

Parrett and Axe CEVA Primary School

USE OF REASONABLE FORCE POLICY

To be read in conjunction with

[DfE Use of Reasonable Force](#)

[Advice for Headteachers, Staff and Governing Bodies - July 2013](#)

Reviewed and Agreed: February 2023

Next Review Date: February 2024

Use of Force – Guidance for Schools in Dorset

There are times in schools where, because of their inability to deal with a situation, a child might use unacceptable behaviours that require an immediate response. Staff in schools need to feel secure that they know what to do in such situations and that they will be backed by their managers.

This guidance has been drawn up by Inclusion Services in consultation with headteacher and SENCO colleagues. The aim is to:

- Summarise current government guidance on the use of force in schools
- Highlight the pertinent practical and emotional issues that are significant for schools
- Provide details of relevant support and training

The guidance will be reviewed on an annual basis.

The Use of Force

The use of force refers to a range of actions involving physical contact, usually used to control or restrain pupils in order to resolve an unsafe situation or to maintain discipline. In the context of this guidance the term **physical intervention** refers to any method of intervening using touch, holding or body positioning.

This might include:

- Physically interposing between 2 pupils
- Blocking a pupils path
- Pushing
- Pulling
- Leading by the arm
- Shepherding away (eg with a hand on the back)

The term **restraint** refers to a physical intervention that restricts the movement of a pupil (eg holding back; holding down, preventing movement)

Government Guidance

The government published 3 key documents in July 2011 linked to the use of force as a response to challenging behaviour in schools:

- A. Behaviour and Discipline in Schools – A guide for head teachers and school staff
- B. Behaviour and Discipline in schools – Guidance for governing bodies
- C. Use of Reasonable Force – Advice for head teachers, staff and governing bodies

Associated guidance from previous government publications includes:

- Guidance on the use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002)
- Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe behavioural Difficulties (2003)

A. Behaviour and Discipline in Schools – A guide for head teachers and school staff

Key points in the document:

Teachers and other paid staff with responsibility for pupils have statutory authority to discipline pupils for misbehaviour both in school and beyond the school gates.

Teachers can discipline pupils whose conduct falls below the standard which could reasonably be expected of them.

Punishment must be reasonable under the circumstances and not breach other regulations (eg in respect of disability, SEN, race, equality and human rights).

Corporal punishment is illegal in all circumstances

Challenging behaviour needs to be considered as an indicator of other factors affecting the pupil, eg:

- As a potential safeguarding issue
- As indicating unmet educational or other needs

A strong behaviour policy is seen as necessary to support staff in managing behaviour in school. It is important that the behaviour policy is clear, well understood by staff parents and pupils, and consistently applied.

The guidance identifies key aspects of school practice that contribute to ensuring positive pupil behaviour. This includes good classroom management, appropriate staff training and development, and liaison with parents and other agencies.

B. Behaviour and Discipline in schools – Guidance for governing bodies

Key Points in the document:

It is the duty of governing bodies to provide clear advice and guidance to head teachers, including in respect of use of reasonable force and other physical contact

There is a recognition that staff can feel vulnerable to challenge in using physical intervention. Staff need to feel confident of the governing body's support if they have followed local guidance.

C. Use of Reasonable Force – Advice for head teachers, staff and governing bodies

This is non-statutory advice intended to provide specific clarification on the use of force in schools.

Key Points in the document:

It is always unlawful to use force as a punishment.

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

All staff have the legal power to use reasonable force. School leaders should support staff when they use this power.

Any decision made on whether or not to use physical intervention is down to the professional judgement of staff members at the time. When considering the use of force, staff need to consider the level of risk posed to themselves and others. They should consider the potential impact of physical intervention on the child as well as the likely impact of not intervening.

Any force used should be the minimum necessary to achieve the desired result. At all times, staff should attempt to prevent pain or injury. The guidance gives examples of named restraint techniques that represent an unacceptable risk to children. These are examples of actions which restrict breathing or are likely to cause significant harm.

There is a legal duty for schools to make reasonable adjustments for disabled children and children with SEN in their policies on use of force.

It is not compulsory to speak to parents about serious incidents involving the use of force. However, to do so is considered good practice.

There is a recognition of the of duty of care that employers have towards staff in the context of use of force. The guidance states that suspension "must not be an automatic response when a member of staff has been accused of using excessive force."

Schools need to make their own decisions about what training staff might need to enable them to carry out their responsibilities related to the use of force.

There is no legal requirement for schools to have a separate policy on the use of force. However, it is considered good practice to include reference to the use of force in the school behaviour policy. Any policy should acknowledge the duty to make reasonable adjustment for pupils with SEN

It is not appropriate for schools to have no contact policy.

Power to search pupils without consent:

In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force cannot be used to search for items banned under the school rules.

The impact of positive handling on children and young people

The National Children’s Bureau (NCB) report on The use of Physical Intervention across Children’s Services highlights concerns that children may not only suffer physically but that there is a risk of disempowerment and humiliation in being physically restrained especially if the child is given no opportunity to discuss what happened.

The report highlights a number of other factors that can be seen as relevant to the use of force in schools:

- In the context of care settings, young people report that the use of force can be traumatic and that debriefing is important for the child involved
- Young people can be disturbed by witnessing restraint being used on others
- Young people have highlighted that their perception of not being listened to leads to frustration and can make their behaviour present in negative way. Time spent with staff in building relationships is a positive factor in helping them to work through problems without flare ups
- Staff and managers describe the importance of not seeing restraint as a competition about who will win
- Continued and repeated use of physical intervention can lead to an escalation of incidents, thus compounding rather than resolving difficulties.

Implications for Dorset Schools

To provide definitive advice on the use of force would be simplistic as every situation is different. With careful thought and planning it is possible to create environments where force is not needed as a behaviour management strategy

Teachers are rightly reluctant to use force, they understand that it can often make a situation worse and can put both the adult and child at risk of injury. Staff in schools have many skills that enable them to manage difficult behaviour in a positive way. Schools are able to invest in training that can enhance those skills.

In a mainstream school, the likelihood of a situation escalating to a level where physical intervention is the only option is rare. It is important that school staff are fully aware of all measures that can be taken to address difficult behaviour at an early stage. In situations where a child's behaviour poses a risk to themselves or others, the first step should be to attempt to deescalate the situation.

The government guidance leaves decisions on whether or not to use force to the discretion of individual members of staff. This can be daunting for staff who need to make quick decisions under pressure. Fear of complaint or litigation should not prevent staff using force where they feel it is necessary. There will be situations when staff have a duty to use force to ensure safety (eg when a child is running into a road).

Staff should feel able to report all incidents where they have used force, without fear of blame. Only where there is the opportunity for open and honest discussion about factors that have led to the use of force will alternative solutions be identified. Incidents should be reviewed in order to consider whether actions taken were appropriate and proportionate, with the focus being on whether there is a need to act differently should a similar situation arise in the future. Staff should be reassured that they will be supported by their managers.

Challenging behaviour is often an indication that a pupil's needs are not yet understood or fully catered for. In such cases planning needs to focus on matching the learning environment to the child's needs. The government guidance recommends a multi-agency approach in order to clarify individual needs and to identify alternative solutions. Schools who find themselves using physical intervention should not hesitate to request support from Inclusion Services.

When, despite addressing all other issues, risk assessment indicates that there continues to be a strong likelihood of physical intervention being used, a clear plan needs to be drawn up detailing the steps to take at each stage when behaviour escalates. It is crucial that all adults working with a pupil are confident of the steps that should be taken in the event that physical intervention becomes necessary.

The government guidance states that "schools do not need parental consent to use force on a student". The guidance also leaves decisions to schools on whether or not to report the use of force to parents. We would strongly recommend that unless there are clear reasons not to do so, parents/carers are always involved in discussions around the use of force.

Although the voice of the child is not highlighted in government guidance related to the use of force, it is good practice to explore pupils' experience of and perspectives on physical intervention. Wherever possible, pupils should be involved in developing school policies around the potential use of force in managing challenging behaviour.

The impact on both the pupil and staff of any significant use of force should not be underestimated. Debriefing should be offered whenever appropriate.

Adults working in schools may not always recognise situations in which they are using physical intervention. When working with smaller and more vulnerable children, it is important that adults are mindful that they are not using physical force simply to ensure compliance, or in circumstances where they would not do so were the child older or less vulnerable (eg pulling a small child out from under a table). Younger children model adult behaviour and are likely to mimic situations where physical size or strength is used to force compliance.

