

Child & Adult Services
Department



Advice and Guidance on the use of Physical Intervention and Reasonable Force with Pupils

February 2014

Introduction

This document is aimed at assisting Headteachers and Governors when drawing up their individual behaviour policies. This guidance is produced in accordance with DfE document Use of Reasonable Force (July 2012).

Each school must draft a policy which considers legal principles and good practice. All members of staff and Governors, parents and pupils need to be aware of the school's Behaviour Policy.

Legislation

School policies should comply with;

- The Education Act 1996
- The Education and Inspections Act 2006
- Joint DfE/DH guidance 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 Disorder (July 2002).

The Use of Reasonable Force

Section 550A of the Education Act 1996 states;

A member of staff of a school may use, in relation to any pupil at the school, such force as is reasonable in the circumstances for the purpose of preventing the pupil from doing (or continuing to do) any of the following, namely;

- Committing any offence
- Causing personal injury to, or damage to the property, any person (including the pupil him/herself) or
- Engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils whether that behaviour occurs during a teaching session or other wise.

What is Reasonable Force?

The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involves a degree of physical contact with pupils.

Force is usually used to either control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight. Reasonable force can also be used where a pupil needs to be restrained to prevent violence or injury.

Reasonable force means using no more force than is needed for the particular circumstance of the incident.

Reasonable force used for control means 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 a classroom.

Reasonable force used to restrain 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.

Staff should always try to avoid acting in a way that might cause injury however in extreme circumstances it may not always be possible to avoid injury to the pupil.

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.

In a school, force is used for two main purposes; to control pupils or to restrain them. The decision on whether or not to intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but gives some examples of situations where reasonable force can be used;

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

Schools **cannot** under any circumstances use force as a punishment. It is **always** unlawful to use force as a punishment.

Who can use Reasonable Force?

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

This power applies to any member of staff at the school. It can also apply to people whom the Headteacher has temporarily put in charge of the pupils such as unpaid volunteers or parents accompanying pupils on a school organised visit. School staff should be made aware of non-school staff who have been given this power.

Practical Considerations

Where the school has identified that the use of reasonable force may be necessary for a pupil, a risk assessment should be carried out for that pupil. If the pupil is in receipt of home to school transport that is provided by the Authority, a member of the Transport Team should be invited to any risk assessment meeting to consider any special requirements the pupil may need during transport. The findings of the risk assessment should be communicated to relevant staff being mindful of confidentiality arrangements.

A calm and measured approach is always required with situations being defused orally whenever possible. Staff should continue to communicate with the pupil throughout the incident and it is important that staff listen to a pupil throughout the incident.

It is recommended that a member of staff seeks assistance from a second member of staff and informs the pupil that this has been done. Only in an emergency situation should a member of staff use physical intervention without the presence of another member of staff. A member of staff of the appropriate gender must be present at the earliest time.

The member of staff should make it clear to the pupil that all reasonable force will cease as soon as the need ceases to be necessary. The length of time a pupil is restrained should always be the minimum necessary to achieve the immediate objective.

Staff Training

Schools should ensure that training is made available for all staff. Within Hartlepool training is available from;

Catcote Academy (01429 – 264036) – Team Teach advanced training for adults – contact Steve Foster

Springwell School (01429 – 280600) – Team Teach training for children – contact Karl Telfer

Exmoor Grove (01429 – 232634) – PRICE Training (basic and advanced) for pupils with challenging behaviour – contact Sylvia Lowe.

Staff should never:

- Hold a pupil round the neck or in any way that might restrict the pupil's ability to breath.
- Slap punch or kick a pupil.
- Twist or force limbs against a joint.
- Trip a pupil
- Hold a pupil by the hair or ear

Holding pupils face down on the ground should only be used in the most exceptional circumstances and staff need to be made aware how to make safe in such a position by ensuring the pupil can breath and their airway is clear through close observation.

Recording the Incident

Following every incident of physical intervention, a written account must be made as soon as possible. Written accounts must include all relevant details of the incident and it is suggested that schools use the incident form in Appendix 1 of this document. The completed form should be handed to the Headteacher for signature.

A copy of the form should be retained by the person(s) who carried out the physical intervention.

It is recommended that once the situation has calmed down the pupil, where appropriate depending on age and other factors be asked also to provide a written record of the incident. If necessary pupils are to be given assistance to complete their report.

