



AVANTI SCHOOLS TRUST

Physical Intervention & Reasonable Force Policy

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Summer 2023

Review date: Autumn 2025

PHYSICAL INTERVENTION AND REASONABLE FORCE POLICY

This Policy 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 2025
Policy Author(s):	CEO
Date policy reviewed by Committee and Minute reference	Learning, Teaching & Standards Committee: 14.10.24 (Minute reference 16)
Date Policy approved by the Trust Board and Minute reference	28.06.23 (Minute reference 151.5)
Location of publication of policy:	Governor Hub/ AST Website/ Internal Records and Intranet

1. Statement of Intent

1.1. Aims:

This policy aims to:

- Create a learning environment in which children, young people and adults feel safe.
- Protect every person in the school community from harm.
- Protect all children and young people 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 children or young people 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 children and young people.
- 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 children or young people and to restrain them.
- 1.2.4. Control can mean either passive physical contact (e.g. standing between children or young people or blocking a child or young person’s path) or active physical contact (e.g. leading a child or young person by the hand or arm or ushering a child or young person away by placing a hand in the centre of the back).
- 1.2.5. Restraint means to hold back physically or to bring a young person under control. When members of staff use “restraint,” they physically prevent a child or young person 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 children or young people 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 young person.
- 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 endorsed 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 adopt a "no contact" approach, as this breached the "duty of care" towards a young person that all our staff hold within a school setting or prevent them taking action needed to prevent a young person 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 children and young people 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 children or young people 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 Trust School. It can also apply to people who the Principal has temporarily put in charge of children and young people such as unpaid volunteers or parents accompanying children or young people on a school organised visit.
- 1.3.5. The power may be used where the member of staff is lawfully in charge of the children and young people, 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 child or young person 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 children and young people 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 young person should be used as a last resort and should take into consideration the following: young person 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 children and young people and their staff.
- 2.6. Staff do not have a duty to physically intervene if it would put 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 child or young person 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 child or young person and whether the child or young person has a special educational need. The decision to physically restrain a child or young person must take into 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 children and young people and children and young people with special educational needs (SEN).
- 2.8. The decision whether to use controlling or restraining force on children and young people is down to the professional judgement of the staff member concerned. When a child or young person 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 child or young person.
- 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 young person. Brief periods of withdrawal away from the point of conflict into a calmer environment may be more effective for an agitated young person than holding to control a young person 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	<ul style="list-style-type: none"> • A young person attacks a member of staff or another young person • Children and young people are fighting • A young person absconds from a class or tries to leave school – this will only apply if a young person could be seriously at risk if not kept in the classroom or at school
Where there is a risk of significant damage to property	<ul style="list-style-type: none"> • A young person is engaged in, or is on the verge of committing, significant damage or vandalism to property • A young person is causing, or is at risk of causing, injury or damage by accident, by rough play or by misuse of dangerous materials or objects
Where a child or young person is behaving in a way that is severely compromising good order and discipline.	<ul style="list-style-type: none"> • A young person is behaving in a way that is severely disrupting the school. • To remove the disruptive children from the classroom where they have refused to follow an instruction to do so: <ul style="list-style-type: none"> ○ Prevent a young person behaving in a way that disrupts a school event or a school trip or visit. ○ Prevent a young person leaving the classroom where allowing the young person to leave would risk their safety or lead to behaviour that disrupts the behaviour of others. ○ Prevent a young person from attacking a member of staff or another young person, or to stop a fight in the playground; and ○ Restrain a young person at risk of harming themselves through physical outbursts.

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 clam 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 children or young people.
- 3.5. Designated staff (e.g. Tutors or Key Stage Leaders) will monitor and analyse the behaviour patterns of children or young people 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 the induction process and INSET session.
- 3.7. Staff should be made aware of individual children or young people with complex behavioural needs or who may be violent.
- 3.8. The SENDCO will keep staff informed about children or young people 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 may have about the physical management of children or young people with special educational needs.
- 3.9. Some potential strategies are listed below as examples and will be influenced by the age of the child or young person(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 child or young person, and for reporting these incidents to the child or young person'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 child or young person, then the incident must be reported to the local authority where the child or young person normally lives.
- 4.2. Whether an incident is significant will vary on a case by case basis, but in determining where it is, staff will need to consider factors such as the child or young person'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 children and young people or member of staff and the young person'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 child or young person 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 children or young people 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 member of staff has acted within the law when reaching a decision on whether or not to take disciplinary action against the member of staff.
- 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.

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

Avanti Schools Trust			
<u>Incident report for Physical Intervention</u>			
Child or young person name:			Tutor group:
Incident date:		Time:	Location:
Names of staff involved (directly or witnesses):		Names of children or young people involved (directly or witnesses):	
Description of events leading to the incident (including any triggers):	De-escalation strategies used to prevent incident:		
	<div style="display: flex; justify-content: space-between;"> <div style="width: 48%;"> <input type="checkbox"/> Move calmly and confidently <input type="checkbox"/> Make simple, clear statements <input type="checkbox"/> Intervene early <input type="checkbox"/> Try to maintain eye contact <input type="checkbox"/> If necessary summon support </div> <div style="width: 48%;"> <input type="checkbox"/> Slowing one's pace <input type="checkbox"/> Lowering the voice <input type="checkbox"/> Breathing more deeply <input type="checkbox"/> Matching pitch and volume and regulating down </div> </div> <p>Other:</p>		
Reason for Physical Intervention (identified risk and to whom):		Description of Physical intervention (PI) used:	
<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>Other PI or further details:</p> <p><i>(i.e where did you hold / how did you move the child or young person away)</i></p>	
Duration of hold:			
Description of how the incident was resolved / outcome:		<p>Injuries / damage:</p> <div style="display: flex; justify-content: space-around;"> <input type="checkbox"/> Child or young person <input type="checkbox"/> Staff <input type="checkbox"/> Property </div> <p>Include details:</p>	

Post incident support / action taken for children or young people and staff:

☐ Behaviour Support Plan/ Individual

☐ Learning Plan/ Risk Assessment

☐ Recovery time for staff

☐ Parents / carers informed

Physical intervention record form
completed

☐ Review plans

☐ Recovery time for child or young
person

Other agencies
informed.....
.....

Report completed by:

Signature:

Date: