



Stockton-on-Tees
BOROUGH COUNCIL

Use of Reasonable Force

SEPTEMBER 2018



Stockton-on-Tees
BOROUGH COUNCIL

Big plans for the young people of our Borough

Guidance for Use of Reasonable Force in Schools and Settings

The purpose of the guidance is to set out Stockton-on-Tees Local Authority policy on the use of reasonable force in schools and settings for children and young people and is endorsed by SLSCB.

This policy is intended to inform how all schools/academies should respond to children displaying challenging behaviour, and how they should record and report incidents to the Local Authority.

Stockton-on-Tees Local Authority supports the view that there is a need for whole organisational commitment, outcome monitoring and partnership working in schools/academies for restraint reduction.

Stockton-on-Tees Local Authority acknowledges that all behaviour is a means of communication and has a purpose. Behaviour that challenges and requires restraint signals a need for support. Behaviour policies and practice need to reflect this.

This guidance aims to support schools/academies develop plans in order to reduce the use of restraint; and to promote and safeguard the children and young people in their care by providing a framework to work within.

CONTENTS

1. Definition
2. Legal context
3. Guidance
4. Reporting, recording and monitoring
5. Complaints



Defining the use of Reasonable Force (including control and restraint)

In July 2013 (reviewed July 2015) The Department for Education (DfE) provided non-statutory advices for school leaders and school staff in **all schools in England** (All schools includes; Academies, Free Schools, Independent schools and all types of maintained schools).

The **DfE** advice states that:

- **Reasonable Force** is usually used to control or restrain.
 - **Reasonable** in the circumstances means using no more force than necessary.
 - **Control** means either passive physical contact i.e. blocking a pupil's path or active physical contact i.e. leading a pupil by the arm out of the classroom.
 - **Restraint** means to hold back physically or to bring a pupil under control. This is typically used in more extreme circumstances (e.g. to stop a fight where pupils are refusing to separate)

School staff should always try to act in a way as to avoid injury to the pupil, but in some extreme cases this may not be possible.

Keeping Children Safe in Education (September 2018) guidance states:

The use of 'reasonable force' in schools and colleges

Para103. There are circumstances when it is appropriate for staff in schools and colleges to use reasonable force to safeguard children and young people. The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury. 'Reasonable' in these circumstances means 'using no more force than is needed'. The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

Legal Context

Who can use reasonable force?

- All members of school staff have a legal power to use reasonable force. It can also apply to whom the headteacher has temporarily put in charge of pupils such as volunteers or parents accompanying pupil on a school visit.
- It may be appropriate for volunteers or parents to use reasonable force to prevent significant harm to a child or young person, for example:
 - To prevent a child or young person running toward a busy road.
 - To prevent a child or young person self-injuring



Schools do not require parental consent to use force on a student.

Keeping Children Safe in Education (September 2018) guidance states:

When can reasonable force be used?

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- The decision whether to physically intervene is down to the judgement of the professional based on individual circumstances at that time.

Keeping Children Safe in Education (September 2018) guidance states:

Para 105. When using reasonable force in response to risks presented by incidents involving children with SEN or disabilities or with medical conditions, schools and colleges should in considering the risks carefully recognise the additional vulnerability of these groups. They should also consider their duties under the Equality Act 2010 in relation to making reasonable adjustments, non-discrimination and their Public Sector Equality Duty. By planning positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children, and agreeing them with parents and carers, schools and colleges can reduce the occurrence of challenging behaviour and the need to use reasonable force.

DfE Guidance states:

- Restraint should only be used when a situation warrants immediate action.
- De-escalation techniques should be appropriate to the individual needs of the child or young person, acknowledging that the member of staff may not speak the child or young person's first language or that the child or young person may not have sufficiently developed language skills to be able to respond to verbal de-escalations.
- The use of restraint is also governed by the principles of ethical practice.

The intervention should:

- Be in the interests of the child or young person.
- Be reasonable and proportionate to the circumstances.
- Use the minimum force necessary for the minimum time necessary.
- Be based on a comprehensive risk assessment and/or positive handling plan.
- Have due regard for others present.
- Respect the safety and dignity of all concerned.

Schools cannot:

- Use force as a punishment. It is always unlawful to use force as a punishment.

DfE guidance states that schools and academies have the power to search pupils without consent.

- Headteachers and authorised staff can use reasonable force to 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 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.

Communicating the school's approach to the use of force

- Although there is no requirement to have a policy on the use of force, the governing body should notify the headteacher it expects the behaviour policy to include the power to use reasonable force and should acknowledge their legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).
- Schools should **not** have a 'no contact' policy as this risks putting staff at risk of being in breach of their duty of care or prevent them taking the necessary action needed to prevent a pupil causing harm.
- For some pupil's **touch** which may include a **hold** is required for Sensory Regulation.
- Sensory Regulation is the ability to listen to the environmental feedback your body is receiving and respond through movement accordingly. Sensory regulation is required during all aspects of life, it is how we interpret the world around us, complete everyday activities and be able to function in a safe and successful manner.
- Schools should take steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used.

Reporting and Recording DfE Guidance states that:

All incidents of restraint should be recorded as quickly as possible and in any event within 24 hours of the incident. The Head Teacher or a person acting on his or her behalf must be informed at the earliest opportunity. Schools **must** monitor and analyse records of restraint to inform risk assessments and positive handling plans for individual pupils.

Monitoring at the individual level allows for improved practice with the individual member of staff and/or child or young person, whilst at the strategic level it has the potential to influence policy and practice.

Stockton-on-Tees Local Authority recommend for those for whom restraint is used regularly there should be both a Positive Handling Plan and a Behaviour Plan in place that is shared with the staff at the school/academy, with both the child and their parents. It is advisable to review the plan following any intervention.



Plans need to include how support will be provided for the individual with challenging behaviour including strategies for prevention, de-escalation or defusing which can both avert and reduce the need for use of reasonable force.

Behaviour Plans typically should detail response/script and strategies used by all staff when a pupil begins to appear anxious, aroused or distressed. Positive Handling Plans require guidance on how staff should react when a pupil's behaviour escalates to a point where they place themselves and/or others at risk of harm.

Plans require reviewing regularly with parents/carers/child and any external agencies involved. Pupils who have a Positive Behaviour Plan should have an Early Help Assessment opened to ensure that relevant external agency support is sought and actioned.

Records need to include the following:

- Name of School/Academy
- Name of Pupil/Date of Birth/Year Group
- LAC/CIN/CP/EHA/SEN status
- Name of person using restraint/Designation
- Names of any people present
- Date/Time/Location
- Details of behaviour leading to the restraint
- Preventative methods used
- Why the restraint was used
- A description of the restraint
- How effective the restraint was
- Any injuries
- External agencies informed e.g. The LADO/social worker
- **Must** be signed by Head Teacher/Principal

Following up and de-briefing

As soon as possible after the incident the pupil and the member of staff involved should be de-briefed by an appropriate senior member of staff. The de-brief should allow for reflection and the relevant senior member of staff should be prepared to deal with the emotions raised by the incident. The de-brief enables learning to take place and contributes towards professional development.

Stockton-Local Authority recommend that copies of restraint are sent to the Local Authority to inform support that can be offered. In best practice the restraint will be recorded in a bound incident book with numbered pages or on CPOMs.

Stockton-on-Tees Local Authority will only respond directly to each individual school/academy and not share information with third parties. We can assure you that the information held is GDPR compliant

Copies of restraint to be sent to restraint@stockton.gov.uk inbox.



Staff Training

Stockton-on-Tees Local Authority recommends the **Team Teach** approach to use of reasonable force as the focus is on **de-escalation**. De-escalation techniques, appropriate to the child or young person, set within a positive and proactive approach to behaviour, should always be used to try and avoid the use of restraint.

Using force

Certain restraint techniques should not be used as they present as unacceptable risk to children and young children. These are:

- ‘seated double embrace’ which involves two members of staff forcing a child or young person into a sitting position and leaning them forward, whilst a third monitor breathing;
- ‘double basket hold’ which involves holding a child or young person’s arms across their chest;
- and
- ‘nose distraction technique’ which involves a sharp upward jab under the nose.

Telling parents/carers when force has been used on their child.

It is good practice to speak to parents/carers about serious incidents involving the use of force involving their child.

When considering the nature of serious incidents schools should use their professional judgement considering:

- The pupil’s behaviour and the risk level presented at the time of the incident.
- The degree of force used.
- The effect on both the child and the member of staff.
- The age of the child.

Stockton-on-Tees Local Authority acknowledges that sometimes there is a necessity for an unplanned intervention to take place where there is no Positive Handling Plan in place in these cases **Stockton-on-Tees Local Authority** advises that a risk assessment is undertaken subsequently to inform whether a plan needs to be written.

Complaints

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted lawfully- that is they have used reasonable force appropriately – this will provide a defence to any criminal prosecution or other civil or public law action.
- Suspension should not be an automatic response.
- Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance.



Schools should ensure that their Use of reasonable Force Policy is aligned to the following:

- Safeguarding policy
- Behaviour Policy
- Anti-Bullying Policy
- SEN Policy
- Educational Visits Policy
- Complaints Policy

Further sources of Information

Use of reasonable force Advice for headteachers, staff and governing bodies updated 2015

Keeping Children Safe in Education September 2018

Behaviour in Schools – GOV.UK March 2017 Creating a culture: how school leaders can optimise behaviour –Tom Bennett

Case studies of behaviour management practices in schools rated. Outstanding Research report March 2017 Amy Skipp and Dr. Vicky Hopwood – ASK Research

Mental health and behaviour in schools – DfE March 2016

Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)

Screening, searching and confiscation – advice for headteachers, staff and governing bodies.

Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools

