



# Kirkbie Kendal School Academy Trust

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1.4		

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**"Kirkbie Kendal promotes the safeguarding and welfare of children in its care; all policies support the Child Protection Policy."**

# KIRKBIE KENDAL SCHOOL ACADEMY TRUST

## Policy on the Use of Force by Staff to Control or Restrain Students

### Introduction:

Staff need to know that all school staff members have a legal power to use reasonable force to prevent students committing a criminal offence, injuring themselves or others or damaging property, and to maintain good order and discipline.

There are circumstances when it is appropriate for staff in schools 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. (Keeping Children Safe in Education – September 2020)

Staff members can sometimes be worried that using force will lead to false allegations of unreasonable or unlawful conduct in the form of a complaint or legal action. If the force used is reasonable all staff will have a robust defence against any accusations. This policy and the guidance recommended in it is intended to help staff feel more confident about using force when they think it is right and necessary. In fact, 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.

The use of force will **never** be used as a punishment.

### Objectives

- Maintain the safety of students and staff;
- Maintain the good order of the school;
- Prevent serious breaches of school discipline;
- Prevent serious damage to property.

### The school minimises the need to use force by:

- creating a calm environment that minimises the risk of incidents arising that might require using force;
- teaching students how to manage conflict and strong feelings;
- de-escalating incidents if they do arise;
- only using force when the risks involved in doing so are outweighed by the risks involved in not using force;
- risk assessments and positive handling plans for individual students.

### **Staff authorised to use force**

- All teachers and support staff, who have control or charge of students, automatically have the statutory power to use reasonable force.
- Temporary authorisation is given to trainee teachers after they have been briefed by the school professional mentor on this policy. Other temporary authorisation of staff will be notified through the staff portal.

### **Guidelines on deciding whether to use reasonable force (please see Appendix B)**

To help staff decide whether or not to use force in particular circumstances. Staff should only use force when:

- the potential consequences of not intervening are sufficiently serious to justify considering use of force;
- the chances of achieving the desired result by other means are low; and the risks associated with not using force outweigh those of using force.

Staff will be kept informed about and advised how to deal with students who present particular risks to themselves or others (as a result of SEN and/or disabilities and/or other personal circumstances, such as domestic violence); through risk assessments or individual behaviour management plans that are emailed to all staff. Staff should also consider their duties under the Equality Act 2010 in relation to making reasonable adjustments, non-discrimination and their Public Sector Equality Duty.

Staff should minimise the highest risks, for example by calling for senior staff support or, if unavailable, the Police if a student suspected of having a weapon seems likely to resist a search.

### **Using reasonable force**

It is vital to only use the minimum force necessary to achieve the desired result. Staff must:

- Advise, giving a clear verbal warning to the student, that force may have to be used.
- In school, force would only generally be used for two different purposes – to control students and to restrain them.
- Control can mean either passive physical contact (e.g. standing between students or blocking a student's path) or active physical contact (e.g. leading a student by the hand or arm, or ushering a student away by placing a hand in the centre of the back).
- When members of staff use 'restraint' they physically prevent a student from continuing what they were doing after they have been told to stop. The use of restraint techniques would only be used in more extreme circumstances, such as when two students 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 student from attacking a member of staff, or another student, or to stop a fight between two or more students;
- to prevent a student causing deliberate damage to property;
- to prevent a student causing injury or damage by accident, by rough play, or by misuse of dangerous materials or object;

- to ensure that a student leaves a classroom where the student persistently refuses to follow an instruction to do so;
- to prevent a student behaving in a way that seriously disrupts a lesson; or
- to prevent a student behaving in a way that seriously disrupts a school sporting event or school visit.

The power may be used where students (including those from another school) are on school premises or elsewhere under the lawful control or charge of the staff member (for example on a school trip).

Note that:

- as far as possible, you should not use force unless, or until, another responsible adult is present to support, observe and call for assistance;
- force should be used as a protective measure and never for disciplinary purposes. The judgement on whether to use force and what force to use should always depend on the circumstances of each case and – crucially in the case of students with SEN and/or disabilities – information about the individual concerned.

### **Staff training**

- Decisions about training are made by senior staff based on analysis of any incidents, student needs and on advice from the Local Authority.
- Training is provided through staff meetings and Inset time for all staff on this policy.
- Specialist training (eg Team Teach) is kept up to date for a group of staff.

