member of staff about the use of force it might lead to an investigation, under complaints or safeguarding procedures. Please refer to our Complaints Policy.



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