

Jennett's Park CE Primary

USE OF REASONABLE FORCE POLICY



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USE OF REASONABLE FORCE POLICY

1.1 Definition

Restricted physical intervention is 'the use of force to control a person's behaviour'. As a general rule nobody has the right to touch, move, hold or contain another person. However for people with a duty of care in exceptional circumstances it may sometimes be necessary to act outside the norm. Whenever they do so they should be clear about why it is necessary. The best legal defence would be that any actions taken were in the client's best interest and that they were reasonable and proportionate.

1.2 Legal framework

The 2002 Joint Guidance applies whenever restrictive physical intervention is used. The legal framework is set out in the following legislation: Offences Against the Person Act 1861, The Children and Young Persons Act 1933, Health & Safety at Work Act 1974, Violence at Work 2003, Manual Handling Regulations 1992, The Children Act 1989, Disability Rights Act 2001, The Children Act 2004, Section 93 Education & Inspection Act 2006, Section 45 Violent Crime Reduction Act 2006, United Nations Convention on the Rights of the Child (ratified 1991), Section 550A of the Education Act 1996 and the Human Rights Act 1998.

Jennett's Park use Dynamis Positive Handling training and techniques. A number of teaching and support staff are given access to Dynamis Positive Handling training yearly. Jennett's Park CE Primary School recognises that challenging behaviour is often the result of a breakdown in communication. The training received includes a significant portion on de-escalation techniques to use before any physical intervention is recommended. The ethos of the school reflects our desire to communicate effectively with pupils, staff and parents to prevent such breakdown.

This document takes into account DfE Guidance on Use of Reasonable Force July 2013 <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

2.1 The school ethos

Our vision as a school, is to have every child achieving their greatest potential academically, socially and spiritually. To achieve this, we work with our children in building their confidence as well as developing their ability to challenge themselves and see that they can be more than they think they can be. We aim to develop enquiring minds, a high self-esteem and a true feeling of self-worth, helping everyone to feel valued for their individual and collaborative contributions.

Our Rainbow Promise is integral to everything that we and our children do, believe in and strive to be at school. The values which form part of this Promise and which we all choose to display in our everyday behaviour are: Love, Honesty, Respect, Peace, Forgiveness, Patience, Support, Kindness

Pupils will receive quality care which recognises and caters for their individual needs as far as is appropriate in mainstream school. School rules will work to keep all adults and children safe and provide firm boundaries and limits as well as setting out the sanctions that follow breaking them. Parents will be kept informed about breaches of rules as per the behaviour policy and always when physical intervention has been necessary.

2:2 General policy aims

Staff at Jennett's Park Primary School recognise that the use of reasonable force is only one of the strategies available to secure pupil safety / well-being and also to maintain good order and discipline. Our policy on physical intervention should therefore be read in conjunction with our Behaviour and Child Protection policies.

2:3 Specific aims of the physical intervention policy

- To protect every person in the school community from harm.

- To protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful.
- To provide adequate information and training for staff so that they are clear as to what constitutes appropriate behaviour and to deal effectively with violent or potentially violent situations.

3 Why use physical intervention?

Physical intervention should avert danger by preventing or deflecting a child's action or perhaps by removing a physical object, which could be used to harm him / herself or others. It is only likely to be needed if a child appears to be unable to exercise self-control of emotions and behaviour.

It is not possible to define every circumstance in which physical intervention would be necessary or appropriate and staff will have to exercise their own judgement in situations which arise within the above categories. Staff should always act within the School's policy on behaviour and discipline, particularly in dealing with disruptive behaviour.

Staff should be aware that when they are in charge of children during the school day, or during other supervised activities, they are acting in loco parentis and should, therefore, take reasonable action to ensure pupils' safety and wellbeing.

Failure to physically restrain a pupil who is subsequently injured or injures another, could, in certain circumstances, lead to an accusation of negligence.

3.1 Alternative strategies to prevent and de-escalate behaviours that precipitate the use of physical intervention.

There are some situations in which the need for physical intervention is immediate and where there are no equally effective alternatives e.g. if a pupil is about to run across a road. In many circumstances there are alternatives e.g. use of assertiveness skills such as:

- repetition until the pupil complies.
- use of a distracter, such as a loud whistle, to interrupt the behaviour (such as a fight), long enough for other methods of verbal control to be effective.
- withdrawal of attention (audience) e.g. if an action such as damage to property is threatened.
- other techniques designed to defuse the situation, such as the avoidance of confrontation, or use of humour (in these cases the incident can be dealt with later when emotions are no longer running high).
- The employment of other sanctions consistent with the school's behaviour policy.
- Use of space e.g. changes to the environment, moving around.
- Use non-confrontational stance and posture including facial expressions and intonation.
- Give simple positive messages reinforcing any positive behaviour.

