



# Alexander Hosea Primary School

*'Roots to grow, wings to fly'*

## Safe Handling & the Use of Reasonable Force Policy – September 2023

### Equalities Impact Assessment (EIA)

This policy has been screened to ensure that we give 'due consideration' to equality of opportunity and has been agreed and formally approved by the appropriate reviewing and ratification Committee.

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<b>Position</b>	Headteacher	<b>Date ratified</b>	November 2023
<b>Document status</b>	Ratified	<b>Next review date</b>	November 2026
<b>EIA approved by</b>	S&W	<b>Reviewing committee</b>	Staffing & Welfare

*EIA = due consideration of potential adverse impacts on the following groups: age; disability; gender and gender reassignment; marriage and civil partnership; pregnancy and maternity; racial groups; religion or belief; sexual orientation.*

### Introduction

This policy is 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 make clear the responsibilities of the headteacher, staff and governing body in respect of this power.

### Rationale

Situations involving decisions about whether to use force can occur in any school and staff need to be aware of sensitivities associated with any form of physical contact with pupils. Both using force and deciding not to can entail significant risks for pupils and staff. This policy should serve to minimise these risks.

### Definition of 'reasonable force'

This covers a broad range of actions that involve a degree of physical contact with pupils.

'Reasonable' means using no more force than is necessary.

'Force' is usually used to control or restrain. This ranges from guiding a pupil to safety by the arm, through to breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.

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

### Aims

- To create a learning environment in which children and adults feel safe.
- To maintain the safety of pupils and staff.
- To prevent serious breaches of school discipline.
- To prevent pupils from hurting themselves or others, from damaging property, or from causing disorder injury.
- To control or restrain pupils where necessary.
- To protect children from abuse.
- To protect staff from the risk of allegations being made.

## **Guidelines**

This policy is underpinned by the school's vision, values and aims.

## **Scope –**

All members of school staff have a legal power to use reasonable force.

This power applies to any member of staff at the school.

A record of authorised staff will be maintained centrally alongside the record of the Disclosure and Barring Service (DBS) checks.

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

**Any physical contact between staff and pupils should be to meet the needs of the pupil.**

**At all times, in all situations, the minimum physical contact should be used.**

## **Minimising the need to use force – staff will:-**

- create a calm, orderly and supportive school climate and environment that minimises the risk of incidents that might require using force.
- develop effective relationships between pupils and staff.
- use the school's values PHSE to teach children how to manage conflict and strong feelings.
- take a structured approach to staff development that helps staff develop the skills of positive behaviour management and also to support each other during and after an incident.
- effectively manage individual incidents and de-escalate these if they do arise.
- wherever practicable, warn a pupil that force may have to be used before using it.
- only use force when the risks involved in doing so are outweighed by the risks involved in not using force.
- provide risk assessments and positive handling plans for individual pupils – an individual risk assessment is essential for pupils whose Special Educational Needs and / or disabilities are associated with:
  - communication impairments that make them less responsive to verbal communication.
  - physical disabilities and /or sensory impairments.
  - conditions which make them fragile (e.g. epilepsy).
- staff should take steps to remove other pupils who might be at risk and summon assistance using the red card if necessary. Similarly if the member of staff is at risk of being injured, assistance should be summoned.

## **Deciding whether to use force**

There is no legal definition of when it is reasonable to use force. That will depend on the individual circumstances and the professional judgement of the member of staff concerned. The degree of force used should be the minimum needed to achieve the desired result.

Those exercising the power to use force must acknowledge their legal duty to make reasonable adjustments for disabled children and children with special educational needs.

## **Reasonable force can be used 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.
- restrain a pupil at risk of harming themselves through physical outbursts.

Staff should only use reasonable force when:

- The potential consequences of not intervening are sufficiently serious to justify considering use of force.
- The chances of achieving the desired result in any other way are low.
- The risk associated with not using force outweighs those of using force.

Parental consent is not required to use force on a pupil.

**IMPORTANT – ONLY THE MINIMUM FORCE NECESSARY TO ACHIEVE THE DESIRED RESULT WILL BE USED.**

**IT IS ALWAYS UNLAWFUL TO USE FORCE AS A PUNISHMENT.**

The type of force used could include active physical contact such as:

- Leading a pupil by the hand or arm.
- Ushering a pupil away by placing a hand in the centre of the back.
- In more extreme circumstances, using appropriate restrictive holds.
- A clear oral warning to the pupil that force may have to be used will be given.
- Any form of restraint that is likely to injure a pupil should only be used in extreme emergencies and where there is no viable alternative.
- Force should not be used unless or until another responsible adult is present to support, observe and call for assistance.
- Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.
- Staff will be made aware of children who are sensitive to touch because of their SEND/cultural background etc.
- 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.

### **Staff Induction/Training**

As part of the induction process, staff will be explicitly informed of their responsibilities in relation to the school policy on safe handling of children.

Staff will be kept informed and advised about how to deal with pupils who present particular risks to themselves or others through staff training / staff meetings.

Team Teach training will be given to staff as and when necessary (e.g. when there is a possibility of restraint needing to be used in the case of a pupil with Special Educational Needs/Disability).

### **Recording incidents**

Any incident which has involved the use of force to control or restrain pupils must be recorded on the 'Incident Requiring the Use of Reasonable Force' pro-forma and handed to the Headteacher to be filed securely in the pupil's file.

The member of staff involved in the incident should compile the record, which should be checked by the member of staff with the lead responsibility for safeguarding.

### **Reporting incidents**

Any recorded incident will be filed as part of the pupil's educational record and must be reported to parents the same day.

### **Post-incident support**

Support will be given to staff and pupils involved in incidents, including meeting immediate physical needs.

Pupils whose behaviour is associated with SEND will have a 'Positive Behaviour Plan' drawn up where necessary, to include strategies to prevent and deal with recurring behaviour that could lead to the use of force.

### **Complaints and allegations**

Parents and pupils have a right to complain about actions taken by school staff. This might include the use of force. All complaints about the use of force will be thoroughly, speedily and appropriately investigated.

If an allegation of abuse is made, the guidance for Safeguarding Children and Safer recruitment will be followed. Such complaints may also be investigated under the school's disciplinary procedure. Other complaints will be dealt with under the school's 'Complaints Procedure'.

### **Monitoring and review**

The number of incidents recorded will be monitored annually and reported to the Full Governing Body.

### **Key Points**

- School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Suspension will not be an automatic response when a member of staff has been accused of using excessive force.
- Senior school leaders will support the staff when they use this power.

### **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 the line when going to assembly or when walking together around the school.
- 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.

### **Power to search pupils without consent**

In addition to the general power to use reasonable force described above, the headteacher 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
- 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.

This policy should be read in conjunction with the school's Behaviour Policy and policies for Safeguarding and Child Protection, Health and Safety and Induction.

It will be reviewed as part of the school's rolling programme of policy review or earlier if required.

**Further information is available from the DFE website, Section 93 of the Education and Inspections Act 2006 and 'Use of Reasonable Force – Advice for head teachers, staff and governing bodies' – July 2013**

**ALEXANDER HOSEA PRIMARY SCHOOL**

**INCIDENT REQUIRING USE OF REASONABLE FORCE RECORD**

**Please note this information must be shared with parents**

Pupil Name	
Date of Birth	
Address	
<p>Incident requiring use of reasonable force</p> <p>Please state reasons for using force and outcome.</p> <p>Include names of witnesses below.</p> <p><i>Continue overleaf if necessary</i></p>	
Recorded by (name and role)	
Date recorded	
Signature of person recording	
Parents informed (how and by whom)	
Any additional Information	
Headteacher's signature	