Westbrook Hay Prep School

REASONABLE FORCE AND RESTRAINT POLICY

This Policy should be read in conjunction with the DCSF guidance published in April 2010, "The use of force to control or restrain pupils" available to all staff.

Aims

- To create a learning environment in which pupils and adults feel safe.
- To protect every person in the school community from harm.
- To protect all pupils 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 pupils and how such reasonable force might be applied.

Legal Framework

All school staff members have a legal power to use reasonable force to prevent pupils committing a criminal offence, injuring themselves or others or damaging property, and to maintain good order and discipline.

Section 93 of the Education and Inspections Act 2006 enables school staff to use reasonable force to prevent a pupil from:

a) committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil); or
b) causing personal injury or damage to property; or
c) prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

The staff to which this power applies are:

- any member of staff at the school;
- any other person whom the Headmaster has authorised to have control or charge of pupils. This can also include people to whom the Headmaster has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on school-organised visits); and
- does **not** include any pupils (including those in positions of authority, such as prefects).

The power may be used where the pupil (including a pupil from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

This policy and related use of force guidance is intended to help staff feel more confident about using force when they think it is right and necessary. If the force used is reasonable all staff will have a robust defence against false allegations of unreasonable or unlawful conduct in the form of a complaint or legal action. However, it is always unlawful to use force as a punishment which would fall within the definition of corporal punishment, which is illegal.

Reasonable force

Whether the force used is reasonable will always depend on the particular circumstances of the case and the test is whether the force used is proportionate to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result.

In schools force is generally used for two different purposes – to control pupils and to restrain them.

- Control - can mean either passive physical contact (e.g. standing between pupils or blocking a pupil's path) or active physical contact (e.g. leading a pupil by the hand or arm, or ushering a pupil away by placing a hand in the centre of the back).

- Restrain - when members of staff use "restraint" they physically prevent a pupil from continuing what they were doing after they have been told to stop. The use of restraint techniques is usually used in more extreme circumstances, such as when two pupils are involved in a fight and physical intervention is needed to separate them.

Judging whether to use force and what force to use
The judgement on whether to use force and what force to use will always depend on the circumstances of each case and information about the individual concerned.

Where it is known that force is more likely to be necessary to restrain a particular pupil, such as a pupil whose SEN and/or disability is associated with extreme behaviour, an individual risk assessment will be carried out.

At Westbrook Hay we consider 'reasonable force ' to be the minimum force necessary to prevent a pupil from physically harming him/herself or others or seriously damaging property, used in a manner which attempts to preserve the dignity of all concerned. The use of reasonable force will always depend on the circumstances of the case and the following should be taken into consideration:

- whether it is reasonable to use force, and the degree of force that could reasonably be employed, given the age, sex, physical strength, size, understanding, medical conditions and any special educational needs of the pupil.

- the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanor, or in a situation that clearly could be resolved without force.

- the degree of force employed should be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to diffuse the situation.

Some examples of situations where reasonable force might be used are:

- to prevent a pupil from attacking a member of staff, or another pupil, or to stop a fight between two or more pupils;
- to prevent a pupil causing deliberate damage to property;
- to prevent a pupil causing injury or damage by accident, by rough play, or by misuse of dangerous materials or object;
- to ensure that a pupil leaves a classroom where the pupil persistently refuses to follow an instruction to do so;
- to prevent a pupil behaving in a way that seriously disrupts a lesson; or
- to prevent a pupil behaving in a way that seriously disrupts a school sporting event or school visit.

Prevention should be the primary consideration.

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

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

The following should be applied in all cases:

- Staff should delay 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, trying to keep them safe or for the good of other children around them.
- Assure the child that the restraint is not a punishment.
- Never use other children in the restraint.
- Whenever possible, restraint or reasonable force should be witnessed by another responsible adult.

Reasonable force might be used:-

- in self defence, where risk of injury is imminent;
- when there is developing risk of injury to the person deemed in need of restraint or others.

Physical intervention in these circumstances may take several forms, e.g.:-

- physically interposing between pupils;
- blocking a pupil 's path;
- holding;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back; or
- (in extreme circumstances) using more restrictive holds.

The law strictly prohibits the use of force, which constitutes the giving of corporal punishment. The use of force as a punishment or to intentionally cause pain, injury or humiliation, such as the examples below, (which are not exhaustive) should not be permitted under any circumstances:

- holding around the neck;
- any hold that might restrict breathing;
- kicking, slapping or punching;
- forcing limbs against joints;
- tripping;
- holding by the hair; and
- holding the pupil face down on the ground.

Physical intervention may involve staff in:-

- holding
- pushing
- pulling

Staff must always avoid touching or holding a pupil in a way that might be considered indecent.

Where a pupil has caused actual harm or injury, details will need to be recorded in the school accident book.

General principle of behaviour management

Because the use of force should only be a last resort, staff and volunteers at Westbrook Hay School 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.

Recording the use of significant incidents

From September 2010, 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 pupil, and for reporting these incidents to the pupil'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 reporting the incident to a parent would be likely to result in significant harm to the pupil, then the incident must be reported to the local authority where the pupil normally lives.

Whether an incident is significant will vary on a case by case basis, but in determining whether it is, staff will need to consider factors such as 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. Members of staff should not put themselves at risk. An individual would not be seen to be failing in their duty of care by not using force to prevent injury, if doing so threatened their own safety.

Such records may be required for future reference. Immediately following any such incident the member of staff concerned should inform the Headmaster or a senior member of staff and provide a written report. Parents/carers should be contacted as soon as possible and the incident explained to them. This action will also be recorded in the incident log. Staff should keep their own copy of any written report.

Roles and Responsibilities

The school will endeavour to ensure that all staff know and understand their roles and responsibilities in relation to the management of pupils. Legislation allows 'members of staff 'to use 'reasonable force 'and defines a member of staff as 'any teacher who works at the school and any person who, with the authority of the Headmaster has lawful control or charge of pupils at the school'. The Headmaster will confirm with all staff whether they meet the terms of this definition.

New staff are given a copy of this policy as part of their induction. Staff should be made aware of individual pupils who are considered likely to pose serious behavioural problems or violence.

The Head of Learning Support will keep staff informed about pupils with special educational needs who may require special attention with regard to their physical management. Staff will consult with the Head of Learning Support regarding any concerns that they have about the physical management of pupils with special educational needs.

Preventative Strategies

All staff in school need to be aware of strategies and techniques for dealing with difficult pupils and steps, which they can take to defuse and calm a situation. The strategies listed below as examples will be influenced by the age of the pupil(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.

ACTION STEPS

1. Tell the pupil who is misbehaving to stop and tell him/her the possible consequences of failure to do so.
2. Summon another adult. (Another adult should be present if physical restraint of any kind needs to be applied.) Send another pupil / message to alert a member of the senior management team.
3. Continue to communicate with the pupil throughout the incident.
4. Make it clear that physical intervention will cease as soon as it is no longer necessary.
5. 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 handling 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 inflame reactions. Where possible, allow the child space to move.

Dealing with complaints and allegations regarding the use of force

Parents and pupils have a right to complain about actions taken by school staff, including any use of force.

If a specific allegation is made against a member of staff then the school will follow procedures set out in

- the school's Complaints Policy;
- the school's Dealing with Allegations Against Staff Policy;

with reference to the following DCSF Guidance:

- The use of force to control or restrain pupils April 2010
- Safeguarding Children and Safer Recruitment in Education January 2007

APPENDIX A: INCIDENT RECORD FORM

Procedure for completion:

- The names of pupils 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 DSP for Child Protection (Headmaster) checks the record and 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 pupil or pupils 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 pupil 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.

REASONABLE FORCE AND RESTRAINT - INCIDENT RECORD FORM

Details of pupil on whom force was used – name, class and any SEN, disability or other vulnerability

Date, time and location of incident

Names of staff (or volunteers) involved (directly and as witnesses)

Details of other pupils involved (directly or as witnesses), including whether any of the pupils involved were vulnerable for SEN, disability, medical or social reasons

Description of incident by the staff involved including any attempts to de-escalate and warnings given that force might be used

Reason for using force and description of the force used

Any injury suffered by staff or pupils and any first aid and/or medical attention required

Reasons for making a record of this incident

Follow up, including post-incident support and any disciplinary action against pupils

Any information about incident shared with staff not involved in it and external agencies

When and how those with parental responsibility were informed about the incident and any views they have expressed

Has any complaint been lodged (details should not be recorded here)?

Report compiled by (name and role):
Signed:
Date:
Report countersigned by (name and role):
Signed:
Date: