



## PHYSICAL INTERVENTION AND REASONABLE FORCE POLICY

This is a Category 1 Policy (Full Delegation)

This policy is in force until further notice from:	Summer 2023
This policy must be reviewed by no later than*: <i>*This refers to the term in which the Policy must be reviewed by the appropriate Committee for recommendation to the Board.</i>	Autumn 2024
Policy Author(s):	School Improvement Lead - Inclusion
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## 1. Statement of Intent

### 1.1. Aims

This policy aims to:

- Create a learning environment in which pupils and adults feel safe.
- Protect every person in the school community from harm.
- Protect all pupils against any form of physical intervention that is unnecessary, inappropriate, excessive or harmful.
- Put in place guidance for staff so that they are clear about the circumstances in which they might use reasonable force to restrain students and how such reasonable force might be applied.

### 1.2. Definition of Reasonable force

- 1.2.1. The term 'reasonable force' as set out in the DfE *Advice for headteachers, staff and governing bodies on the Use of Reasonable Force* (2013) 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.
- 1.2.2. Whether the force used is reasonable will always depend on the particular circumstances of the case and the test is whether the force used is proportionate to the consequences it is intended to prevent.
- 1.2.3. This means the degree of force used should be 'reasonable in the circumstances' meaning using no more force than is needed.. Force is generally used for two different purposes – to control students and to restrain them.
- 1.2.4. Control can mean either passive physical contact (e.g. standing between students or blocking a student's path) or active physical contact (e.g. leading a student by the hand or arm, or ushering a student away by placing a hand in the centre of the back).
- 1.2.5. Restraint means to hold back physically or to bring a pupil under control. When members of staff use "restraint" they physically prevent a student from continuing what they were doing after they have been told to stop. The use of restraint techniques is usually used in more extreme circumstances, such as when two students are involved in a fight and physical intervention is needed to separate them.
- 1.2.6. 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
- 1.2.7. 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.

### 1.3. Introduction and Legal Framework

- 1.3.1. The Trust endorses the non-statutory advice and guidance from the Department of Education (July 2013), along with any subsequent review recommendations. The following legislation applies to this policy: Section 550A of the Education Act 1996, Education and Inspections Act 2006, DfE Non statutory guidance, 'The Use of Reasonable Force Advice for School Leaders, Staff and Governing Bodies', 2013.

- 1.3.2. The School adheres to government non-statutory guidance and does not adopt a 'no contact' approach, as this breaches the 'duty of care' towards a pupil that all our staff hold within a school setting, or prevent them taking action needed to prevent a pupil causing harm. This guidance is based upon a number of principles. In line with the UN Convention on the Rights of the Child, this policy acknowledges that all pupils have a right to be treated with dignity and respect, and to be protected from their own dangerous behaviour and that of others.
- 1.3.3. The Principals of Schools in the Avanti Trust will ensure that all staff are clear about what constitutes appropriate behaviour and professional boundaries. The maintenance of this good practice is important both to protect children and minimise the risk of allegations being made against staff.
- 1.3.4. Section 93, Education and Inspections Act 2006 sets out that all members of school staff have the legal power to use reasonable force to prevent students committing a criminal offence, injuring themselves or others or damaging property, and to maintain good order and discipline. This power applies to any member of staff in the Avanti Schools Trust School. It can also apply to people whom the Principal has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.
- 1.3.5. The power may be used where the member of staff is lawfully in charge of the pupils, and this includes while on school trips. Staff members can sometimes be worried that using force will lead to false allegations of unreasonable or unlawful conduct in the form of a complaint or legal action. Where a member of staff has acted within the law – that is, they have 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. This policy and related use of force guidance is intended to help staff feel more confident about using their professional judgement when they think it is necessary and reasonable to use force.
- 1.3.6. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.
- 1.3.7. Staff must always avoid touching or holding a student in a way that might be considered inappropriate.

## **2. The use of force – When can reasonable force be used?**

- 2.1. In the context of challenging behaviour, physical intervention with pupils is the positive use of 'reasonable' force (no more force than is needed), in order to avert danger by preventing or deflecting a child's or young adult's action, or by removing the physical object which could be used to harm themselves or others. The School recognises that the use of force is only lawful if its use is reasonable, proportionate, necessary, and where no more force than necessary is used.
- 2.2. Any physical restraint techniques should ONLY be used within an environment which aims to anticipate and defuse unsafe behaviour; therefore, proactive and preventative approaches should be used in accordance with the Behaviour Principles Written Statement and the School Behaviour Policy.
- 2.3. The School recognises that consistency in staff approaches towards the management of behaviour are key to promoting good behaviour. Techniques to de-escalate a problem should be used first, wherever possible. The following actions could also be used to reduce the risk of escalation:

- The appropriate use of language, gestures and communication support aids, positive tone of voice and non-threatening body stance
  - Verbally or responding by gesture, including British sign language or Makaton sign language, PECS (Picture Exchange Communication System) or tactile communication systems) to acknowledge the child's distress/anger and attempting to calm the heat of the moment; listening and/or observing and reassuring
  - Asking/requesting in different forms, onlookers to ignore an escalating situation and in some circumstances
  - Asking/requesting them to leave the scene
- 2.4. Physical intervention to control or restrain a pupil should be used as a last resort and should take into consideration the following: pupil need, age and stage of development;
- 2.5. When the use of physical force is necessary to address challenging behaviour, it must be reasonable, proportional in the circumstances and maintain the safety and dignity of all concerned. It should be used in a manner which is consistent with the statutory duty upon schools to safeguard and promote the welfare of pupils and their staff.
- 2.6. Staff do not have a duty to physically intervene if it would harm them at any risk.
- 2.7. The degree of force that may be used depends on all the particular circumstances. When considering what constitutes 'reasonable force' there are five relevant considerations:
- 1) The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it.
  - 2) It should be possible to show that, unless immediate action had been taken, there were strong indicators that hurting themselves or others, damaging property, or causing disorder would follow.
  - 3) The use of any degree of force is unlawful if the particular circumstances do not warrant the use of such physical force, and therefore should be in proportion to the incident.
  - 4) Force can be used to physically restrain a student to bring them under control. It should only employ a minimum amount of force - i.e. the minimum force needed to avoid injury, damage to property or to prevent a breakdown in discipline - for the shortest period of time.
  - 5) The degree of force used will also be dependent on the age, understanding, physical maturity, developmental stage, sex of the student and whether the student has a special educational need. The decision to physically restrain a student must take account of these circumstances and be based on an assessment of the risks associated with the intervention, compared with the risks of not employing a physical intervention. Schools have a legal duty to make reasonable adjustments for disabled pupils and pupils with special educational needs (SEN).
- 2.8. The decision whether to use controlling or restraining force on pupils is down to the professional judgement of the staff member concerned. When a student needs physical intervention as part of his/her daily management plan, a designated member of staff will complete the Risk Assessment with the parent/ guardian and student.

2.9. The purpose of any intervention is to restore safety. Physical intervention i.e. to control or restrain, should not be continued for longer than is necessary.

2.10. Physical interventions should never be used in anger and staff should make every effort to avoid any injury to the pupil. Brief periods of withdrawal away from the point of conflict into a calmer environment may be more effective for an agitated pupil than holding to control a pupil or restrain them.

Some examples of situations where reasonable force might be used are:

	Examples
Where action is necessary in self-defence or because there is an imminent risk of injury	<p>A pupil attacks a member of staff or another pupil pupils are fighting</p> <p>A pupil absconds from a class or tries to leave school – this will only apply if a pupil could be seriously at risk if not kept in the classroom or at school</p>
Where there is a risk of significant damage to property	<p>A pupil is engaged in, or is on the verge of committing, significant damage or vandalism to property</p> <p>A pupil is causing, or is at risk of causing, injury or damage by accident, by rough play or by misuse of dangerous materials or objects</p>
Where a student is behaving in a way that is severely compromising good order and discipline.	<p>A pupil is behaving in a way that is severely disrupting the school</p> <p>To remove disruptive children from the classroom where they have refused to follow an instruction to do so;</p> <ul style="list-style-type: none"> <li>• prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;</li> <li>• 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;</li> <li>• prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and</li> <li>• restrain a pupil at risk of harming themselves through physical outbursts.</li> </ul>

### 3. Principles for using Reasonable Force in Avanti Schools

- 3.1. Prevention should be the primary consideration. As the use of force should only be a last resort, staff and volunteers should minimise the possibility of force being needed by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind. Steps to avoid these situations should be taken and the adult should be able to demonstrate that those steps were taken.
- 3.2. All staff in The Trust need to be aware of strategies and techniques they can take to defuse and calm a situation. Leaders should take steps to ensure training for staff who may need to use reasonable force over the course of their work. Staff and new staff should be given a copy of this policy as part of their induction.
- 3.3. This policy and the approaches it endorses will be reviewed as an integral part of the School Behaviour Policy. This policy should not be viewed in isolation and is closely related to the following:
  - Child Protection and Safeguarding Policy
  - Behaviour Principals Written Statement
  - Staff Code of Conduct
  - SEN/D Policy
- 3.4. The Trust will endeavour to ensure that all staff know and understand their roles and responsibilities in relation to the management of students.
- 3.5. Designated staff (e.g. Tutors or Key Stage leaders) will monitor and analyse the behaviour patterns of students and will use this information to feed into other school areas, for example: teaching and learning approaches, provision development and strategies to encourage positive behaviour management, including de-escalation techniques.
- 3.6. Staff Professional Development - professional development in the area of physical interventions should be revisited on a regular basis as an integral part of review panel / pastoral meetings and staff/senior leadership meetings. It is an important element of induction process and INSET session
- 3.7. Staff should be made aware of individual students with complex behavioural needs or who may be violent.
- 3.8. The SENDCO will keep staff informed about students with special educational needs who may require special attention with regard to their physical management. Staff will consult with the SENDCO regarding any concerns that they have about the physical management of students with special educational needs.
- 3.9. Some potential strategies are listed below as examples will be influenced by the age of the student(s) and the context in which they are applied.
  - Move calmly and confidently
  - Make simple, clear statements

- Intervene early
- Try to maintain eye contact
- If necessary summon help before the problem escalates
- If possible, remove the audience from the immediate location
- Slowing one's pace
- Lowering the voice
- Breathing more deeply
- Initially matching the pitch and volume of the child's emotional display (shout, cry etc) and then regulate it down
- Talking slowly, firmly, and quietly in an unhurried and unflustered way
- Providing clear predictable and consistently held boundaries

#### **4. Recording the use of Force**

- 4.1. Procedures should be in place for recording any incident in which a member of staff uses force on a student, and for reporting these incidents to the student's parents/carers as soon as practicable after the incident. Staff will use the Incident Report form at the end of this policy. The Principal will take all reasonable steps to ensure that staff follow the procedure. This is to ensure that parents/carers are kept informed of serious events at school concerning their child. If reporting the incident to a parent would be likely to result in significant harm to the student, then the incident must be reported to the local authority where the student normally lives.
- 4.2. Whether an incident is significant will vary on a case by case basis, but in determining whether it is, staff will need to consider factors such as the student's behaviour and the level of risk presented at the time, the degree of force used and whether it was proportionate in relation to the behaviour together with the effect on the pupils or member of staff and the pupil's age.
- 4.3. Such records may be required for future reference. Immediately following any use of reasonable force the member of staff concerned should inform the Principal or a member of the senior leadership team and provide a written report. Parents/ carers should be contacted as soon as possible and the incident explained to them. This report will be uploaded to CPOMS.. The Principal will advise staff of any support they may need if they are injured after using physical intervention.
- 4.4. Where a student has caused actual harm or injury, details will need to be recorded in the school accident book.



## 5. Dealing with complaints and allegations regarding the use of force

5.1. Parents/carers and students have a right to complain about actions taken by school staff, including any use of force. If a specific allegation is made against a member of staff then the Trust will follow procedures set out in the Trust's Complaints Policy, with reference to the following Guidance:

- Use of Reasonable Force – July 2013
- Keeping children safe in education, Department of Education 2020 and Safeguarding Children and Safer Recruitment in Education (2012)

5.2. Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this can provide a defence to any criminal prosecution or other civil or public law action.

5.3. Any allegations against staff should follow the procedures set out in the Child Protection and Safeguarding Policy, including making contact with the Local Authority Designated Officer (LADO) where necessary.

5.4. Trustees should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

5.5. As employers, the Trust has a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following an incident of use of force.

<b>Avanti Schools Trust</b>			
<b><u>Incident report for Physical Intervention</u></b>			
<b>Student name:</b>		<b>Tutor group:</b>	
<b>Incident date:</b>		<b>Time:</b>	<b>Location:</b>
<b>Names of staff involved</b> (directly or witnesses):		<b>Names of students involved</b> (directly or witnesses):	
<b>Description of events leading to the incident</b> (including any triggers):		<b>De-escalation strategies used to prevent incident:</b>	
		<input type="checkbox"/> Move calmly and confidently <input type="checkbox"/> Slowing one's pace <input type="checkbox"/> Make simple, clear statements <input type="checkbox"/> Lowering the voice <input type="checkbox"/> Intervene early <input type="checkbox"/> Breathing more deeply <input type="checkbox"/> Try to maintain eye contact <input type="checkbox"/> Matching pitch and volume and regulating down <input type="checkbox"/> If necessary summon support	
<b>Other:</b>			
<b>Reason for Physical Intervention (identified risk and to whom):</b>		<b>Description of Physical intervention (PI) used:</b>	

<input type="checkbox"/> Injury to self <input type="checkbox"/> Injury to others <input type="checkbox"/> Damage to property <input type="checkbox"/> Criminal offense <input type="checkbox"/> Serious disruption <input type="checkbox"/> Other (please detail)	<p><b>Other PI or further details:</b>  <i>(i.e where did you hold / how did you move the student away)</i></p>									
<p><b>Duration of hold:</b></p>	<p><b>Injuries / damage:</b>  <input type="checkbox"/> Student    <input type="checkbox"/> Staff    <input type="checkbox"/> Property</p> <p><b>Include details:</b></p>									
<p><b>Post incident support / action taken for students and staff:</b></p> <table border="0"> <tr> <td><input type="checkbox"/> Behaviour Support Plan/ Individual Learning Plan/ Risk Assessment</td> <td><input type="checkbox"/> Review plans</td> </tr> <tr> <td><input type="checkbox"/> Recovery time for staff</td> <td><input type="checkbox"/> Recovery time for student</td> </tr> <tr> <td><input type="checkbox"/> Parents / carers informed</td> <td><input type="checkbox"/> Other agencies informed.....</td> </tr> <tr> <td><input type="checkbox"/> Physical intervention record form completed</td> <td></td> </tr> </table>			<input type="checkbox"/> Behaviour Support Plan/ Individual Learning Plan/ Risk Assessment	<input type="checkbox"/> Review plans	<input type="checkbox"/> Recovery time for staff	<input type="checkbox"/> Recovery time for student	<input type="checkbox"/> Parents / carers informed	<input type="checkbox"/> Other agencies informed.....	<input type="checkbox"/> Physical intervention record form completed	
<input type="checkbox"/> Behaviour Support Plan/ Individual Learning Plan/ Risk Assessment	<input type="checkbox"/> Review plans									
<input type="checkbox"/> Recovery time for staff	<input type="checkbox"/> Recovery time for student									
<input type="checkbox"/> Parents / carers informed	<input type="checkbox"/> Other agencies informed.....									
<input type="checkbox"/> Physical intervention record form completed										
<p><b>Report completed by:</b></p>	<p><b>Signature:</b></p>	<p><b>Date:</b></p>								

Please scan a copy of this form and upload it to CPOMS