There is sometimes a misconception about physical contact that has led schools to adopt a blanket no touch policy. Such a policy is potentially damaging in its impact on normal adult child interactions in a school setting. The school community should establish a clear understanding of when and where different types of physical contact are appropriate.

School behaviour and discipline policies should provide staff, parents and pupils with a clear position statement on the use of force so that everyone knows what they can expect in terms of actions and communication.

Schools are advised to develop their own systems for keeping records of incidents requiring the use of force. This information should be used to analyse patterns and review actions. However, there is no legislative requirement for detailed recording and reporting of incidents of the use of force.

Staff Training

It is the responsibility of a school's head teacher and governing body to ensure that all members of staff are appropriately trained so that they can effectively respond to situations involving challenging behaviour.

The need to use force is less likely where adults:

- Understand the factors that create and maintain challenging behaviour
- Recognise that through challenging behaviour a child is communicating a need
- Are aware of the impact of their own behaviour and of their own personal trigger points
- Have positive regard for the child
- Understand the child's full range of educational, social and emotional needs
- Have confidence in their ability to meet the child's needs
- Are able to respond flexibly to individual needs
- Have access to the necessary time and support to identify what particular behaviours are achieving for the child
- Are able to recognise early signs that things are not going well for the child
- Are able to apply effective strategies to de-escalate a difficult situation
- Have the skills to defuse conflict

The government guidance emphasises that staff do not need to be trained in physical intervention techniques in order to use force appropriately. The NCB report on the use of physical intervention in children's services highlights that there is little scientifically robust research on methods of restraint or the effectiveness of training on restraint techniques used with children. The focus should be not on how to restrain better, but on how to restrain less.

What about other physical contact with pupils?

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. Examples of where touching a pupil might be proper or necessary:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching
- To give first aid.

Support from the County Psychological Service (CPS)

It is not unusual for incidents of challenging behaviour to be linked to the fact that a child's needs are not yet fully understood, or that those needs are not fully catered for. The CPS prioritises vulnerable pupils including those with complex needs and those who are at risk of their educational placement failing. Educational psychologists can support staff who are managing situations that might require the use of force in a number of ways:

- Clarification of a pupil's particular needs
- Support/training in understanding the impact of identified special educational needs
- Support in developing effective solutions to meet individual needs in school
- Support in analysing root causes of challenging behaviour
- Support in identifying effective solutions to address challenging behaviour
- Advice on de-escalation and diffusing conflict

Training

The Behaviour Support Service (BSS) provides a range of training on classroom management and good practice in managing challenging behaviour. This includes:

- Promoting positive communication / building relationships
- Behaviour Modification/management
- Rewards and sanctions
- Building self-esteem/ assertiveness
- Anger management /developing self-control
- Developing emotional literacy
- Defusing confrontation

The CPS provides the following training on aspects of challenging behaviour:

An Introduction to Government Guidance on the use of Force – Training for Senior Management and Governors

- Clarification of national and local guidance
- An exploration of key issues around the use of force in schools

Positive Responses to Challenging Behaviour – Stopping things getting worse

- Clarification of government guidance on the use of force
- De-escalation skills
- Defusing Conflict

Understanding Challenging Behaviour – Helping things to get better

- Understanding the factors that create challenging behaviour
- Analysing the function of challenging behaviour
- Effective planning to promote positive change

Anger Management – Helping children to help themselves

- Understanding Stress
- Recognising signs of stress
- Stress management strategies for children

Training is also available on a range of aspects of specific special educational needs and emotional factors that might be a significant factor in challenging behaviour

Course details are available on CPD online. Bespoke training can also be requested through your link EP

British Institute of Learning Difficulties (BILD) Accreditation Scheme

BILD run an accreditation scheme that ensures the quality of training on Physical Intervention. If schools wish to provide training for their staff on specific physical intervention techniques or “holds”, they are advised only to use BILD accredited trainers: www.bild.org.uk

References:

Department for Education (2011)

Behaviour and Discipline in Schools – A guide for head teachers and school staff
Behaviour and Discipline in schools – Guidance for governing bodies

Use of Reasonable Force – Advice for head teachers, staff and governing bodies

National Children’s Bureau (2004)

Report on the use of Physical Interventions across Children’s Services

Signed R Dodson

Signed S Smith

Date 16.2.22

Date 16.2.22

Chair of Governors

Headteacher

Routes to support from Inclusion Services when there is a clear risk that restraint or significant physical intervention might be necessary

