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Horbury Academy

# REASONABLE RESTRAINT POLICY

A MEMBER OF Accord MULTI ACADEMY TRUST

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**Document History**

| Version | Date | Author | Note of Revisions |
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| 1 | July 2018 | C Sergeant | New Policy |
| 2 | July 2020 | Board of Trustees | Due to Covid-19 review date extended to 31/12/2020 |
| 3 | December 2020 | C Sergeant | Wording throughout changed from student to pupil, document amended to include California Drive provision and risk of Covid-19 transmission |
| 4 | December 2021 | C Sergeant | Updated to reflect recent staff training date. Reference to untrained staff intervening do so at own risk. |
| 5 | November 2022 | C Sergeant | Updated based on best policy practice from a range of schools and academies. |
| 6 | December 2023 | R Paul | Updated to reflect recent staff training date. There are no legislation changes in relation to the use of reasonable restraint. |
| 7 | December 2024 | R Paul | Updated no 3. First paragraph from teacher to teachers. No 7. change of wording to first paragraph. |

## 1. Context / The Law

This policy is written in conjunction with the Department for Education 'Use of Reasonable Force – Advice for headteachers, staff and governing bodies' July 2013 (revised 2015).
We aim to ensure a whole school approach to behaviour which is known and understood by all staff, children, parents, and outside agencies (please refer to our Behaviour Policy). The use of force upon any pupil by a member of staff is a serious matter, and the DFE guidance in this policy sets out the circumstances under which it may be used. The law is clear, and the Governing Body has a responsibility to all concerned, to support any member of staff who uses reasonable force in accordance with the law, and with this policy.

## 2. Authorised Staff

The use of force to control pupils and to restrain them should not be a common occurrence. The Local Governing Body and Senior Leadership Team has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

All members of Academy staff have a legal power to use reasonable force. It can also apply to people whom the Principal has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying pupils on a school organised visit.

## 3. Extent Of The Responsibility Of Those Authorised

All teachers, and those authorised, can use such force as is reasonable in the circumstances to prevent a pupil from doing, or continue to do, any of the following:

- Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
- Injuring themselves and/or others;
- Causing damage to property (including their own);
- Engaging in any behaviour prejudicial to maintaining good order and discipline at the Academy or among any of its pupils, whether in the classroom or elsewhere.

This provision applies whether the pupil is at the Academy or on an organised activity, for example a field trip or offsite visit. However, the section does not cover all situations in which it might be reasonable to use a degree of force. For example, everyone has the right to defend him/herself against attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil was at immediate risk of injury or on the

point of inflicting injury on someone else, any member of staff would be entitled to intervene. Any member of staff taking the personal decision to intervene does so at their own risk.

The use of force as a punishment is always unlawful.

## 4. Types of Incidents

There are a wide variety of situations where force might be appropriate, or necessary, to control or restrain a pupil:

- Where action is necessary in self-defence;
- Where there is a developing risk of injury, or significant damage to property;
- Where a pupil is behaving in a way that is compromising good order and discipline.

Examples of situations in the first two of the above categories include:

- A pupil attacks member of staff, or another pupil;
- Pupils are fighting;
- A pupil is engaged in, or is on the verge of committing, deliberate damage, or vandalism to property;
- 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;
- A pupil absconds from a class or tries to leave school (this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations that fall into the third category are:

- A pupil persistently refuses to obey an order/request to leave a classroom;
- A pupil behaving in a way that is disrupting a lesson and the learning of others.

## 5. Reasonable Force

There is no legal definition of 'reasonable force.' It will always depend on all the circumstances of the case/incident. There are two relevant considerations:

1. The use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it;

2. The degree of force employed must 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 achieve the desired result. In all situations de-escalation tactics should be used to avoid any physical contact.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, understanding and sex of the pupil. Before intervening physically, a teacher/member of staff should, wherever practicable, tell the pupil who is misbehaving to stop and what will happen if he or she does not.

The teacher should continue attempting to communicate with the pupil throughout the incident and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

A calm and measured approach to a situation is needed and teachers/staff should not give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

Sometimes a teacher should not intervene in an incident without help (unless it is an emergency). For example, where a weapon is present, when dealing with an older pupil or physically larger pupil, or more than one pupil, if the teacher/member of staff believes they may be at risk of injury. In these circumstances the staff member should remove other pupils who might be at risk, and then summon assistance from a colleague or colleagues, or where necessary phone the Police. The staff member should inform the pupil(s) that they have sent for help. Until assistance arrives the member of staff should continue to attempt to defuse the situation orally and try to prevent the incident from escalating.

## 6. Application of Force

It is important that only the minimum force necessary should be used to achieve a desired result. If possible, give a clear oral warning to the pupil that force may have to be used.

Physical intervention can take several forms:

- Prompting;
- Barrier signals;
- Identify & Control Proximity;
- Escort Hold;
- Hip Support Hold;
- Double Wrist Hold;
- Cupped Fist Hold;

- Straight Arm Immobilisation and extended hold;
- Kneeling holds;
- Seated holds;
- De-Escalate & Remove Holds;
- Dynamic (fighting).

In exceptional circumstances where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force': for example, to prevent a young pupil running off a pavement into a busy road, or to prevent a pupil hitting someone, or throwing something.

