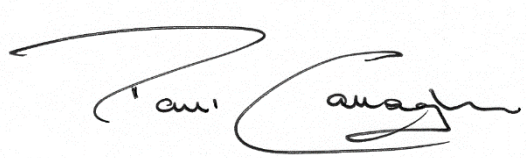




# Policy and Procedure: Physical Contact and Reasonable Force

Date approved by Governing Body:	<b>27<sup>th</sup> March 2017</b>
Signature of Chair of Governors:	
Next Review Date:	<b>March 2018</b> (or as deemed necessary by Strategic Safeguarding Lead following incidents)

## **1. Introduction**

- 1.1 This policy has been constructed to conform to the 1996 Education Act, as it has been amended through the inclusion of Section 550A on 1<sup>st</sup> September 1998.
- 1.2 This policy presents guidelines for staff regarding the use of force to control or restrain any student and identifies the Red House Academy response in situations where staff have used force.
- 1.3 This policy is written with the understanding that staff have always been able to use reasonable force when they defend themselves against an attack or when intervening in any emergency. DfE circular 10/98 attempts to clarify when a member of staff may use force to restrain or control students.

## **2. Situations in which Staff may use Physical Intervention to Control or Restrain Pupils**

- 2.1 In all circumstances involving the use of force it is only appropriate for “reasonable force” to be used. There exists no legal definition of “reasonable force” but all staff should be aware that force should be used only in specific circumstances and that the degree to which force is used will always depend on the age, the understanding and the gender of the students involved, and that the degree of force used must always be in proportion to the circumstances of the incident.
- 2.2 In summary, force may be used ONLY where
  - 1 – There is a certain type of incident, as defined in section 2.3 below
  - 2 – The use of force is reasonable in the circumstances.
  - 3 – The degree of force is proportionate.
- 2.3 In the following situations it may be appropriate for a member of staff to use reasonable force when:
  - A student attacks a member of staff or another student (self-defence),
  - A student attacks a fellow student or students are fighting,
  - A student is engaged in or about to commit deliberate damage or vandalism to property,
  - A student is causing or is at risk of causing injury or damage by accident, by rough play or by misuse of dangerous materials or objects,
  - A student is running on a corridor or stairway in a way that might cause an accident or injury to themselves or to others – particularly likely to be the case in crowded areas with smaller children,
  - A student absconds from a class or tries to leave Red House Academy at an unauthorised time (nb this will only apply if the student’s leaving might itself lead to a risk of injury, property damage or serious disruption),
  - A student is behaving in a way that is seriously disrupting a lesson, Red House Academy event or education visit,
  - A student is behaving in a way that is seriously compromising good order and discipline,
  - A student persistently refuses to obey an order to leave the classroom,
  - A student is behaving in a way that is seriously disrupting the lesson, if they are kept there. Assistance should be sought in such circumstances.

2.4 In all situations staff should take a calm and measured approach. Initial intervention should always be without force. Any physical intervention must follow other appropriate actions.

### **3 The Use of Force is Reasonable**

3.1 There is no legal definition of when it is reasonable to use force. It will always depend on all the circumstances of the case.

3.2 The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. If the circumstances do not warrant the use of physical force, any use of force will be unlawful. Where a situation can be resolved without force, force should not be used. The use of force must normally be the last resort. Though decisions will often need to be made quickly, a number of considerations should be borne in mind when deciding whether the use of force is reasonable in a particular situation.

- The greater the potential of harm (ie injury, property damage or disruption) without physical intervention, the more likely that force is justified.
- The less likely that the situation can be resolved by means other than the use of force, the more likely that force is justified.
- The more risky the resolution of the situation by means other than physical intervention, the more likely that force is justified.

3.3 It follows that physical force could not be justified to prevent a student from committing a trivial misdemeanour, since the potential for harm is low. Where the aim is to maintain good order and discipline, and there is no direct risk to people or property, force will be necessary only very rarely.

3.4 However, it also follows from the above that, where there is an immediate risk of serious injury – for example a student is out of control and about to run on to a busy road, hit someone, or throw a heavy object in a crowded classroom – trying first to resolve the situation by non-physical intervention would clearly be inappropriate. In urgent situations, force may need to be used immediately.

3.5 In the most extreme circumstances, there may be no choice but to risk some injury to a student in order to avoid a greater harm.

## **4. IN PRACTICE**

### **4.1 The Force Used is Proportionate**

4.2 This is closely related to the considerations relating to whether the use of force is reasonable. If a member of staff decides that force is necessary, he or she must then ensure that, in all the circumstances of the case, the degree of force used is also reasonable.

