



St John's Green Primary School

St John's Green
Colchester Essex CO2 7HE

Headteacher Mr Simon Billings
Deputy Headteacher Mrs Tina Bourne
Telephone: 01206 573457 Fax: 01206 570760
Email: admin@st-johnsgreen.essex.sch.uk
Website: www.stjohnsgreen.co.uk

Learn to Live, Live to Learn.

Use of Force Policy (Positive Handling)

This policy should be read in conjunction with 'The use of Force to control or restrain pupils' guidance for schools in England – published by dfcsf in 2010 and accessible at www.teachernet.gov.uk/publications

All school staff members have a legal power to use reasonable force to prevent pupils committing a criminal offence, injuring themselves or others or damaging property, and to maintain good order and discipline.

Section 93 of the Education and Inspections Act 20061 enables school staff to use reasonable force to prevent a pupil from:

- a. committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b. causing personal injury to themselves, other pupils or a member of staff or damage to property; or
- c. 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.

The staff to which this power applies are:

- i. any member of staff at the school;
- ii. any other person whom the head has authorised to have control or charge of pupils. This can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on school-organised visits); and
- iii. does not include any pupils.

The power may be used where the pupil (including a pupil from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

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



The term 'use of force' covers the broad range of strategies that involve a degree of physical power to prevent pupils from hurting themselves or others, damaging property or causing disorder. The range stretches from leading a pupil to safety by the hand or arm, through to extreme circumstances where a pupil needs to be restrained to prevent violence or injury.

- Control can mean either passive physical contact (e.g. standing between pupils or blocking a pupil's path) or active physical contact (e.g. leading a pupil by the hand or arm, or ushering a pupil away by placing a hand in the centre of the back).
- When members of staff use "restraint" they physically prevent a pupil from continuing what they were doing after they have been told to stop. The use of restraint techniques is usually used in more extreme circumstances, such as when two pupils are involved in a fight and physical intervention is needed to separate them.

Some examples of situations where reasonable force might be used are:

- 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 deliberate damage to property;
- to prevent a pupil causing injury or damage by accident, by rough play, or by misuse of dangerous materials or object;
- 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; or
- to prevent a pupil behaving in away that seriously disrupts a school sporting event or school visit.

Objectives

The aim of this document is to set out the schools policy with regards to using force in school and clarify that it is acceptable to use force if staff think it is right and necessary.

Minimising the need to use force

Because the use of force should only be a last resort, we will minimise the possibility of force being needed by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind.

As a school we will make individual risk assessments when it is known that force is more likely to be necessary to restrain a particular pupil, such as a pupil whose SEN and/or disability is associated with extreme behaviour.

We will ensure we have deloped positive relationships between pupils and staff;

We will work together to ensure that we recognise the situations which can trigger challenging behaviours

We will effectively managing individual incidents. Communicating calmly with the pupil, using non-threatening verbal



and body language and ensuring the pupil can see a way out of a situation. Strategies might include, for example, going to a quiet room, away from bystanders or other pupils, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the pupil; and

Wherever practicable, warning a pupil that force may have to be used before using it.

Who is authorised to use force

All members of school staff are authorised by law to use force. Headteachers can also decide whether to authorise for a limited time volunteers at the school although this should be in exceptional cases only. Such individuals should be given clear instruction on when the power can be used and on the school's policy and practice.

Whether or not to use force

The judgement on whether to use force and what force to use will always depend on the circumstances of each case and – crucially in the case of pupils with SEN or disabilities – information about the individual concerned.

Decisions on whether the precise circumstances of an incident justify the use of 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 judgement about:

- a.** 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;
- b.** 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; and
- c.** 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.

Examples of situations that particularly call for judgments of this kind include:

- a.** a pupil attacks a member of staff, or another pupil;
- b.** pupils are fighting, causing risk of injury to themselves or others;
- c.** a pupil is committing, or on the verge of committing, deliberate damage to property;
- d.** a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or object;
- e.** a pupil absconds from a class or tries to leave school other than at an authorised time. Refusal of a pupil to remain in a particular place is not enough on its own to justify use of force.

It would only be justifiable where allowing a pupil to leave would:



- i. entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property; or
- ii. lead to behaviour that prejudices good order and discipline, such as disrupting other classes;
- f. a pupil persistently refuses to follow an instruction to leave a classroom;
- g. a pupil is behaving in a way that seriously disrupts a lesson; or
- h. a pupil is behaving in a way that seriously disrupts a school sporting event or school visit.

In these examples use of force is likely to be construed as reasonable (and therefore lawful) if it was clear that the behaviour was sufficiently dangerous or disruptive to warrant physical intervention of the degree applied and could not realistically be dealt with by any other means.

How best to use force

Before using force staff should engage the pupil in a calm and measured tone ([Appendix 1 – Do's and Don'ts](#)), making clear that their behaviour is unacceptable and setting out how the pupil could choose to change their behaviour. Staff should not give the impression of acting out of anger or frustration, or to punish a pupil, and should make it clear that they only intend to use physical intervention as a last resort to ensure that the situation is addressed as safely as possible. The use of force must always be proportionate to the level of risk and should always be reduced at the earliest possible time.

Prior to intervention staff should summon assistance from colleagues, wherever possible. If necessary other staff will remove other pupils who may be at risk. Where practical staff will ask the pupil to stop and make it clear to them that they will be restrained if they don't. Throughout any incident staff will continue to communicate with the child/ren in a calm manner, offering choices and time for the pupil to become calm.

In schools force is generally used for two different purposes – to control pupils and to restrain them. By control we mean passive physical contact (e.g. standing between pupils or blocking a pupil's path) or active physical contact (e.g. leading a pupil by the hand or arm, or ushering a pupil away by placing a hand in the centre of the back). Control can also mean more forceful action. Restraint means the use of restraint techniques and is usually used in more extreme circumstances, such as when two pupils are involved in a fight and refuse to separate without physical intervention. This can involve using appropriate restrictive holds, **Parental consent is not required to restrain a pupil.**

Consideration by a panel of experts has identified that **certain restraint techniques presented unacceptable risk when used on children and young people.** These were the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third takes care of the head; the 'double basket-hold' which involves holding a person's arms across their chest; and the 'nose distraction technique' which involves a sharp jab under the nose and as such will not be used to restrain children.

Where a pupil is engaged in an activity that presents a high and immediate risk of death or serious injury to the pupil, or to others, any member of staff would be justified in taking any action, including the use of reasonable force, that

could reasonably be seen as necessary to alleviate or reduce those risks. 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 a glass bottle or hammer. Staff should always consider their own safety and that of others in deciding how to act in such situations.

Staff should 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. Where a pupil sustains injury as a result of use of force by a member of staff, the member of staff may be called upon to justify his/her actions. It may be necessary to demonstrate that steps were taken to reduce the need for physical intervention at every stage (or why it was not practicable to take such steps), and to show that the level of physical intervention used was necessary, proportionate and employed as a last resort.

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

Risk Assessments

The school Senior Management Team (SMT) will regularly assess the frequency and severity of incidents requiring use of force that are likely to occur in their school and if applicable take account of multi-agency assessments carried out for particular pupils.

As a school we will make individual risk assessments ([Appendix 2](#)) where it is known that force is more likely to be necessary to restrain a particular pupil, such as a pupil whose SEN and/or disability is associated with extreme behaviour.

An individual risk assessment is also essential for pupils whose SEN and/or disabilities are associated with:

- a. communication impairments that make them less responsive to verbal communication;
- b. physical disabilities and/or sensory impairments;
- c. conditions that makes them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
- d. dependence on equipment such wheelchairs, breathing or feeding tubes.

Staff Training

All staff have responsibility for behaviour at St John's Green. As a school we will work to ensure that all staff are suitably trained by a suitable provider, as recommended by the LEA. Training will include the use of de-escalation techniques which introduce the use of force at an appropriate time, based on a consideration of a range of other options.

Training will include ways of avoiding or defusing situations in which physical intervention might become necessary as well as methods of physical intervention.