The Headteacher will need to consider whether or not it is appropriate to report the incident in accordance with existing guidelines on Health and Safety at Work (eg Violence to Staff, Accident Reporting Arrangements etc).

Informing Parents/Carers

All parents/carers should be made aware of the schools policy on physical intervention either by information included in the school's prospectus or by receiving a copy of the school's behaviour policy.

It is good practice for schools to speak to parents/carers about all serious incidents involving the use of force. In deciding what is a serious incident school staff should use their professional judgement and consider;

- The pupil's behaviour and level of risk at the time of the incident
- The degree of force used
- The effect on the pupil and/or the member of staff
- The child's age.

Parents/carers should be notified as soon as possible after any incident and always within 24 hours.

Complaints

All complaints about the use of force should be thoroughly, speedily and appropriately investigated.

Where a member of staff has acted within the law, that is, they have used reasonable force in order to prevent any injury, damage to property or disorder, this will provide a defence to any criminal prosecution or other civil or public law action.

When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true. It is not for the member of staff to show that he/she has acted reasonably.

If a member of staff is accused of acting with excessive force, suspension should not be the automatic response. Schools should refer to 'Dealing with Allegations of Abuse against Teachers and Other Staff' DfE guidance. This makes it clear that a person should not be suspended automatically or without careful thought.

Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

If a decision is taken to suspend a member of staff the school should ensure that the teacher has access to a named contact who can provide support.

Governing Bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of reasonable force in an incident.

Office use. SIRF No:

HARTLEPOOL BOROUGH COUNCIL
SAFETY INCIDENT REPORT FORM
Please complete form in **BLOCK CAPITALS** in black ink
See guidance notes for help in completing the form



Section 1 DETAILS OF INJURED OR AFFECTED PERSON (to be completed by the person if possible or in the case of a non employee by the person recording the incident).

Name: _____ Date of Birth: _____ Male Female

Home Address: _____

Post Code _____ Tel. No: _____

Status: HBC Employee School Employee HBC Trainee Contractor

Member of public Service User Pupil Other

Job Title: _____ Department: _____

Normal Workplace /

School: _____ Payroll Number _____

Section 2 Details of accident / incident / ill-health

Date of Incident: _____ Time of Incident: _____ Date of Report: _____
(use 24 hr clock)

Incident Type: Violence Accident Work related Ill-health Near Miss

Incident Recorded on the Employee Protection Register

Location of Incident (Include Establishment name and Location on premises): _____

Details of Incident (Include activity at time, full details of what happened and name of assailant if applicable) / Details of work-related ill-health (include the medical confirmation that the ill health is work related):

Section 3 Details of Injury (if applicable)

Description of injury
(Include part of body and nature of injury): _____

Treatment Given: _____

Name of First-Aider: _____

(Tick all appropriate boxes) Is the injured party expected to be absent from work for more than 3 days due to the incident

Was the injured person: Able to continue work Sent home Sent to GP/Dentist Taken to Hospital

Section 4 Details of Person Completing Sections 1-3 of this Form

Name: _____ Job Title: _____
(Please Print)

Signature: _____ Date: _____

Signature of person involved in the accident / incident _____

Where possible the signature of the person involved in the accident/incident should be obtained as verification that they have read the above completed sections of this form and agree it as a true record of events.

Section 5 Investigation

a) Names & Status of Witnesses (if any):

(Please attach any statements, addresses and other relevant information e.g. payroll number.)

- _____ HBC Employee HBC Trainee Contractor Member of public Client Pupil
- 2) _____ HBC Employee HBC Trainee Contractor Member of public Client Pupil
- 3) _____ HBC Employee HBC Trainee Contractor Member of public Client Pupil

b) Causes (Please detail all identified causes of the accident, incident or work-related ill-health and previous relevant incidents)

c) Action taken to prevent recurrence & outcomes:

Action / Outcomes

(Detail practical and managerial actions and any formal or legal action)

Person Responsible

Target Date

| Action / Outcomes | Person Responsible | Target Date |
|-------------------|--------------------|-------------|
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |
| _____ | _____ | _____ |

Section 6 Signatures

Print Name:

Signature:

Date:

Person Investigating Incident _____

Review by

(Review actions)

It is the responsibility of the line manager to ensure the incident is fully investigated (so far as is reasonably practicable) and details recorded on this form.

Section 7 Health and Safety Use Only

Incident Number _____ Form Checked Officer _____

Investigation Required Yes No RIDDOR notifiable Yes No ICC Number _____

Date injured person returned to work _____ Number of days lost _____