

Bredenbury Primary School
USE OF REASONABLE FORCE POLICY

September 2020

Signed and dated:

Chair of Governors

Headteacher

INTRODUCTION

At Bredenbury Primary School 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. 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.

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school. It is recognised that the majority of pupils in our school respond positively to the discipline and control practised by staff. This ensures the well-being and safety of all pupils and staff in school. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required.

This policy sets out the framework for the use of reasonable force.

Our Designated Child Protection Officer is: Mrs Samantha McAtear (Head of School)

Our named Governor is: Trevor Haynes

Rewritten (formerly Positive Handling Policy)	November 2015
Consultation with staff and Governors in:	November 2015
Ratified by Governors on:	27.11.2015
To be reviewed by Staff and Governors in:	Every 2 years
Ratified by Governors on:	27.9.2017
Reviewed by staff and Governors:	September 2020
To be reviewed in:	September 2022

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WHAT IS TEAM-TEACH

Team-Teach provides training to staff groups in children's and adult services and Health Care Trusts in behaviour supports and interventions. The training combines both theory and practice, emphasising the need for staff to show restraint rather than apply it! Providing a risk assessment structure to the selection of physical interventions that best allow the employer to provide a risk reduced workplace for service users and staff. Proving examples of best practice paperwork that underpins practice in this area.

Information and understanding should be shared with parents about how the Team Teach approach is being used to support their children?

Best practice and most effective results, happens when parents are active partners with the school in understanding and supporting the use of the Team Teach approach. This will be achieved through the sharing with and involvement of the parents regarding their child's Positive Handling Plan. All aspects of this plan will be explained, especially the preferred de-escalation skills, as well, as any identified physical interventions and the agreed reporting process concerning "restraint" incidents involving their children.

All incidents of restraint will be recorded, reported and reviewed. If required, the selected physical interventions will be demonstrated to the parent, but it must be made clear to parents that they are not being trained through such a process.

The DfE produced the following guidance in August 2012: "It is good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools to decide whether it is appropriate to report the use of force to parents. In deciding what a serious incident is, teachers should use their professional judgement and also consider the following: the pupil's behaviour and level of risk presented at the time of the incident, the degree of force used, the effect on the pupil or member of staff and the child's age "(DFE Use of Force August 2012)

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The following members of staff completed the Team - Teach Foundation Training Programme in Positive Handling Strategies:

Mrs McAtear
Mrs Haynes
Mrs Lane
Mrs Hanson
Mrs Porter
Miss Robinson

STATEMENT OF SAFEGUARDING CHILDREN

At Bredenbury Primary School, our school community has a duty to safeguard and promote the welfare of children who are our pupils. This means that we have a Safeguarding Children and Child Protection Policy and Procedures in place. All staff including our volunteers and supply staff must ensure that they are aware of our procedures. Parents and carers are welcome to read these Policies on our school website or on a paper copy, on request.

Sometimes we may need to share information and work in partnership with other agencies when there are concerns about a child's welfare. We will always ensure that our concerns about our pupils are discussed with their parents/carers first, unless we have reason to believe that this is not in the child's best interests.

Legislation that came into force on 1.9.98 (Section 550 of the Education Act 1996) together with national guidance DFE 00060-2011 establishing the power of teachers and other staff to use reasonable force if required. This applied to all occasions when that member of staff is in charge of children both on and off school premises.

The non-statutory advice from the Department for Education, 'Use of reasonable force, advice for Headteachers, staff and governing bodies July 2013. was intended to provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to

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make clear the responsibilities of Headteachers and governing bodies in respect of this power.

- It must be clearly understood that this should always be set within the school's overall behaviour management framework.
- It is only used as a last resort under-pinned by sound risk assessment.
- Providing successful inclusion may necessitate physical restraint but only as one of the strategies available for the management of challenging behaviour.
- Only in the event of clearly defined protocols to bring control to the situation, not working or imminent danger to persons, should positive handling be considered.
- There is no legal definition of reasonable force; this would depend on the individual circumstances of each case.
- Only a court may judge what is reasonable in terms of the amount of force used in physical handling and obviously does so retrospectively.

Reasonable force would not include any of the following:

- Holding a child around the neck, collar or other way that may restrict breathing
- Slapping, punching, kicking or tripping a child. Holding or pulling a child by their hair or ear.
- Twisting or forcing limbs against joints.
- Indecently touching or holding.
- Holding a child face down on the ground
- Lifting a child off the floor in order to intimidate

An adult in charge of children has a responsibility to intervene in the event of the following types of incident.

1. Action due to imminent risk of injury
2. Action due to imminent risk of significant damage to property
3. Action where a pupil is compromising good order and discipline - this Behaviour is unlikely to be cause for restraint in a junior school setting as it is usually possible to remove the rest of the children from the scene and allow the child concerned to calm down safely.

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The definition of restraint is:

The positive application of force with the intention of overpowering the child.

- The use of restraint requires skill, judgement and knowledge of non-harmful methods of control.
- Reasonable force would include those methods taught and practised in Team-Teach training.
- The degree of force employed must 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 should always be the minimum needed to achieve the desired result.
- In all cases, the person exercising the restraint must be authorised by the Headteacher (**see Page 3 for the List of Authorised Staff**) and have received appropriate approved training (Team Teach).
- Staff must take into account if the child has an **individual risk assessment** or is listed on the **medical needs register** kept in the Medical Room and follows any guidelines mentioned.
- In the event of restraint becoming necessary, before touching the child, the member of staff (if time allows or it is practicable to do so) should advise the child calmly and repeatedly about what they are going to do and why, and how the child might change his/her behaviour, in order that the restraint would become unnecessary.
- Throughout a restraint the child should be encouraged to calm so that holding is no longer necessary.
- Any other children and adults present should also be advised appropriately as to the actions that were necessary to be taken. If time does not allow for this before the restraint, then it should be done as soon after as possible.

A second adult should be called to reduce the risk for the member of staff or child suffering bodily harm and as a witness, in case allegations of assault are made later by the child.

While intervening, the member of staff must:

- Employ minimum physical force necessary for the minimum period needed.

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- Keep talking to the child and give choices as to how they could behave in a manner that would end the need for restraint.
- Keep calm – do not lose control of temper.

Types of restraint which may be appropriate:

- Any form of holding technique in which a young child is restrained without injury, until the young child calms down.
- Close physical contact with a young person designed to control the young person's movements which pose a danger. Standing by the side of the young person is likely to minimise the risk to adult and young person.
- Change of face plan should be considered to try to de-escalate the situation.
- The holding of a young person's arms or legs to prevent/restrict striking/kicking.
- Appropriate physical force to remove a weapon/dangerous object from a young person's grasp, (if foreseeable this requires specialised training).
- Physically preventing a young person from exposing themselves to possible danger by leaving the premises.

If restraint is required another member of staff must monitor the situation closely with a view to safeguarding the child and the staff member concerned.

After the incident,

- It is vital that a full report must be completed by all concerned.
- This will be countersigned by the Headteacher (if not directly involved) or another member of staff, once the staff involved have been debriefed.
- The agreed debriefing procedures is followed, in order to support the child, the members of staff involved, any other children involved and the parents.

In the event of an incident when physical restraint is required, an incident form will be completed within 24 hours.

- If possible, all staff and children involved will undertake a debriefing meeting with the Headteacher within 24 hours.

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- The parents/guardians or carers should meet with the Headteacher as soon after the incident as possible. A copy of the form will be kept in the office. Parents have the right to request to see this within five days of the incident.
- If an injury has incurred to anyone involved, the usual procedures regarding this will be followed. A First Aider will attend to any resulting injury and this will be recorded. For serious injury to staff a Riddor Form must be completed and sent off.
- If physical restraint is necessary to manage the behaviour of an individual, it would be appropriate to instigate a **Pastoral Support Plan** (PSP) during de-briefing meetings.
- **In the event of physical restraint being necessary on more than one occasion**, it would be appropriate to include **positive handling advice** in the child's **Individual Education Plan** (IEP).
- It is also necessary to compile an **Individual Risk Assessment** in discussion with all staff, parents and any relevant outside agencies.
- In the case of a child with a Statement of Educational Needs, there will be opportunities to address issues of challenging behaviour at annual review meetings and an interim review organised in exceptional circumstances.
- **Looked-After Children** will have a **Personal Education Plan** which features planning and strategies to address challenging behaviour, where appropriate.

The Headteacher and Governors need to ensure that:

- All authorised staff are appropriately trained in Team-Teach, updated by Team-Teach trainers and
- Accept the responsibility of their role by being aware of the guidelines in this policy.

Records are to be kept of any physical restraint or incident involving physical contact in a 'bound and numbered book'.

- Completion of forms must be clear and the report comprehensive.
- The incident form must be completed within 24 hours of incident.
- Parents must be informed and consulted each time a form is completed.

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- These records will be part of an ongoing annual review procedure that examines practice and informs future planning. In addition a named Governor will support the Headteacher, in monitoring and reviewing.
- The Headteacher and Governors need to ensure that, as far as possible, preparation and planning has taken place to identify areas where physical restraint might be used. However, the school may also have to intervene in circumstances where preparation and planning have not been possible.
- When physical restraint takes place, the school will always endeavour to protect children and adults from physical harm, however, there may be cases in which some discomfort and/or bruising may occur, to both staff and children, as a result of the restraint taking place.

If, after receiving the report of an incident where physical intervention has occurred, **the Headteacher considers the school's guidelines have been seriously breached** and that further investigation is warranted, the incident should not be pursued, but action in accordance with Child Protection procedures must be taken. In these circumstances, any school internal investigations must cease and no further statements should be taken. If the school's guidelines have been breached, the Headteacher will contact the LA Personnel Division and advise the staff member to consult his/her professional association.

What happens if a child complains when force is used?

- All complaints about the use of force will be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law i.e. 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
- Where an allegation of using excessive force is made, we will refer to the guidance on 'dealing with allegations of abuse against teachers and other staff.'
- We have a duty of care towards staff and will provide appropriate pastoral care for any member of staff who is subject to a formal allegation following a use of force incident.

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EQUALITY

Bredenbury Primary School fully recognises its duty to comply with equality and diversity legislation, and its Equality Policy sets out the school's aims in relation to equality and what it will do to ensure that equality is fully embedded in practice. Our school is firmly committed to equality and diversity, and when carrying out our functions, we will have due regard to the need: to eliminate unlawful discrimination and harassment; to promote equality of opportunity between men and women, boys and girls.

CONCLUSION

Physical Intervention is a planned positive intervention for out of control or violent behaviour when other de-escalation or limiting options have been exhausted. Through regular training, professional response and effective monitoring the risk of pupils or staff being injured is reduced and the positive relationships which exist between staff and pupils are maintained.

This Policy should be read in conjunction with:

- **Safeguarding Policy**
- **Child Protection Policy**
- **Anti-Bullying and Anti-Cyber Bullying Policy**
- **Health, Safety and Welfare Policy**
- **Discipline Policy**
- **Thrive Policy**