The absence of accredited training does not preclude a member of staff from using reasonable force where needed.



SEN

There will be particular training needs for staff working closely with pupils with SEN or disabilities. Risk assessments will help inform decisions about staff training. They will also inform the circumstances in which schools would temporarily authorise staff or volunteers to have, control or charge of such pupils. Training decisions will take account of the needs of staff working with children who have particular difficulties with physical intervention, for example those with autistic spectrum conditions.

We will involve all staff members in the school, as well as the pupils' parents, in developing the school's policy and practice on the use of force, for children with SEN. This will help ensure that appropriate account is taken of the needs of individual pupils with SEN or Disabilities including 'fragile' pupils.

As far as practically possible, staff who come into contact with such pupils will be made aware of the relevant Pupil Profile of those individuals, particularly:

- i.** situations that may provoke difficult behaviour, preventive strategies and what de-escalation techniques are most likely to work
- ii.** what is most likely to trigger a violent reaction, including relevant information relating to any previous incident requiring use of force;
- iii.** if physical intervention is likely to be needed, any specific strategies and techniques that have been agreed by staff, parents and the pupil concerned; and
- iv.** the agreed ways to support the pupil and member of staff following an incident.

We will designate which members of staff should be called if an incident involving a particular pupil occurs. This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent. However they should always be involved in post-incident follow-up.

We will teach pupils who are at risk how to communicate in times of crisis and strategies to use in a crisis (such as using personal communication passports and non-verbal signals to indicate the need to use a quiet area or cool-off base) and ensure staff are familiar with these strategies.

When and how to record incidents

The governing body must ensure that a procedure is in place, and is followed by staff, for recording and reporting to parents, *significant* incidents where a member of staff has used force on a pupil. The record must be made as soon as practicable after the incident.

If it is likely that reporting an incident to a parent will result in significant harm to the pupil, then the incident should be reported to the local authority

While ultimately only a court of law could decide what is 'significant' in a particular case, in deciding whether or not an incident must be reported, the school will take into account:

- a.** An incident where unreasonable use of force is used on a pupil would always be a significant incident.
- b.** Any incident where substantial force has been used (e.g. physically pushing a pupil out of a room) would be significant.



- c. The use of a restraint technique is significant.
- d. An incident where a child was very distressed (though clearly not over reacting) would be significant.

In determining whether incidents are significant, the school will consider:

- a. The pupil's behaviour and the level of risk presented at the time.
- b. The degree of force used and whether it was proportionate in relation to the behaviour.
- c. The effect on the pupil or member of staff.

School staff should also bear in mind the age of the child, any special education need or disability or other social factors which might be relevant.

Incidents involving the use of significant force will be recorded, [\(Appendix 3\)](#)

Procedure for reporting incidents

All accounts of the same incident should be recorded, including those of the pupil or pupils involved, (If applicable). Parents will not be given a copy of the incident record as a matter of course, but they will be told when and where the incident took place, why it was decided that force had to be used, the strategies used to try to avoid having to use force, 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. The names of those involved in the incident should not be disclosed in the report. However, the pupil may give this information to the parent or the parent can request the information from the school. The school will deal with these requests in accordance with the Data Protection Act 1998.

When recording use of force incidents, staff should bear in mind that this information may be included in a Criminal Records Bureau disclosure if it is later passed to the police. This would be as a result of significant harm (see 'When and how to record incidents'). The school will retain records of such incidents until the member of staff involved has reached normal retirement age, or for 10 years from the date of any allegation if that is longer.

The law requires that each parent is informed of significant incident where force has been used on their child.

The requirement is to notify 'each' parent.

Where a child has a mother and father who both have parental responsibility and where the child is the subject of a Care Order under section 31 of the Children Act 1989, or being accommodated under section 20 of that Act, the requirement will be to report the incident to the child's mother, father and the Social Services Department.

An exception to reporting to parents is made where to do so is likely to result in significant harm to the pupil. **The Secretary of State's view is that in this case, significant harm is where a child is chastised inappropriately and/or excessively.**

The school will telephone parents as soon as possible after the incident before confirming details in writing.