3:2 Use of Physical intervention

Physical intervention should be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing the pupil to regain self-control. It should never take a form which could be seen as a punishment. Physical interventions should account for 5% or less of all interventions.

The school will keep a record of staff trained to use Physical intervention. This is anyone within school at the moment but there are those who are trained by Dynamis to the best de-escalation (see appendix 2). Staff are only authorised to use reasonable force in applying physical intervention, although there is no absolute definition of this, as what constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied.

Government guidance on the use of reasonable force in schools states the following:

What is reasonable force?

1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
2. 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 student needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, schools generally use force to control pupils and to restrain them. 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.
5. Physical intervention 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.
6. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

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 a school, force is used for two main 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.

Schools can use reasonable force to:

- Remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- Prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- Prevent a pupil 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 pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- Restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- Use force as a punishment – it is always unlawful to use force as a punishment.

As a general rule, only the force necessary to stop or prevent the behaviour should be used, in accordance with the guidelines above. Staff should use the minimum force for the shortest amount of time possible.

There are some forms of physical intervention, which may involve minimal physical contact, such as blocking a pupil's path or the staff member physically interposing him or herself between the pupil and another pupil or object. However, in some circumstances, direct physical contact may be necessary.

In all circumstances other methods should be used if appropriate or effective physical intervention should be a last resort. They should prevent injury, pain and distress.

When physical intervention becomes necessary:

DO

- Identify hazards and people likely to come into contact with them.
- Tell the pupil what you are doing and why.
- Prompt positive responses.
- Control the environment, issue clear guidance, provide training and change working practices to reduce exposure.
- Use the minimum force necessary.
- Involve another member of staff if possible.
- Tell the pupil what they must do for you to remove the physical intervention (this may need frequent repetition).
- Use simple and clear language and direction.
- Use holds learned in Dynamis Physical intervention training.
- Relax your physical intervention in response to the pupil's compliance.

DO NOT

- Act in temper (involve another staff member if you fear loss of control).
- Involve yourself in a prolonged verbal exchange with the pupil.
- Involve other pupils in the physical intervention.
- Touch or hold the pupil in sexual areas.
- Twist or force limbs back against a joint.
- Bend fingers or pull hair.
- Hold the pupil in a way which will restrict blood flow or breathing e.g. around the neck.
- Slap, punch, kick or trip up the pupil.

4.1 Actions after an incident

Physical intervention often occurs in response to highly charged emotional situations and there is a clear need for debriefing after the incident, both for the staff involved and the pupil. **A member of the leadership team should be informed of any incident as soon as possible** and will take responsibility for making arrangements for debriefing once the situation has stabilised. An appropriate member of the

teaching staff should always be involved in debriefing the pupil involved and any victims of the incident should be offered support, and their parents informed.

If the behaviour is part of an ongoing pattern it may be necessary to address the situation through the development of an Individual Behaviour Support & Intervention plan or positive handling plan, which may include an anger management programme, or other strategies agreed by the SENCO or pastoral team.

It is also helpful to consider the circumstances precipitating the incident to explore ways in which future incidents can be avoided.

All incidents should be recorded immediately on the Pupil Physical intervention Report Form (see Appendix 1) and in the Behaviour Log. All sections of this report should be completed so that in the event of any future complaint a full record is available. A member of the leadership team will contact parents as soon as possible after an accident, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

5 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 in an Individual Behaviour Support & Intervention or positive handling plan. Such planning will address:

- Management of the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used if necessary).
- Involvement of parents to ensure that they are clear about the specific action the school might need to take and contribute from their experience.
- Briefing of 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.

6 Complaints

A clear physical intervention policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and social services department under child protection procedures.

This policy will be monitored and reviewed on a three yearly basis by the Leadership team and Governors

Appendix 1 RECORD OF PHYSICAL INTERVENTION

Date of incident:
Time of incident:
Pupil Name: D.o.B:
Member(s) of staff involved:
Adult witnesses to physical intervention:
Pupil witnesses to physical intervention:
Outline of event leading to physical intervention:
Outline of incident of physical intervention (including physical intervention method used):
Outcome of physical intervention:
Description of any injury sustained and any subsequent treatment:
Date Parents Informed:

Appendix 2
Record of staff trained January 2022

David Page
Bobby Killick
Louise Rockey
Catherine Lightfoot
Luke Davies
Carla Szadowski
Liz Savage
Shelley Thorpe
Charlotte Drury
Ellie Jones
Roxy Stock
Ellie Jones
Grace Clemens
Gemma Robinson
Phoebe Holcome
Previously Trained but did not attend refresher (Jan 2019)
Maria Rather
Lisa Baker
Jen Allen