4.3 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 used should be the minimum needed to achieve the desired result.

4.4 The member of staff must bear in mind what it is that the force is being used to try to prevent and use no more force than is necessary to ensure that result.

4.5 If, for example, two students are fighting (and some physical intervention is deemed to be necessary) it may be sufficient to physically interpose between them. It would need to be a serious situation to require the pushing of one student away from another, and only in the most serious cases, where a student is out of control, might the use of restrictive hold be necessary. Likewise, the degree of force needed to be effective will depend upon the age and other physical characteristics of the student (see the section below, "Considering the Individual Involved").

#### **4.6 Management by Staff of Disruptive Behaviour**

##### 4.7 Avoiding the Use of Force

4.8 Physical intervention should never be used as a substitute for good behavioural management in accordance with the Red House Academy Behavioural Policy. All teachers need to develop strategies and techniques for dealing with difficult students which they should use to defuse and calm a situation.

4.9 In non-urgent situations, staff should always try and deal with a situation through other strategies before using force. Their actions should be aimed at reducing the likelihood of situations arising where force might be needed.

4.10 As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated.

4.11 Staff should always communicate with the student calmly, and in a non-threatening manner. Staff should never give the impression that they have lost their temper, or are acting out of anger and frustration, or to punish the student.

##### 4.12 Managing the Use of Force

4.13 The member of staff should consider carefully whether, and if so when and in what form, physical intervention should be used. Before intervening physically, a member of staff should, wherever practicable, tell the student who is misbehaving to stop and what will happen if he or she does not. There should be a clear oral warning to the student that force may have to be used.

4.14 Once force is employed, the member of staff should continue attempting to communicate with the student throughout the incident and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

##### 4.15 Application of force

4.16 Physical intervention should only be used according to the above considerations. The intervention can take several forms. It might involve:

- Physically interposing between students
- Blocking a student's path
- Holding

- Pushing
- Leading a student by the hand or arm
- Shepherding a student away by placing a hand in the centre of the back; or (in extreme circumstances only) using more restrictive holds – specific expertise may be necessary.

#### 4.18 Seeking Assistance

4.19 In certain situations, a member of staff should not intervene in an incident without help. For example, when dealing with an older or physically large student, or more than one student, or if the member of staff believes he or she may be at risk of injury if he or she intervenes, the member of staff should – unless it is an emergency – avoid physical intervention without assistance. In such circumstances, the member of staff should remove other students who may be at risk and summon assistance from a colleague or colleagues. The member of staff should inform the offending student(s) that help has been sent for. Until assistance arrives, the member of staff should continue to attempt to defuse the situation verbally and try and prevent the incident from escalating. In the event that police involvement is deemed necessary, it must be a member of the senior leadership team who takes such responsibility.

#### 4.20 Considering the Individual Involved

4.21 The “circumstances” to be considered in deciding whether the use of force is reasonable and what degree of force is reasonable will depend upon the individual student involved. Considerations will include the age, gender, level of understanding and character of the student. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older students.

4.22 It is also particularly important for staff to be mindful of the needs of students with Special Educational Needs (SEN), behavioural conditions, medical conditions, disabilities, and/or other vulnerabilities.

4.23 Risk assessments are essential for individuals whose special needs are associated with:

- Being less responsive to verbal communications
- Physical disability
- Physical fragility caused by, for example, haemophilia, brittle bone syndrome or epilepsy
- Dependence on equipment, such as wheelchairs, breathing tubes or feeding tubes. These should be carried out by the Safeguarding Officer or Special Needs teams and communicated to staff.

4.24 The nature of the individual(s) involved will also be highly relevant in the context of physical contact in other situations (see section “Physical Contact with Students in Other Circumstances” below).

### **5. After the Event**

5.1 After the event, the student involved may be subject to separate disciplinary procedures. Strategies should be developed to help avoid such incidents in the

future. It may also be necessary to involve external agencies; such as Local Authority children's services, or the police, if a crime may have been committed.

## **5.2 Recording the Incidents**

5.3 It is important that there is a detailed, contemporaneous, written report made of any occasion (except minor or trivial incidents), where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint. Immediately following any such incident, the member of staff concerned should tell the Principal and provide a written report as soon as possible afterwards. That report should include:

- The name(s) of the student(s) involved, and when and where the incidents took place
- Details of whether any of the students involved were vulnerable for SEN, medical or social reasons
- The name(s) of the member(s) of staff directly involved
- The name of any other staff or students who witnessed the incident
- The reason that force was necessary (e.g. to prevent injury to a student or member of staff)
- How the incident began and progressed, including details of the student's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation (including warnings that force might be used), the type of force used, the degree of force used and for how long
- The student's response and the outcome of the incident
- Details of any injuries suffered and any medical attention sought
- Details of any distress suffered by any party and whether any post-incident support was provided
- Details of further disciplinary action against students involved
- Details of any damage to property
- When parents were informed, and what views they expressed (see below)
- Whether information about the incident has been shared with staff or external agencies (eg the police)
- Whether any complaints have been lodged.

5.4 Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report. Incidents involving the use of force can cause the parents of the student involved great concern. It is Red House Academy's policy to inform parents of an incident involving their child and to give them the opportunity to discuss it. The Principal or member of the senior leadership team will need to consider whether that should be done straight away or at the end of the academy day and whether parents should be told orally or in writing.

## **5.5 Complaints**

5.6 Involving parents when an incident occurs with their child should help to avoid complaints. It may not prevent all complaints, however, and a dispute about the use of force by a member of staff could lead to an investigation, either under disciplinary procedures or by the Police and Social Services Department under Child Protection procedures.

- 5.7 The possibility that a complaint might result in a disciplinary hearing or criminal prosecution, or in a civil action brought by a student or parent, cannot be ruled out. In such circumstances, members of staff can expect appropriate support from the governing body and senior management but should contact their professional association.
- 5.8 In those circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances. The panel or court would have regard to the provisions of section 93 of the Education and Inspections Act 2006 (the 2006 Act), as detailed above. It would also be likely to take account of the Red House Academy's Physical Restraint and Reasonable Force Policy, and whether the policy has been followed.

## **6 Training**

- 6.1 Staff will be provided with training in the most effective use of force and restraint techniques. Normally, only those techniques in which staff have been trained should be used.

## **7 The Use of Force in Other Circumstances**

### 7.1 Physical Contact with Students in Other Circumstances

- 7.2 There are occasions other than those covered by section 93 or the 2006 Act when physical contact with a student may be proper or necessary. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching or Technology lessons, or if a member of staff has to give first aid. Young children and children with special educational needs may need staff to provide physical prompts or help. Touching may also be appropriate where a student, particularly a younger child, is in distress and needs comforting. Staff will use their own professional judgement when they feel a student needs this kind of support, but should bear in mind the terms of this policy.

- 7.3 There may be some children for whom touching is particularly unwelcome. For example, some students may be particularly sensitive to physical contact because of their cultural background or because they have been abused. Staff will receive information about these children, usually from the Safeguarding Officer.

- 7.4 Physical contact with students becomes increasingly open to question as students reach and go through adolescence, so staff should bear in mind that innocent and well-intentioned physical contact can sometimes be misconstrued.

### 7.5 Physical Contact with Parents or Other Visitors to the Academy.

- 7.6 An adult visitor (whether the parent of a student or otherwise) may need to be removed from the Academy's premises in the event of sustained unreasonable behaviour, threats of physical violence or aggressive verbal abuse towards staff or students. Section 547 of the Education Act 1996 gives authority for the removal of any visitor "causing or permitting nuisance or disturbance to the annoyance of those lawfully using the Academy".

- 7.7 In all but the most extreme immediate circumstances, it is the role of the police to remove such individuals (the police have the power to do so, despite the Academy being private property, thanks to section 547). Where possible, the police should be called by a member of the Directorate in any circumstances where removal is deemed likely.
- 7.8 Section 547 does also give the same power to staff for these circumstances, though only to those authorised by the Governing Body. Generally, only members of the Directorate are so authorised. The actual physical removal by an employee of an adult visitor to the site should be the very last resort, ie when the employee is faced with an immediate threat to the safety of personnel or property. However, where that is the case, the points made in this policy about the circumstances in which force may be used and its proportional use apply.
- 7.9 The Academy and the police are united in the shared values of crime prevention, crime detection and crime reduction. Continued co-operation between the police and staff is vital in circumstances where an adult may need to be removed from the site.

## **8. Reporting to Parents/Carers**

- 8.1 The Principal will decide whether it is appropriate or not to inform parents/carers of any specific incident. On making this decision, any such report to parents/carers must be in writing and a copy of the communication will be given to the member of staff involved.

*NB: The existence of this policy does not limit a parent/carer's right to complain about the use of physical force. All staff should be aware of the legal position under which they operate, should physical force be used against a student. In extreme circumstances parents/carers may well wish to take civil action or pursue a criminal prosecution.*



## PHYSICAL CONTACT – INCIDENT REPORT FORM

<b>Name of student:</b>		
<b>Date of Birth:</b>		
<b>Year Group:</b>		
<b>Name of staff member:</b>		<b>SEND: YES No</b>
<b>Events leading to this incident</b>		
Where did the incident occur?		
When did the incident occur?		
How did the incident begin?		
<b>Describe the incident</b>		
What behaviour was the student presenting that warranted contact?		

What was happening at the time?

Was anyone else involved?

Did anyone else see what happened? (Give details of other students/staff)?

Was there damage to property or an assault on a student or member of staff during the incident?

What did you do to try and defuse the situation?

How was contact made?

For how long?

By how many staff? Were they authorised?

Was any injury sustained? If yes, give details.

Was this recorded in the Academy's accident book?

Was the student checked by a member of staff who was not involved in the incident? Please state by whom.

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<b>Implication for future planning</b>
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What do you think this behaviour was about?
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<b>Follow up Action</b>
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SLT member received form: Name of SLT member: Parents informed? Letter issued to parents?
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Details of any further action:
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## 5.2

### PHYSICAL CONTACT – INCIDENT REPORT FORM

#### 1. Basic information

Name of School:

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Name of Student:

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DoB: \_\_\_\_\_ Year: \_\_\_\_\_ SEN: Yes / No

Name of member of staff:

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#### 2. Events leading to this incident

Where did the incident occur?

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When did the incident occur? Time: \_\_\_\_\_ Day/Date: \_\_\_\_\_

How did the incident begin? \_\_\_\_\_

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#### 3. Describe the incident

What behaviour was the student presenting that warranted restraint?

What was happening at the time?

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At risk of injury self or others  
At risk of damage to property  
Compromising good order or  
At risk of committing a criminal  
Other (please explain)

disruptive  
 offence

Was anyone else involved? \_\_\_\_\_

Did anyone else see what happened? \_\_\_\_\_

If yes, please give details of other pupils/staff: \_\_\_\_\_

\_\_\_\_\_

What behaviour was the pupil presenting that warranted restraint?

\_\_\_\_\_

Was there damage to the property or an assault on a pupil or staff during the incident?

\_\_\_\_\_

What did you do to try to defuse the situation before using restraint?

\_\_\_\_\_

How was the student restrained? (describe) \_\_\_\_\_

e.g. two people escort; one person wrap; supine control

For how long?

\_\_\_\_\_

By how many staff members?

\_\_\_\_\_

Were they authorised?

\_\_\_\_\_

#### **4. Injuries sustained**

Was anyone injured? **YES / NO**

If yes, give details

\_\_\_\_\_

\_\_\_\_\_

Was this recorded in the accident book? **YES / NO**

Was the pupil checked for injuries by a member of staff who was not involved in the incident? **YES / NO**

If yes, by whom?

\_\_\_\_\_

**5. Implications for future planning**

What do you think this behaviour was about? \_\_\_\_\_

e.g. attention, emotional release, task escape mechanism, other \_\_\_\_\_

\_\_\_\_\_

**6. Follow up Action**

The incident was reported by: \_\_\_\_\_

Designated:

\_\_\_\_\_

Parent/Carer was informed by:

Telephone

Letter (with pupil)

Letter (post)

Personally

When were they informed? Time: \_\_\_\_\_ Date: \_\_\_\_\_

Debriefing session took place on

\_\_\_\_\_

Incident form completed by: \_\_\_\_\_ Post held:

\_\_\_\_\_

Date: \_\_\_\_\_

Copies to: \_\_\_\_\_ School File

**Follow-up Information:**

To be completed by the Principal or authorised member of staff.

Has this student been physically restrained before? **YES / NO**

If yes, how many times at your school? \_\_\_\_\_

**Implications for Future Planning**

Does the student have a behaviour management programme? **YES / NO**

Do changes need to be made to any of the following (Please tick as appropriate)

- The environment e.g. organisation, curriculum
- Targets for teaching new boundaries
- Reinforcement strategies
- Defusing and calming strategies
- Other

Please specify:

\_\_\_\_\_

Do other agencies need to be involved in the future? **YES / NO**

If yes, please specify who and with what aim :

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**Follow up Action:**

Was medical intervention needed? **YES / NO**

If yes, please specify:

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

What other record was kept:

Accident  Form:

Incident Form:

Parent/carer informed by:

Telephone:

Letter:

Direct  Contact:

Principal's signature: \_\_\_\_\_

Date: \_\_\_\_\_