All injuries should be reported and recorded in accordance with school procedures. The school should take action to report relevant injuries to staff or pupils to the Health and Safety Executive's Incident Contact Centre www.hse.gov.uk/riddor/index.htm

Governors will monitor incidents where force has been used and the Headteacher will report any such incidents to governors in his termly Headteacher Reports

Post incident support and complaints

Members of staff who have been assaulted may want to report the incident to the police. They may also want to seek the advice and support of their trade union representative.

Serious incidents involving use of force may result in injuries to the pupil or to staff. Immediate action will be taken to provide first aid for any injuries and to access medical help for any injuries that go beyond first aid. These

incidents can be upsetting to all concerned, so it is also important to ensure that staff and pupils are given emotional support.

As a school we will also:

a. Ensure that relevant multi-agency partners are kept informed. This could include local authority children's services, Child and Adolescent Mental Health Services or the Youth Offending Team (if the pupil is already under their supervision or has been identified by the YOT as being at risk of becoming engaged in criminal or anti-social behaviour);

Hold the pupil to account where their poor behaviour has resulted in force being used, so that he or she recognises and repairs the harm caused or which might have been caused. The consequences of this behaviour may involve the use of sanctions which need to be considered in accordance with the school's behaviour policy. As well as disciplining **b.** the pupil, this may involve giving them the opportunity to repair the relationships with staff and pupils involved in the incident as well as developing their social and emotional skills. In some cases, an incident might lead to a decision to exclude a pupil.

c. Help the pupil and staff develop strategies to avoid repeating crisis points in future and inform relevant staff about these plans and their roles;

d. Ensure that staff and pupils affected by an incident have continuing support for as long as necessary in respect of:

- i.** physical consequences;
- ii.** support to deal with any emotional stress or loss of confidence; and
- iii.** opportunity to analyse, reflect and learn from the incident.

Parents and pupils have a right to complain about actions taken by school staff, including any use of force. If a specific allegation is made against a member of staff then the school will follow the guidance set out in *Safeguarding Children and Safer Recruitment in Education*

www.teachernet.gov.uk/wholeschool/familyandcommunity/childprotection/saferrecruitment/guidance

Other complaints will be dealt with under the school's complaints procedure .



However by reporting an incident fully to those with parental responsibility following the incident should minimise the chances of a complaint about use of force but it cannot prevent all complaints or allegations that force has been used inappropriately. Allegations can be made by persons other than the parents or children involved.

Allegations that a member of staff has used force inappropriately or unlawfully on a pupil made to the school, other agencies or even the police will be dealt with in accordance with agreed policy and procedure for handling allegations against staff.

If a member of staff uses reasonable force as defined in this guidance, they will have a robust defence against any false allegations of unreasonable or unlawful conduct which form the basis of a complaint or legal action.

In most Civil Court proceedings relating to actions of employees, it is the employer who is sued and not the individual staff member, under the principle of vicarious liability. So if a member of staff is sued individually in an action or jointly with the employer, that member of staff should be covered by the employer's public liability insurance. If the member of staff was acting properly in the course of his/her duties when the matters giving rise to the potential liability took place, then he/she should be indemnified by the employer in respect of legal costs and damages.

However, if a staff member uses unreasonable force they would not be acting within the scope of their employment duties and they may subsequently face civil or criminal proceedings and/or disciplinary action as a result.

Some members of staff may be concerned about the repercussions of failure on their part to use force; for example, if a complaint is brought against them on the grounds that they could have avoided a child suffering injury if they had used force to break up a fight. In a situation such as this, it is extremely unlikely that a teacher would be found to be negligent by a court, provided they had taken all reasonable steps to ensure the safety of pupils short of using force.

Teachers have a duty of care and, while a child is under their care are regarded as being in place of the parent ("in loco parentis"). It follows that the potential has always existed for a teacher to face an action for assault or negligence where his or her use of force or failure to use force has led to a child being injured or harmed. The introduction of a specific statutory power to use force has not created this situation, but does provide school staff with a more robust defence against unfounded allegations.