Staff should always avoid touching or holding a pupil in a way that might be considered inappropriate.

Where the risk is not so urgent the teacher should consider carefully whether, and if so when, physical intervention is right. Staff should always try to deal with a situation through other strategies before using force. All teachers/colleagues need developed strategies and techniques for dealing with difficult pupils and situations which they should use to defuse and calm a situation. In a nonurgent situation force should only be used when other methods have failed. This consideration is particularly appropriate in situations where the aim is to maintain order and discipline, and there is no direct risk to people's property.

The key issue is establishing good order and action that exacerbates a situation needs to be avoided.

The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated. The age and level of understanding of the pupil is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older pupils. It should never be used as a substitute for good behavioural management.

If a decision is taken to use physical force it is often advantageous to have another responsible adult in attendance. They can support, observe, and help call for assistance. Such a person can also make a witness statement for the record.

On some occasions, teachers/staff will be required to make very quick judgement calls and may have to act without presence of another colleague/responsible adult.

## 7. Recording Incidents

It is important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where force is used, a copy must be completed an held in the reasonable restraints log. The Principal must be informed. The report should include:

- The name(s) of the pupil(s) involved and when and where the incident took place;
- The names of any other staff or pupils who witnessed the incident;
- The reason that force was necessary (e.g. to prevent injury to the pupil, another pupil, or a member of staff);
- How the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
- The pupil's response and the outcome of the incident;
- Details of any injury suffered by the pupil, another pupil, or a member of staff and if any damage to property.

A proforma return form is included in Annex A.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report. Incidents involving the use of force can cause the parents/carers of the pupil involved great concern. It is Academy policy to inform parents/carers of an incident involving their child and given them an opportunity to discuss it. A member of the SLT will need to consider whether this should be done straight away or at the end of the Academy day and whether parents/carers should be told orally, in writing or both.

## 8. Post Incident Considerations

Decisions related to an incident could include:

- Whether or not medical help is required;
- Is the incident reportable as a Child Protection issue;
- Do the Police need to be involved;
- Does the Chair of the Governing Body and/or Local Authority require notification;
- When and how to contact parents or carers;
- Does action need to be taken to review/establish a Personalised Learning Plan (PLP) and/or Special Educational Needs (SEN) provision review;
- Post event counselling for staff involved and/or pupils involved;

- Any additional risk assessment for managing foreseeable risks for pupils who present challenging behaviour;
- Pupil Support/Inclusion and use of suspensions and/or permanent exclusion;
- Reconciliation and rebuilding of relationships;
- Context, review and learning points for whole school, team, and individual consideration.

## 9. Complaints

Involving parents/carers when an incident occurs with their child should help to avoid complaints from parents/carers. It may not prevent all complaints however, and a dispute about the use of force by a member of staff could lead to an investigation, either under disciplinary procedures or by the Police and Social Services department under child protection procedures.

The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a pupil or parent/carer, cannot be ruled out. In these circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all circumstances. It would also be likely to take account of the school's policy on restraint/force, whether that had been followed and the need to prevent injury, damage, or disruption, in considering all the circumstances of the case.

## 10. Physical Contact with Pupils in Other Circumstances

The academy does not encourage a 'no contact' policy as there is a real risk that such a policy might place a member of its staff in breach of their duty of care towards a pupil or prevent them taking action needed to prevent a pupil causing harm.

There are occasions when physical contact with a pupil may be proper or necessary To demonstrate exercises or technique during PE lessons, Sports Coaching, Design Technology, or if a member of staff has to give first aid and therapy for disabled pupils.

Pupils with special education needs may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil, particularly a younger child is in distress or needs comforting. Staff will use their own professional judgement when they feel a pupil needs this kind of support.

There may be some pupils for whom touching is particularly unwelcome. For example, some pupils may be particular sensitive to physical contact because of their cultural background, or because they have been abused. It is important that staff are aware of context.

Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should bear in mind that even innocent and well- intentioned physical contact can sometimes be misconstrued.

## 11. Staff Training

The Academy has an ongoing programme of continuous professional development for all colleagues in terms of de-escalation. New staff undertake an induction programme that makes them aware of Academy policies and procedures. The most recent academy wide de-escalation training and guidance took place in November 2023.

## 12. Risk Assessment

Risk assessment procedures are in place to help establish the likelihood of adverse outcomes for pupils or adults.

SLT will also assess and review the frequency and severity of incidents requiring use of force that do and are likely to occur at secondary academies within the Trust, including California Drive. Historical patterns will also be subject to review.

## 13. Policy Monitoring

The policy is to be monitored annually.

# Reasonable Restraint Form

## Use of Force to Control or Restrain Pupils: Incident Record

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| **Pupil(s) on whom force was used.** | |
| **Date, time and location of incident** | |
| **Details 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 SEN, disability, medical or social reasons.** | |
| **Description of incident by the staff involved, including any attempts to de-escalate and why it was deemed appropriate to use force.** | |
| **Reason for using force and description of force used.** | |
| **Any injury suffered by staff or pupil(s) and any first aid and/or medical attention required?** | |
| **Has a full staff statement been made in relation to this incident? (attach copy of statement)** | **YES / NO** |
| **Follow up, including post-incident support and any disciplinary action against pupils.** | |
| **When and how those with parental responsibility were informed about the incident and any views they have expressed.** | |