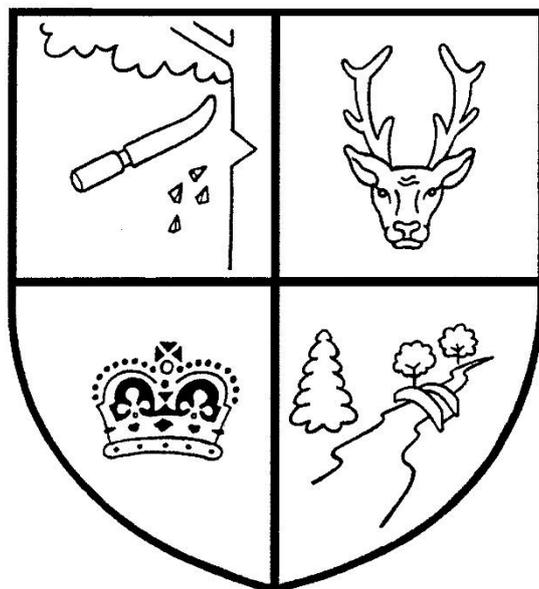


# THOMAS WILLINGALE SCHOOL and NURSERY



## ***Reasonable Force and Restraint Policy***

## REASONABLE FORCE AND RESTRAINT POLICY

This Policy should be read in conjunction with the DCSF guidance published in April 2010, “The use of force to control or restrain children” and our behaviour and relationship policy

### Aims

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

### Legal Framework

All school staff members have a legal power to use reasonable force to prevent children committing a criminal offence, injuring themselves or others or damaging property, and to maintain good order and discipline.

Section 93 of the Education and Inspections Act 2006 enables school staff to use reasonable force to prevent a child from:

- a) committing a criminal offence (or, for a child under the age of criminal responsibility, what would be an offence for an older child); or
- b) causing personal injury or damage to property; or
- c) prejudicing the maintenance of good order and discipline at the school or among any children receiving education at the school, whether during a teaching session or otherwise.

The staff to which this power applies are:

- i. any member of staff at the school;
- ii. any other person whom the head has authorised to have control or charge of children. This can also include people to whom the head has given temporary authorisation to have control or charge of children such as unpaid volunteers (for example parents accompanying children on school-organised visits); and
- iii. does **not** include any children (including those in positions of authority, such as house captains).

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

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. But if the force used is reasonable all staff will have a robust defence against any accusations. This policy and related use of force guidance is intended to help staff feel more confident about using force when they think it is right and necessary.

**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.

### Reasonable force

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.

This means the degree of force used should be the minimum needed to achieve the desired result. In schools force is generally used for two different purposes – to control children and to restrain them.

- Control can mean either passive physical contact (e.g. standing between children or blocking a child’s path) or active physical contact (e.g. leading a child by the hand or arm, or ushering a child away by placing a hand in the centre of the back).
- When members of staff use “restraint” they physically prevent a child 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 are involved in a fight and physical intervention is needed to separate them.

### **Judging whether to use force and what force to use**

The judgement on whether to use force and what force to use will always depend on the circumstances of each case and – crucially in the case of children with SEN or disabilities – information about the individual concerned.

The school will develop an individual risk assessment where it is known that force is more likely to be necessary to restrain a particular child, such as a child whose SEN and/or disability is associated with extreme behaviour.

Based on this legal framework, our ‘working’ definition of ‘reasonable force’ is the minimum force necessary to prevent a child from physically harming him/herself or others or seriously damaging property, but used in a manner which attempts to preserve the dignity of all concerned. The use of reasonable force will always depend on the circumstances of the case and staff should take the following into consideration:

- whether it is reasonable to use force, and the degree of force that could reasonably be employed, given the age, sex, physical strength, size, understanding, medical conditions and any special educational needs of the child.
- the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a child from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.
- the degree of force employed should 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 always be the minimum needed to diffuse the situation.

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

- to prevent a child from attacking a member of staff, or another child, or to stop a fight between two or more children;
- to prevent a child causing deliberate damage to property;
- to prevent a child causing injury or damage by accident, by rough play, or by misuse of dangerous materials or object;
- to ensure that a child leaves a classroom where the child persistently refuses to follow an instruction to do so;
- to prevent a child behaving in a way that seriously disrupts a lesson; or
- to prevent a child behaving in a way that seriously disrupts a school sporting event or school visit.

### **Prevention should be the primary consideration.**

Steps to avoid these situations should be taken and the adult should be able to demonstrate that those steps were taken. Physical restraint should always be the last resort.

Staff have a responsibility to ensure the safety and welfare of their children. They are in a particular position of trust (in loco parentis).

The following should be applied in all cases:

- Staff should delay if at all possible. (However, in some circumstances e.g. a child running out onto the road, you might be deemed negligible if you do not intervene.)
- An ‘on the spot’ risk assessment for each occasion that you feel reasonable force or restraint may be necessary should be made.
- Consideration should be given to the environment, the medical circumstances and the clothing.
- Action being taken should always be for the good of the child, trying to keep them safe.
- Assure the child that the restraint is not a punishment.
- Never use other children in the restraint.
- Restraint or reasonable force should be witnessed by another responsible adult. Staff should use the *red card* system to call for another adult if restraint or reasonable force is needed and another adult is not available in the area.

**Reasonable force might be used:-**

- in self defence, where risk of injury is imminent;
- when there is developing risk of injury to the person deemed in need of restraint or others.

Physical intervention in these circumstances may take several forms, e.g.:-

- physically interposing between children;
- blocking a child's path;
- holding;
- leading a child by the hand or arm;
- shepherding a child away by placing a hand in the centre of the back; or
- (in extreme circumstances) using more restrictive holds.

The law strictly prohibits the use of force, which constitutes the giving of corporal punishment. The use of force as a punishment or to intentionally cause pain, injury or humiliation, such as the examples below, (which are not exhaustive) should not be permitted under any circumstances:

- holding around the neck;
- any hold that might restrict breathing;
- kicking, slapping or punching;
- forcing limbs against joints;
- tripping;
- holding by the hair; and
- holding the child face down on the ground.

Physical intervention may involve staff in:-

- holding
- pushing
- pulling

Staff must always avoid touching or holding a child in a way that might be considered indecent.

Where a child has caused actual harm or injury, details will need to be recorded in the school accident book.

**General principle of behaviour management**

Because the use of force should only be a last resort, staff and volunteers at Thomas Willingale School recognise that they 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.

**Recording the use of significant incidents**

From September 2010, governing bodies must ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a child, and for reporting these incidents to the child's parents as soon as practicable after the incident. Our staff will use The MY CONCERN recording system and all staff have training on this. Appendix A is a guide on how to complete this concern on line. The Governing Body will take all reasonable steps to ensure that staff follow the procedure. This is to ensure that parents 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, then the incident must be reported to the local authority where the child normally lives.

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 child'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 child or member of staff. Members of staff should not put themselves at risk. An individual would not be seen to be failing in their duty of care by not using force to prevent injury, if doing so threatened their own safety.

Such records may be required for future reference. Immediately following any such incident the member of staff concerned should inform the Headteacher or a senior member of staff and provide a written report.

Parents/carers should be contacted as soon as possible and the incident explained to them. This action will also be recorded in the incident log.

Staff should keep their own copy of any written report.

### **Roles and Responsibilities**

The school will endeavour to ensure that all staff know and understand their roles and responsibilities in relation to the management of children. Legislation allows 'members of staff' to use 'reasonable force' and defines a member of staff as 'any teacher who works at the school and any person who, with the authority of the Headteacher, has lawful control or charge of children at the school'. The Headteacher will confirm with all staff whether they meet the terms of this definition.

Regular training will be given to staff and new staff should have access to a copy of the policy as part of their induction.

Staff who are fully trained in positive handling procedure should always be called upon where possible and more than one member of staff should be present.

Staff should be made aware of individual children who are considered likely to pose serious behavioural problems or violence.

The Inclusion Manager will keep staff informed about children with special educational needs who may require special attention with regard to their physical management. Staff will consult with the Inclusion Manager regarding any concerns that they have about the physical management of children with special educational needs.

### **Preventative Strategies**

All staff in school need to be aware of strategies and techniques for dealing with difficult children and steps, which they can take to defuse and calm a situation. The strategies listed below as examples will be influenced by the age of the child(s) and the context in which they are applied.

- 1) Move calmly and confidently;
- 2) Make simple, clear statements;
- 3) Intervene early;
- 4) Try to maintain eye contact;
- 5) If necessary summon help before the problem escalates; and
- 6) If possible, remove the audience from the immediate location.

### **ACTION STEPS**

- 1) Tell the child who is misbehaving to stop and tell him/her the possible consequences of failure to do so.
- 2) Summon another adult. (Another adult should be present if physical restraint of any kind needs to be applied.) Use the 'red emergency paddle' or send another child / message to alert a member of the senior leadership team.
- 3) Continue to communicate with the child throughout the incident.
- 4) Make it clear that physical intervention will cease as soon as it is no longer necessary.
- 5) Appropriate follow-up action should be taken, which may include:
  - a. providing medical support;
  - b. providing respite for those involved; and
  - c. accessing external advice/support.

A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper or are acting out of anger or frustration when handling a problem. Whilst limiting damage to property and/or persons, it is advisable not to 'corner' or give the child a feeling of being 'trapped' in any way as this can often inflame reactions. Where possible, allow the child space to move.

### **Dealing with complaints and allegations regarding the use of force**

Parents and children 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 school will follow procedures set out in

- the school's Complaints Policy;
- the school's Dealing with Allegations Against Staff Policy;

With reference to the following DCSF Guidance:

- The use of force to control or restrain children April 2010
- Child protection policy 2024
- Behaviour and Relationships policy 2024

Date: October 2024

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**APPENDIX A: INCIDENT RECORD FORM**

Details of child on whom force was used – name, class and any Special Educational Needs, disability or other vulnerability

Date, time and location of incident

Names of staff (or volunteers) involved (directly and as witnesses)

Details of other children involved (directly or as witnesses), including whether any of the children involved were vulnerable for SEN, disability, medical or social reasons

Description of incident by the staff involved including any attempts to de-escalate and warnings given that force might be used

Reason for using force and description of the force used

Any injury suffered by staff or children and any first aid and/or medical attention required

Reasons for making a record of this incident

Follow up, including post-incident support and any disciplinary action against children

Any information about incident shared with staff not involved in it and external agencies

When and how those with parental responsibility were informed about the incident and any views they have expressed

Has any complaint been lodged (details should not be recorded here)?

Report compiled by:	
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Name and role:	
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Date	
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Report countersigned by:	
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Name and role:	
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Date	
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The member of staff involved in the incident compiles the incident report. The member of staff with lead responsibility for safeguarding checks the record and that the school provides the member of staff involved in the incident with a copy of the final version. It is important that this information is treated in confidence.

All accounts of the same incident should be recorded, including those of the child or children involved. Parents should not be given a copy of the incident record as a matter of course, but they should be told when and where the incident took place, why it was decided that force had to be used, the strategies used to try to avoid having to use force, what force was used, whether there were any injuries and what follow-up action (support and/or disciplinary) was being taken in relation to their child. Ordinarily the names of those involved in the incident should not be disclosed in the report. However, the child may give this information to the parent or the parent can request the information from the school. The school should deal with these requests in accordance with the Data Protection Act 2018.