

# Manchester Health Academy

## Reasonable Use of Force to Control or Restrain Students Policy

## REASONABLE USE OF FORCE TO CONTROL OR RESTRAIN STUDENTS POLICY

### Approval History

Approved By:	Date of Approval	Version Approved	Comments
Principal	18/02/20	V2	

### Revision History

Revision Date	Previous Revision Date	Rev	Summary of Changes	Changes Marked	Owner/Editor
10/10/11		V1	BASE DOCUMENT		
18/02/20		V2	Addition – reference to de escalation Addition – Appendix 1 . Record of use of reasonable force or restraint.		

# The Use of Reasonable Force to Control or Restrain Students

## Introduction

This policy should be read in conjunction with:

- Circular 10/98 "The Use of Force to Control or Restrain Students", issued following the enactment of Section 550A of the 1996 Education Act
- DCSF – The Use of Force to Control or Restrain Students 2010
- Manchester Health Academy 'Behaviour policy Rewards & Sanctions'
- Recording and Reporting arrangements form Accident and Injuries

This policy has been prepared for the support of all teaching and support staff who come into contact with students and for volunteers working within the academy to explain the academy's arrangements for positively supporting behaviour. Its contents are available to parents and students. This policy contains information and guidance on the use of reasonable force to control or restrain students in situations where there is an actual or likely threat to persons or serious damage to property.

The Education and Inspections Act 2006 has made tackling behaviour a major priority, consequently academies are required to have an 'acceptable use of force policy'. This policy has been developed in response to the recommendations of Circular 10/98 "The Use of Force to Control or Restrain Pupils", issued following the enactment of Section 550A of the 1996 Education Act. The policy should be read in conjunction with subsequent revised guidance and other academy policies relating to interaction between adults and students in particular:

The responsible persons for the implementation of the policy are the Senior Leadership Team

Good personal and professional relationships between staff and students are vital to ensure good order in our academy. It is recognised that the majority of students in our academy respond positively to the strategies practised by staff. This ensures the well-being and safety of all students and staff. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of physical contact, physical control and/or physical intervention with reasonable force may be required. See Appendix A for definitions of these terms.

All staff have a responsibility to follow the academy's Behaviour policy Rewards & Sanctions and use the appropriate strategies outlined in that document. Physical control and intervention can only be justified in the circumstances described in this 'Use of Reasonable Force to Control or Restrain Students Policy' and will only be used as a last resort when all other behaviour management strategies have failed or when students, staff or property are at risk. Staff will at all times attempt to de – escalate a situation. Staff will reduce student anxiety by using appropriate language and tone of voice, providing the opportunity to find a quiet, safe place, acknowledge their feelings and emotions and seek support from other staff members.

### **Authorised Staff**

The Principal is responsible for making clear which staff are authorised to use reasonable force, in what circumstances and settings they may use force and for what duration of time this authorisation will last. The Principal will ensure that those authorised are aware of, and understand, what the authorisation entails. Those whom the Principal has not authorised will be told what steps to take in the case of an incident where control or restraint is needed, for example to contact an authorised member of staff.

The staff to which this authorisation applies are defined in section 95 of the 2006 Act. They are:

- a. any teacher who works at the academy, and
- b. any other person whom the principal has authorised to have control or charge of students. This:
  - i) includes support staff whose job normally includes supervising students such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.
  - ii) can also include people to whom the principal has given temporary authorisation to have control or charge of students such as paid members of staff whose job does not normally involve supervising students (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying students on academy-organised visits).
  - iii) does not include lead students.

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

Supply staff will not be authorised to use reasonable force unless they are familiar with this academy's policy and have undertaken training.

### **Training**

Training for staff will be made available, according to the relevance of their job role, and will be the responsibility of the Principal.

Every effort will be made to ensure that all staff in this academy:

- i) Clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where reasonable force is necessary and
- ii) Where appropriate, are provided with the necessary training to deal with these difficult situations.

However individual members of staff cannot be required to use physical restraint.

### **Types of incidents**

The 2006 Education and Inspections Act 2006 (Part 7) stipulates that reasonable force may be used to prevent a student from doing, or continuing to do any of the following:

- engaging in any behaviour prejudicial to maintaining good order and discipline at the academy or among any of its students, whether the behaviour occurs in a classroom during a teaching session or elsewhere (this includes authorised out-of-academy activities);
- self-injuring or placing him or herself at risk;
- injuring others;
- causing serious damage to property
- committing a criminal offence (even if the student is below the age of criminal responsibility).

### **Acceptable measures of physical intervention**

The use of any degree of force can only be deemed reasonable if:

- (a) it is warranted by the particular circumstances of the incident;
- (b) it is delivered in accordance with the seriousness of the incident and the consequences which it is desired to prevent;
- (c) it is carried out as the minimum to achieve the desired result;
- (d) the age, understanding and gender of the student are taken into account;
- (e) it is likely to achieve the desired result of avoiding harm to persons or serious damage.

Wherever possible assistance should be sought from another member of staff before intervening. Assistance can be summoned from the 'On Call' member of the Senior Leadership Team. The 'On Call' Team has been developed to meet with the recommendation that all academies

*"should have communication systems that enable a member of staff to summon rapid assistance when necessary."* (The Use of Force to Control or Restrain Students, DCSF, 2010)

**Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result).** Such situations could include preventing a student running off the pavement onto a busy road or preventing a student from hitting someone with a dangerous object such as a glass bottle or hammer.

### **Recording**

Where physical intervention has been used to manage a student, a record of the incident will be kept (Appendix 1). This record should also be made in the academy Serious Incident book within the academy recording system. An Accident Form should be filled in for all incidents in the academy where physical control or restraint

has been used. The form should be filled in as soon as is practically possible following an incident

In addition, specific details of the use of reasonable force will be recorded to include:

- how the incident developed;
- attempts made to calm the situation;
- names of any staff or students who witnessed the incident;
- the outcome of the incident including any injuries sustained, by any student or member of staff;
- any damage to property which has resulted;
- whether/how parents have been informed;
- a summary of actions taken. This should include a post-incident review.

Staff may find it helpful to seek advice from a senior colleague or representative of their professional association/union when compiling a report. After the review of the incident, copies of Form RF will be placed on the student's file and in the academy's general file on the use of reasonable force.

Where staff have been involved in an incident involving reasonable force they should have access to counselling and support. Within the academy, this will be made available through the Principal and line managers.

### **Complaints**

Any complaints about how the situation has been managed will be addressed under the Academy's Praise and Complaints Procedure.

### **Monitoring of incidents**

Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documented. Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Principal to the needs of any student(s) whose behaviour can only be contained by the use of reasonable force. This process will also address patterns of incidents and evaluate trends which may be emerging.

### **Positive Handling Strategies**

Physical Intervention should only be used where it is reasonable to do so to prevent harm occurring to the child or others and it is this philosophical stance that links the legal framework with good practice. In the event of a legal challenge the academy would be expected to provide evidence to show how the behaviour procedures promoted the avoidance of harm being caused.

### **Key Principles**

- At all times a 'Duty of Care' for and to the child should be of primary concern
- Physical interventions should only be employed using **'the minimum degree of force for the shortest possible period'**.

## Screening

Although screening is not a regular practice at the Academy, Governors may in exceptional circumstances authorise Academy staff to screen students. Screening involves the use of detection technology to identify the possession of banned or illegal items such as weapons or drugs.

Screening does not require consent from students or their parent / careers. Any member of staff can be involved.

The Academy may refuse to have students on site if the refuse to be screened.

## Searching and Confiscation

Searching may be required if staff suspect that a student is in possession of illegal, banned or stolen items.

Academy staff will seek verbal agreement to search in the first instance. However, refusal will lead to appropriate sanctions.

## Where to find the latest advice

1. Behaviour and Discipline in Schools: A Guide for Head Teachers and Schools Staff  
<http://media.education.gov.uk/assets/files/pdf/b/behaviour%20and%20discipline%20in%20schools%20%20%20a%20guide%20for%20teachers%20and%20school%20staff.pdf>
2. Behaviour and Discipline in Schools: Guidance for Governing Bodies  
<http://media.education.gov.uk/assets/files/pdf/b/behaviour%20and%20discipline%20in%20schools%20%20%20guidance%20for%20governing%20bodies.pdf>
3. Use of Reasonable Force: Advice for Head Teachers, Staff and Governing Bodies  
<http://media.education.gov.uk/assets/files/pdf/u/use%20of%20reasonable%20force%20advice%20for%20headteachers%20and%20governors.pdf>
4. Preventing and Tackling Bullying: Advice for School Leaders, Staff and Governing Bodies  
<http://media.education.gov.uk/assets/files/pdf/p/preventing%20and%20tackling%20bullying%20%20%20advice%20for%20headteachers%20staff%20and%20governing%20bodies.pdf>
5. Screening, Searching and Confiscation: Advice for Head Teachers, Staff and Governing Bodies

<http://media.education.gov.uk/assets/files/pdf/s/screening%20searching%20and%20confiscation%20%20%20advice%20for%20headteachers%20and%20governors.pdf>

6. Dealing with Allegations of Abuse against Teachers and other Staff: Guidance for Local Authorities, Head Teachers, School Staff, Governing Bodies and Proprietors of Independent Schools

<http://media.education.gov.uk/assets/files/pdf/d/dealing%20with%20allegations%20of%20abuse%20against%20teachers%20and%20other%20staff.pdf>

### **Other useful sources of information and advice**

British Institute of Learning Disabilities

<http://www.bild.org.uk/>

Team-Teach

<http://www.team-teach.co.uk/>

Guidance for restrictive physical interventions: How to provide safe services for people with learning disabilities and autistic spectrum disorder

[http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH\\_4009673](http://www.dh.gov.uk/en/Publicationsandstatistics/Publications/PublicationsPolicyAndGuidance/DH_4009673)

Guidance on the use of restrictive physical interventions

<http://www.education.gov.uk/childrenandyoungpeople/sen/sen/types/clneeds/a0013105/guidance-on-the-use-of-restrictive-physical-interventions>

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

<http://media.education.gov.uk/assets/files/pdf/r/risk%20pro%20forma.pdf>





**Appendix 1.**

**Record of reasonable use of force to control or restrain students**

<b>Name of student</b>	
<b>Name of staff</b>	
<b>Date and time of incident</b>	
<b>Location of incident</b>	
<b>Details of behavior and level of risk presented (include degree of force, injuries sustained).</b>	
<b>Sequence of events</b>	
<b>Time and date parents/carer informed</b>	
<b>Signature of staff member</b>	
<b>Signature of Principal</b>	