

Hopton CEVC Primary School

Use of reasonable force policy



Reviewed & approved by:

The Governing Body of Hopton CEVC Primary School adopted this policy

February 2019, it shall review it thereafter.

Document Change History

Review date:	Reviewed by	Change details
February 2019	Claire Wright	The document has been completely re-written using both Keeping Children and Staff Safe Restraint Policy Guidance April 2016 & DfE Use of force guidance (July 2013 -reviewed July 2015).
February 2021	Claire Wright @ FGB	<ul style="list-style-type: none"> → Neither guidance from which this policy has been originally written has changed in the last two years. → Page 8, point 11. Section added around action to be taken in regards to Covid-19. → Page 10, point 16. Amendment made to the name of the Safeguarding board. → Page 10, point 16. Hyperlink added to the section.
March 2022	Claire Wright @ FGB	→ Point 11 added. Safe touch/ contingent touch
May 2023	Claire Wright & FGB – via Governor Hub	<ul style="list-style-type: none"> → Neither guidance from which this policy has been originally written has changed in the last two years. → Removal of detail of social distancing (in relation to COVID) page 8 → New behaviour form added to appendix 1
May 2025		→

*At Hopton CEVC Primary School we live out the words of Jesus in Matthew 19 vs 26
 'With God all things are possible'. We raise aspirations and encourage
 perseverance to reach goals in life and learning.*

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POLICY ON THE USE OF REASONABLE FORCE

This policy has been compiled, largely from SCC Keeping Children and Staff Safe, Restraint Policy Guidance.

The school is committed to safeguarding and promoting the welfare of children and expects all staff to share this commitment.

Objectives

- To maintain the safety of pupils and staff
- To prevent serious breaches of school discipline
- To prevent serious damage to property

This policy is shared and communicated with staff and published on the school website for parents.

1. Introduction

1.1 All schools have a duty to promote good behaviour and discipline. The school governing body, with the support of the Local Authority or the appropriate trust if the school is an academy or free school, also has the duty to ensure the health, safety and well being of everyone in schools so far as is reasonably practicable. The duty to safeguard and promote the children who are pupils at the school

1.2 For some pupils it must be recognised that their challenging behaviour is an aspect of their developmental needs. Interventions to manage their behaviour must reflect their overall needs, should be matched to their particular circumstances and be in the best interest of the child.

1.3 It is essential that staff act appropriately to safeguard children and to minimise the risk of accusation of improper conduct towards a young person.

1.4 Section 93 of the Education and Inspections Act 2006 gives staff the legal right to discipline pupils whose conduct falls below standard which could reasonably be expected. To be lawful, any sanction must satisfy the following conditions:

- it is not a breach of any legislation (for example in respect of disability, special educational needs, race and other equalities and human rights) and that it is reasonable in the circumstances - it is always unlawful to use force as a punishment or simply to get a pupil to follow an instruction.
- the pupil is under lawful control or charge of a member of staff.
- any sanction is proportionate in the circumstances of the case.

Headteachers, proprietors and governing bodies must ensure they have a robust behaviour policy to support staff in managing behaviour, including the use of rewards and natural logical consequences to poor behaviour choices. Schools should always consider whether continuing disruptive behaviour might be the result of

unmet educational or other needs. At this point the school should consider whether a multi-agency assessment is necessary. (DfE: Behaviour and discipline in schools)

1.5 Reasonable force, restraint or any restrictive practises are only to be used as a last resort when other approaches have been tried and exhausted.
(Education Act 2006)

2. Definition of restraint

2.1 Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example, when two pupils are fighting and refuse to separate without physical intervention. (Use of force guidance July 2013 DfE -reviewed July 2015).

3. Reasonable force

All members of school staff have a legal power to use reasonable force, Section 93, Education and Inspections Act 2006

3.1 What is reasonable force?

There is no legal definition of 'reasonable force' so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case. It should be a last resort and be reasonable and proportionate to the context and circumstances.

3.2 There are relevant considerations:

i) The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it; whether or not it was necessary, therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour or in a situation that clearly could be resolved without force.

ii) The degree of force employed must be the least restrictive option that will meet the need - in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any restriction should be imposed for no longer than is absolutely necessary.

iii) Whether it is reasonable to use force, and the degree of force that could reasonably be employed must also meet statutory guidance in respect of disability, special educational needs, race, other equalities and human rights. Whatever is done, why and with what consequences must be recorded in an open and transparent manner?

4. Definitions:

In schools force is generally used for two different purposes – to ‘control’ and to ‘restrain’ pupils.

- Control means either passive contact (standing between pupils) or active physical contact (leading a pupil by hand or arm)
- Restraint is when staff physically prevent a pupil from continuing what they were doing when told to stop, or when involved in a fight.

School staff should always avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring a pupil.

5. Who can use reasonable force?

All members of staff have a legal power to use reasonable force. This can also apply to people whom the Head Teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on an organised visit.

6. Risk assessments

A risk assessment is nothing more than a systematic, careful examination of what in your school could cause harm to people so that decisions can be made as to whether enough precautions have been taken or more should be done to reduce the risk of harm.

Risk assessments are a health and safety requirement for all foreseeable risks, including any behaviour that could potentially put both pupils and staff at risk of injury:

‘It should also include an assessment of the risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking. Employers must also provide their employees with comprehensible and relevant information on the risks to their health and safety identified by the assessment and the preventive and protective measure.’

The Management of Health and Safety at Work Regulations 1999

Risk assessment, action planning and behaviour support plans ensure schools can evidence a clear audit trail of early intervention and behaviour management strategies.

A School Safe risk assessment proforma appears as an appendix to this guidance.

Five steps to risk assessment (Health and Safety Executive):

- identify the hazards
- identify who is at risk
- evaluate that risk

- assess the level of the risk
- control the hazards and the risk
- record your findings
- review and monitor.

7. Behaviour planning

In order to reduce the need for restrictive interventions, it is important to understand the function or the need of the behaviour. Pupils may often engage in behaviours due to challenging or complex needs that are not being met. Recording behaviours to identify patterns can provide important data, which enables these unmet needs to be understood and individualised preventative measures developed. Through a functional analysis and behaviour planning approach, staff can be supported to help pupils to adopt alternative strategies to get their needs met.

Behaviour support plans must include early interventions, developed to meet the individual needs of the pupil concerned. These would include de-escalation techniques to divert, distract or sometimes disengage to prevent the behaviour escalating. Plans should also include guidance for staff as to how they should react if the pupils becomes further agitated through to a full crisis situation.

This approach provides clear evidence and an audit trail of good practise, reducing the need for restrictive interventions.

8. Deciding Whether to Use Force

Staff should only use force when:

- the potential consequences of not intervening were sufficiently serious to justify considering use of force
- the chance of achieving the desired result by other means were low
- the risk associated with not using force outweighed those of using force

Staff in charge of pupils must ensure that clear guidance is given to volunteer helpers working with pupils who present particular risks to themselves or others, such as those with SEND or severe behavioural difficulties.

According to Section 93 of the Education and Inspections Act 2006 reasonable force can be used in the following circumstances: -

- where a criminal offence is being committed
- self-defence or where pupils may injure themselves or others
- where the behaviour is prejudicial to maintaining good order and discipline at the school or among the pupils
- a risk of significant damage to property
- where the action occurs on the school premises or during an authorised activity off the premises
- when exercising the statutory power (sect 45 – Violent Crime Reduction Act 2006) to search pupils without their consent for weapons, alcohol, illegal drugs and stolen property.

NOTE: It is always unlawful to use force as a punishment.

Schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so
- prevent a pupil behaving in a way that disrupts a school event or trip
- prevent a pupil leaving the classroom where allowing them to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight on the playground
- Restrain a pupil at risk of harming themselves through physical outbursts

9. Communicating the School's Approach to the Use of Force

This is done through the behaviour policy and this policy. Schools do not require parental consent to use force on a student but makes policies available to parents. Both policies can be found on the school website.

10. 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 are:

- Holding a hand
- Comforting a distressed pupil
- Giving praise or congratulation
- Demonstrating how to use a musical instrument
- Demonstrating exercises or techniques during PE
- To give first aid.

11. Safe touch / contingent touch

Safe touch/ contingent touch may be used to support children who are a risk of hurting themselves. For example, when a child is hitting their head and you place your hand between their head and the object there is some resistance and force used to soften them hitting their head. This action is undertaken to prevent the child from further harm.

12. Using Force

At all times the degree of force used should be the minimum needed to achieve the desired result and it cannot be used to prevent trivial misbehaviour. The judgement

on whether to use force and what force to use should always depend on the circumstances of each case.

If at all possible, prior to physical intervention, pupils should be warned that force may have to be used.

Physical Intervention can take a number of forms, for example:

- physically interposing between pupils
- standing in the way of a pupil
- holding, pushing or pulling
- leading a pupil away from an incident by the hand
- holding the tops of both arms or both hands
- sitting the child on your lap with a 'hug' to restrict movement and calm the child down (Keep your chin away from the head.)
- going for a walk so that the child is doing the holding – 'which finger will you hold?' – trying to negotiate
- taking shoes off if there is a chance you will get kicked

Advice for Staff

- 1) Stay calm and keep repeating the request to calm down in a quiet voice. Try to de-escalate the situation.
- 2) Get down to the child's level if possible.
- 3) Remember physical restraint is a last resort and try to ensure another adult is available if the situation requires it.
- 4) Never get involved physically with a child when you are angry – hand over to someone else.
- 5) Force that should NOT be used includes holding round the neck, kicking, slapping or punching, forcing limbs against joints, tripping or holding by hair or ear, holding face down on the ground.
- 6) Any form of force or restraint that is likely to injure a pupil (particularly anything that could constrict breathing) should only be used in extreme emergencies and where there is no viable alternative.