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by section 93 of the Education and Inspections Act 2006. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, or CDT, or if a member of staff has to give first aid. Young children and those with SEN may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is being congratulated or praised, or where the pupil is in distress and needs comforting. School staff will use their own professional judgement when they feel a pupil needs this kind of support. Further useful advice on this in *Guidance for Safe Working Practice for the Protection of Children and Staff in Education Settings* at www.teachernet.gov.uk/docbank/index.cfm?id=8200

There may be some pupils for whom touching is particularly unwelcome. For example, some pupils may be particularly sensitive to physical contact because of sensory issues, their cultural background or because they have been abused. It is important that staff who may come into contact with these pupils or groups of pupils should have the relevant information and that the school has a system for informing them. In addition, the school will need to develop clear common practice towards particular groups of pupils and events. There should be a common approach where staff and pupils are of different sexes. Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can



sometimes be misconstrued.

This policy should be read in conjunction with:

The use of Force to Control or Restrain Pupils, dcsf, 2010

Use of Force Guidance, dcsf, 2010

The Schools Behaviour Policy

The school's Child Protection Policy



Appendix 1
Do's and Don'ts

<u>Do's</u>	<u>Don'ts</u>
appear calm and relaxed	appear afraid and unsure of yourself; appear bossy, arrogant; assume an "I don't give a damn about you" attitude
keep the pitch and volume of your voice down.	raise your voice
feel comfortable with the fact that you are in control (if you control yourself, you control the situation); project a calm assured feeling that you will see the situation through to peaceful end no matter what happens	appear to expect an attack (or you will have one)
talk with the pupil	give commands; make demands
be very matter of fact if the pupil becomes agitated; be sensitive and flexible; be flexible yet consistent; be aware of body language; monitor breathing (chest movements) which can telegraph aggressive responses	make threats (Especially any that you are not absolutely sure that you can carry through!); maintain continuous eye contact; gesticulate (this may provoke confrontation)
stay close to the pupil and attend to him/her	turn your back or leave; invade the pupil's personal space
be patient; if a pupil's agitation increases to the verge of attack: * Acknowledge his/her feelings; * Continue with a matter of fact attitude; * Always leave the pupil an avenue of escape	display emotion; argue; corner the pupil physically or psychologically
where possible, remain seated as long as the pupil does; avoid crowding	get up and move towards the pupil
stay near him/her, about one arm's length away; stand to one side; give the pupil more space if appropriate	give up
seek to relax your muscles and keep them under control.	tense your muscles

Appendix 2
Risk Assessment

The school will use the risk assessment as provided by teachernet. This can be found by allowing the link - www.teachernet.gov.uk/docbank/index.cfm?id=5334





Assessing and Managing Foreseeable Risks for Children who Present Challenging Behaviours

Name of Child:

Class Group:

Name of Class Teacher:

Identification of Risk	
Describe the Foreseeable Risk	
Is the risk potential or actual?	
Who is 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?	



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 & School Risk management Strategy		
Focus of Measures	Measures to be Employed	Level of Risk
Proactive interventions to prevent risks		
Early interventions to manage risks		

Reactive interventions to respond to adverse outcomes		
---	--	--

Communication of Behaviour Management Plan & 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



Evaluation of Behaviour Management Plan & 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		

Signed: (Headteacher/SENCO/Class Teacher/LSA/Parents)

Date:



Appendix 3
Recording of Incidents

The school will use the incident reporting form as found on page 30-31 of The use of Force to Control or Restrain Pupils, dcsf, 2010 which is also available at the following link

http://www.teachernet.gov.uk/doc/14800/4316_Use_of_force.pdf





St John's Green Primary School

Use of Force (Positive Handling) Incident Record Form

Details of pupil on whom force was used – name, class, and any SEN, disability or other vulnerability

--

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 SEN, 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 this incident
Follow up, including post-incident support and any disciplinary action against pupils
Any information about 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:
Name and role:
Date:
Report countersigned by:
Name and role:
Date:

Please Note: The names of pupils should be removed before the completed form is sent to parents and the names of members of staff should only be included with their consent.