

# The Sandon School



## **USE OF REASONABLE FORCE POLICY**

Last Adoption Date: July 2020

Next Review Date: Summer 2023

## USE OF REASONABLE FORCE POLICY

### INTRODUCTION

1. This Policy should be read in conjunction with the Department for Education (DfE) Guidance of July 2013 as updated.
2. Cross reference should be made to The Sandon School (School) Policies relating to Behaviour, Health Safety and Wellbeing and Safeguarding. This in particular refers to Essex County Council Guidance that will apply.
3. The DfE guidance highlights three key points:
  - A. School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action
  - B. Suspension should not be an automatic response when a member of staff has been accused of using excessive force
  - C. Senior school leaders should support their staff when they use this power
4. Staff in this policy will include all people who have lawful control or charge over students. This includes volunteers such as parents. The School will be cautious in extending authority to them and will give appropriate induction and training.
5. There are important issues relating to risk assessment and incident management to be considered in the context of this Policy.

### AIMS AND COMMITMENTS

6. The aims and commitments of the School in this Policy are:
  - A. To create a teaching and learning environment in which students and staff feel safe
  - B. To have a calm and orderly School climate with positive behaviour strategies
  - C. To protect every person in the School community from harm
  - D. To protect students against any form of physical intervention that is unnecessary, inappropriate, or excessive. To avoid injury if possible
  - E. To provide staff with clear guidance on the reasonable use of force

### STATEMENT OF POLICY

7. Staff will not use reasonable force as a punishment.
8. Students, even adult students and those in a position of authority such as prefects, head students and mentors will not use reasonable force.
9. Statute and guidance stipulate that reasonable force may be used by staff to prevent any student including one from another school from doing, or continue to do any of the following:
  - A. Engaging in any behaviour prejudicial to maintaining good order and discipline whether the behaviour occurs in a teaching session or elsewhere in the School or outside the School when it involves an activity authorised by the School. That is anytime when staff have control or charge of students

- B. Self-injuring
  - C. Causing injury to others
  - D. Damaging property
  - E. Committing a criminal offence or, if a student is under the age of criminal responsibility, what would be considered a criminal offence for an older person
10. Expanding on these principles the School considers staff may use reasonable force to:
- A. Remove a disruptive student from a teaching session when they have refused to follow instructions to do so
  - B. Prevent a student leaving a teaching session where there is a risk to their safety or that of others
  - C. Prevent a student from attacking any member of the School community
  - D. Other times if necessary such as stopping a fight
  - E. Prevent a student causing injury or damage by accident, rough play or the misuse of dangerous materials or objects
11. Staff must feel confident about using reasonable force when it is right and necessary to manage challenging behaviour
12. This Policy must be read and understood by all staff and volunteers and will be part of their induction.
13. Reasonable use of force should be a last resort.
14. Staff will be made aware of students who are considered likely to pose serious behaviour problems or be violent.
15. Staff will be made aware through the SENCO or their deputies of students with SEND, Equality Protection and those who are vulnerable or disadvantaged.
16. Staff are reminded that there are occasions when physical contact other than reasonable force is acceptable such as giving first aid or sports coaching.
17. Staff are reminded not to use reasonable force for minor misdemeanours.
18. The School will have an Intervention Team trained in the use of reasonable force.

#### DEFINING WHAT IS REASONABLE FORCE

19. There is no statutory definition so the School endeavours to find a working solution. It is important to try and preserve the dignity of all concerned.
20. Reasonable means using no more force than is needed to achieve the desired result bearing in mind all the circumstances including making reasonable adjustments when required.
21. Force is reasonable if it is proportionate to the behaviour and nature of the student and the consequences it is intended to prevent. It may involve holding, pushing or pulling.
22. Force is usually used to either control or restrain avoiding injury when possible.

23. Control means either passive physical contact such as standing between students or blocking a student's path or active physical contact such as placing a hand gently on a student's back or leading a student by the hand, arm or shoulder.
24. Restraint means force that controls the free movement of the student. To hold back physically or to bring a student under control such as when two students are fighting and refuse to separate. Use of restrictive holds usually requires special training.

#### PREVENTION COMES FIRST

25. Force is the last resort and staff need to demonstrate they tried to prevent the incident or stop it escalating. They have a duty of care and trust with safeguarding and welfare of students being paramount.
26. All staff need to be aware of the strategies and techniques for dealing with difficult students and the steps they should take to defuse and calm a situation.
27. In the right circumstances you can intervene early preventing a need to be physical with your body language and a non-threatening voice:
  - A. Move calmly and confidently
  - B. Make simple clear statements. Warn first
  - C. Try to maintain eye contact
  - D. Summon help before incident escalates
  - E. Remove the audience of other students if possible
  - F. Encourage the student to self-manage their behaviour and go to a safe space to calm down

#### FORCE NOT TO BE USED

28. Do not use force that could be considered punishment.
29. Do not intentionally cause pain, injury or humiliation.
30. There are restraint techniques explained more fully in the DfE guidance not to be used.
31. Further examples of force not permitted are:
  - A. Holding around the neck and/or restricting breathing
  - B. Holding by hair or with face to ground
  - C. Kicking, slapping punching or tripping
  - D. Forcing limbs against joints
  - E. Touching that could be considered indecent

#### JUDGING WHETHER TO USE FORCE OR NOT

32. The decision is down to professional judgement. Any force must be proportionate to the behaviour of the individual and the harm that may be caused.
33. Staff need to consider the minimum degree of force required over the shortest period of time to prevent physical harm or serious damage to property.
34. Staff need to consider whether the circumstances warrant reasonable force.

35. The School will develop an individual risk assessment where it is known that force is likely to be necessary. These will identify potential control measures.
36. Staff need to make an immediate and usually rapid risk assessment geared to the individual student taking into account:
  - A. if reasonable adjustments are required for SEND, equality protection, vulnerability or disadvantage
  - B. Age, gender, physical strength and any medical conditions of the student
  - C. Level of physical, emotional, intellectual development, understanding and any other relevant conditions
37. Staff may use reasonable force to search without consent as specified in the DfE Guidance.
38. Staff may use force in self-defence where risk of their injury is imminent.
39. Staff may use force when there is developing risk of injury to the person involved or others.
40. Action should be taken for the good of students keeping them safe and stopping them doing something dangerous.

#### INCIDENT MANAGEMENT

41. Staff must tell the student to stop misbehaving and make clear the consequences of failure to do so.
42. Summon help if needed from the Intervention Team. Try not to act without another member of staff being present, preferably someone well known to the student or a member of the Intervention Team.
43. Continue to communicate with the student throughout the incident.
44. Make it clear when physical intervention will stop and that it is not a punishment.
45. Provide medical support and respite if appropriate.
46. Summoning police or any external involvement will only be done by the Headteacher or most senior member of staff available.
47. Staff must keep calm and never give the impression of having lost their temper or acted out of anger or frustration.
48. Staff should endeavour to allow students space so they do not feel trapped or cornered.

#### RECORDS OF INCIDENT AND REPORTING

49. Significant incidents need reporting. This varies from case to case and if in doubt staff should consult the Deputy Headteacher or the Business Manager.

50. The School Health and Safety incident form should be used. The Deputy Headteacher in consultation with the Business Manager will decide on what further report is needed and what information is given to a parent, carer, local authority or any other third party. They will decide what feedback and follow up is appropriate. They will ensure that the member of staff receives a copy of the incident form and any report.
51. In the absence of the Deputy Headteacher or the Business Manager the Headteacher or next most senior member of staff available will deal with matters.
52. Communication of significant incidents is important. Our Data Protection Policy relates to the processing of personal data. In certain circumstances such as the protection of a witness it will be important to take care about releasing information.

#### SUPPORT FOR STAFF AND TRAINING

53. All staff receive a copy of this policy and training as part of their induction.
54. The School supports its staff when using this power remembering that suspension should not be an automatic response when a member of staff has been accused of excessive force.
55. The School may provide support by:
  - A. Counselling or assignment of a mentor
  - B. Additional management support for a period
  - C. In exceptional circumstances leave of absence without detriment
56. Regular training will be given to all staff. Special training will be given to the Intervention Team.
57. If a decision is taken to suspend a member of staff the School will ensure that they have access to a named contact to provide support. The School will provide appropriate pastoral care and support where possible when there is a criminal prosecution or other legal action.

#### COMPLAINTS

58. Complaints about action taken by staff will be dealt with under our Complaints Policy or Policies relating to staff conduct. Parents, carers and other outside parties are reminded that these procedures on staff conduct are often confidential and they may receive limited information as to the outcome of the issue raised by them.

#### MONITORING AND REVIEW

59. The Deputy Headteacher will monitor all significant incidents and report to Governors annually.
60. The School will ensure this Policy is well publicised. It will be reviewed at least every three years. It was adopted by the Governing Board on 6 July 2020.