13. Pupils with SEN or Disabilities

The SENCO is directly involved in reviewing the needs and management programme of pupils with SEN and behavioural difficulties. An individual risk assessment is drawn up where it is known that force is more likely to be used to restrain a particular pupil, such as with a pupil with SEN or poor behaviour. This gives clear guidance on 'positive handling plans' and takes into account issues identified on a pupil's statement. Staff coming into contact with such vulnerable pupils need to be made aware of situations that may provoke difficult behaviour, preventative strategies and what de-escalation strategies are likely to work.

Parents are made aware that such a risk assessment is in place for their child and the school seeks express written consent from the parent to inform staff about their child and acknowledging that physical restraint may at times be necessary. Pupils experiencing difficulties should also be given guidance/ strategies to cope when faced with times of crisis.

14. Staff Training

The school will decide whether a member of staff requires specialised training in the use of force. Local authority advice can be sought in these circumstances.

15. Recording and Reporting Significant Incidents

This part of the guidance is statutory

The governing Body must ensure appropriate procedures are in place for recording and reporting significant incidents where a member of staff has used force on a pupil.

An incident is significant and requires a written record when the answer is 'yes' to any of the following questions:-

- did the incident cause injury or distress to a pupil or member of staff?
- even though there was no apparent injury or distress, was the incident sufficiently serious in its own right to require a written record? (ie involved restrictive holds)
- is a written record needed to justify use of force? (especially when judgement finely balanced)
- is a record needed to help identify and analyse patterns of pupil behaviour or staff training needs?
- Were other agencies involved, such as the police?

The record should be compiled by the member of staff involved with the Headteacher or senior teacher checking the record on the attached Incident Form (see Appendix 1). The member of staff involved has a copy of the completed incident form. All injuries are also recorded in line with other school procedures.

Parents, as soon as is practicable, are told when and where the incident took place, why force was used, 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. If a child is subject to a care order the local authority is also informed. (If reporting the incident to a parent may result in significant harm to the child then the LA is informed.) If appropriate other external agencies are informed such as the Safeguarding LA Officer, the Health and Safety Executive etc.

The record forms part of the child's educational record. Further detail on what information should and should not be disclosed is available in the DCSF guidance on Use of Restraint.



16. Post Incident Support

Care is taken after an incident to ensure both staff and pupils are supported including meeting immediate medical needs, rebuilding relationships and reflecting on the incident so lessons can be learned.

Heads report incidents to the Governing Body and they monitor incidents where force has been used.

17. Complaints and allegations:

Complaints All complaints about the use of force should be referred to the Local Authority Designated Officer (LADO) in accordance with the Suffolk Safeguarding Partnership.

Information regarding the LADO and Suffolk Safeguarding board can be found here.



Suffolk Safeguarding Partnership

[Click image](#)

This document should be read in conjunction with the following policies:

Behaviour & Anti- Bullying

Safeguarding policy & Child Protection procedures

The school code of conduct

Keeping Children and Staff Safe Restraint Policy Guidance April 2016

DfE Use of force guidance (July 2013 DfE -reviewed July 2015).

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Appendix 1

Hopton CEVC Primary School
Pupil incident form
To be completed for all incidents and high-risk behaviours.

Pupil Name:	Date of Incident	Time of Incident
Staff Name:	Place	
Witness, pupils	Witnesses, adults	

Nature of incident

Non – compliance		Racial Abuse		Harm to adults		As a result of the harm to adults, medical support was given to the adult.	
Repeated disruption		Swearing/ Gestures		Harm to peers		As a result of the harm to peers, another child (ren) receive medical support.	
Verbal abuse		Sexualised behaviour		Harm to self		As a result of self-harm, medical support was given.	
Absconding with supervision		Bullying					
Absconding without supervision		Damaging property					

Details of incident:

Injury- medical treatment given.	Yes/no	pupil	staff	other
Accident form completed	Yes/no	pupil	staff	other
Damage to property	Yes/no	personal	building	furniture

De- escalation techniques employed

Defusing		Humour		Limits	
Deflection		Ignoring		Consequence warning	
Distraction		Time Away		Change of adult	
Proximity Control		Choices		Calm talk	
Step away		Guide away			

Physical Control was used to prevent or interrupt:

A criminal offence	
Injury to staff, pupils, self	

Serious damage to property	
Pupil absconding	
Acting in a way that is counter to maintaining good order	

**Physical Control applied:
Identify duration & hold applied.**

Standing	Minutes	Sitting	Minutes
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Single elbow	Double elbow	Figure of four	2 person hold
Hold to be reported to parents/ carer	Signed by parent	Signed by staff	Date:

Contingent touch: Yes **Staff member:** _____

Description:

Post incident follow up/pupil discussion and outcome/ consequences

In not all circumstances will parents be informed of incidents. This is down to professional judgement. Where you do speak to the parents please fill in the box below.

Parents informed of incident	Date & signed	Copy of form supplied	Date & signed