

Use of Force by Staff to Control or Restrain Pupils Policy

November 2023

This policy replaces the earlier 'Reasonable Force Policy'

This policy has been drawn up in consultation and agreement with all staff at Darland High School, governors, those with parental responsibility, pupils and the trades unions.

At Darland High School our aim is to provide a welcoming, secure and safe environment.

This policy should be read in conjunction with the guidance issued from time to time by the Welsh Government and with particular reference to Circular 097/2013 "Safe and effective intervention – use of reasonable force and searching for weapons". The school follows the principles and recommendation set out in this guidance. It should also be read in conjunction with the school's pupil behaviour policy.

Our aim is to create an environment in which the use of force in relation to a pupil is unlikely and situations are diffused before it becomes necessary.

However, 097/2013 states:

"Schools should never seek to inhibit the ability of staff to use force by adopting a 'no contact' policy. The power to use force helps ensure pupil and school safety and the risk with a no-contact policy is that it might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking an action needed to prevent a pupil causing injury to others".

Circumstances in which reasonable force may be used

Section 93 of the Education and Inspections Act 2006, replaced Section 550A of the Education Act 1996 and enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

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

Staff authorised to use force

The staff to which this power applies are defined in section 95 of the Act. They are:

- Any teacher who works at the school, and any other person whom the head has authorised to have control or charge of pupils. This:
 - I. includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
 - II. can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school-organised visits)
 - III. does not include prefects.

Staff need to make judgements about:

- Whether to use force and what force to use should always depend on the circumstances of each case and - crucially in the case of pupils with ALN and/or disabilities - information about the individual concerned.
- Darland High School will ensure that relevant staff will be made aware of any individual pupils behaviour plans e.g. IBP, PSP and/or specific needs of individual pupils and in particular those with Special Education Needs, which may impact on the range, type and appropriateness of any physical intervention.
- Decisions on whether the precise circumstances of an incident justify the use of significant force must be reasonable. Typically such decisions have to be made quickly, with little time for reflection. Nevertheless, staff need to make the clearest possible judgments about:
 - the seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used. The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified;
 - the chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified; and
 - the relative risks associated with physical intervention compared with using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force may be justified.

Some examples of situations where reasonable force might be used:

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

*** Where a pupil is disruptive in a classroom and refuses to move, the appropriate action in the first case is to call for assistance from a senior member of staff, or failing that, a colleague. Should the pupil continue to refuse to leave, the class should be moved to another room and the parents of the misbehaving pupil contacted. Reasonable force should only be used as a last resort and where learning is disrupted.*

Examples of situations where reasonable force should not be used

- Where a pupil refuses to remain in a classroom for a detention. Members of staff should never block a pupil's exit from a classroom, since this can lead to physical contact and allegations of assault.

Using force

Staff should only use reasonable force when the risks involved in doing so are outweighed by the risks involved in not using force.

Before using reasonable force staff should, wherever practicable, communicate to the pupil to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not act

out of anger or frustration, or in order to punish a pupil, and should make it clear that the reasonable force will stop as soon as it ceases to be necessary. Staff should always seek support, where practical, from another member of staff (ideally a senior member of staff) before resorting to reasonable force.

The types of force used could include, but are not restricted to:

- passive physical contact resulting from standing between pupils or blocking a pupil's path;
- active physical contact such as:
 - i. leading a pupil by the hand or arm;
 - ii. ushering a pupil away by placing a hand in the centre of the back;
 - iii. in more extreme circumstances, using appropriate restrictive holds, *which may require specific expertise or training.*

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil running off the pavement onto a busy road or preventing a pupil from hitting someone with a dangerous object such as, but not limited to, a glass bottle or hammer.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a pupil.

Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

Post Incident Support

Serious incidents that require use of force can be upsetting to all concerned and may result in injuries to the pupil or to staff. Immediate action should be taken to provide first aid for any injuries and to access medical help for any injuries that go beyond first aid.

It is also important to ensure that staff and pupils are given emotional support.

Staff should always report and record use of physical force that occurs in unforeseen or emergency situations using school procedures. The report should be made to the Headteacher or in their absence the Deputy Headteacher, as soon as possible after the incident, using the Incident Record Form in Appendix 1 of this policy.

Incident report

See Appendix 1

The Headteacher will keep securely copies of all written reports and the governing body will monitor the use of restraint.

The Headteacher or appropriate member of SLT, will advise the parent/guardian of any incident involving their child as soon as is reasonably practicable or otherwise at the end of the school day depending upon the seriousness of the incident.

Risk Assessment

See Appendix 2

Staff Training

It is the responsibility of the Headteacher to ensure that staff are fully informed of the school's policy and understand what authorisation entails. The Headteacher will arrange training and guidance to staff as appropriate.

The Local Authority recommends that all schools maintain a register of all staff that have been appropriately trained and include dates. Staff should be updated with training on a regular basis.

Review

This policy will be reviewed by staff and Governors every two years, or more frequently if necessary. In addition parents are invited to comment on this policy.



Appendix 1: Incident Record Form

Details of pupil or pupils on whom force was used by a member of staff (name, class).	
Date, time and location of incident.	
Names of staff involved (directly or as witnesses).	
Details of other pupils involved (directly or as witnesses), including whether any of the pupils involved were vulnerable for ALN, 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 force used.	
Any injury suffered by staff or pupils and any first aid and/or medical attention required.	
Reasons for making a record of the incident.	
Follow up, including post-incident support and any disciplinary action against pupils.	
Any information about the 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:	Report countersigned by:

Name and role:	Name and role:
Signature:	Signature:
Date:	Date:

Appendix 2:

Proforma for assessing and managing foreseeable risks for children who present challenging behaviours – developing a Behaviour Management Plan

Name of child

Class group

Name of teacher

School

Identification of Risk	
Describe the foreseeable risk	
Is the risk potential or actual? (Has there already been an incident?)	
List who is potentially affected by the risk.	
Assessment of Risk	
In which situations does the risk usually occur?	
How likely it is that the risk will arise?	
If the risk arises, who is likely to be injured or hurt?	
What kinds of injuries or harm are likely to occur?	
How serious are the adverse outcomes?	

Assessment completed by:

Print Name

Signature Date

Appendix 2 (continued)

Risk Reduction Options			
Measures	Possible Options	Benefits	Drawbacks
Proactive interventions to prevent risk.			
Early interventions to manage risk.			
Reactive interventions to respond to adverse outcomes.			

Agreed Behaviour Management Plan and School Risk Management Strategy		
Focus of Measures	Measures to be employed	Level of Risk
Proactive interventions to prevent risk.		
Early interventions to manage risk.		
Reactive interventions to respond to adverse outcomes.		

Agreed by:

Relationship to child:

Date:

Appendix 2 (continued)

Communication of Behaviour Management Plan and School Risk Management Strategy		
Plans and strategies shared with	Communication Method	Date Actioned

Staff Training Issues		
Identified training needs	Training provided to meet needs	Date training completed

--	--	--

Appendix 2 (continued)

Evaluation of Behaviour Management Plan and School Risk Management Strategy		
Measures set out	Effectiveness in supporting the child	Impact on risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		
ACTIONS FOR THE FUTURE		



Plans and strategies evaluated by:

Relationship to child:

Date:

Glossary of Acronyms

ALN – Additional Learning Needs

IBP - Individual Behaviour Plan

PSP – Pastoral Support Plan