### **Recording incidents**

Arrangements for recording and reporting significant (see Appendix C) incidents of use of force. Staff must complete an incident report form (Appendix A) and pass it to the Designated Safeguarding Lead (DSL) who maintains a school record.

Any injuries received by either the pupil or staff member(s) involved as a result of an incident requiring reasonable force must be recorded using the accident report book.

### **Reporting incidents**

It is expected that if force is used then the incident is shared with parents. There are rare occasions where an incident must not be reported to the parent if it appears that it is likely to result in significant harm to the student. This decision will be made by the DSL or other senior staff.

The school will ensure that relevant multi-agency partners are kept informed as necessary in line with information sharing. This could include Children's Services, Child and Adolescent Mental Health Services, the Police or the Youth Offending Team (if the student 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).

### **Post-incident support**

The school will hold the student 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 are very likely to involve the use of sanctions which need to be considered in accordance with the school's behaviour policy. As well as disciplining the student, this may involve giving them the opportunity to repair the relationships with staff and students involved in the incident as

well as developing their social and emotional skills. Such an incident may lead to a decision to exclude a student.

The school will help the student and staff, as appropriate, develop strategies to avoid repeating crisis points in future and inform relevant staff about these plans and their roles. The school will endeavour to ensure that staff and students 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;
- iii. opportunity to analyse, reflect and learn from the incident.

### **Complaints and allegations**

Parents and students have a right to complain about actions taken by school staff, including any use of force. Complaints should be dealt with under the school's complaints procedure.

If a specific allegation is made against a member of staff, the school will follow the guidance set out in Keeping Children Safe in Education (2020), and the school's Child Protection Policy.

### **Monitoring and review**

The school's arrangements for monitoring the impact of its policy on use of force and for reviewing and developing the policy rests with an annual review by the school Leadership Team, who will report to and advise Governors.

### **Further information**

Guidance on Use of reasonable force: Advice for headteachers, staff and governing bodies (July 2013) document.

Guidance set out in Keeping Children Safe in Education (September 2020). This Guidance can be found at <https://www.gov.uk/government/publications/keeping-children-safe-in-education--2>

### **Related policies:**

Behaviour for Learning Policy.

Child Protection Policy.

Appendix A: Incident Record Form

Appendix B: Further Guidance for Staff

Appendix C: Guidance on what is a significant incident

**THIS DOCUMENT IS AVAILABLE IN THE FOLLOWING FORMATS: PAPER**

**ENLARGED PRINT**

**EMAIL**

**WEBSITE**

**Incident record form**

Please Note: The names of students 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.

Details of student on whom force was used – name, class, and any SEN, disability or other vulnerability		
Name	Form	Any other information

Day, date, time and location of incident			
Day of week	Date	Time	Location

Names of staff involved (directly or as witnesses)

Details of other students involved (directly or as witnesses), including whether any of the students involved were vulnerable for SEN, disability, medical or social reasons		
Name	Form	Any other information

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 students and any first aid and/or medical attention required	
Accident/Incident Form completed	YES / NO

Reasons for making a record of this incident

Follow up, including post-incident support and any disciplinary action against students

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	
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Name and role	
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Date	
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Report countersigned by	
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Name and role	
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Date	
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### Further Guidance for staff

Consideration by a panel of experts 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.

1. Where a student is engaged in an activity that presents a high and immediate risk of death or serious injury to the student, 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 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. Staff should always consider their own safety and that of others in deciding how to act in such situations.
2. 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 student. Where a student 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.
3. Staff should always avoid touching or restraining a student in a way that could be interpreted as sexually inappropriate conduct.

### Guidance on what is significant incident

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, schools should take into account:

- a. An incident where unreasonable use of force is used on a student would always be a significant incident.
- b. Any incident where substantial force has been used (e.g. physically pushing a student 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, schools should consider:

- a. The student'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 student 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.

Sometimes an incident might not be considered significant in itself, but it forms part of a pattern of repeated behaviour. In this case, although there is no legal requirement to record such incidents, schools are advised to let parents know about them.

Records are important in providing evidence of defensible decision-making in case of a subsequent complaint or investigation. It is possible that not all of the specifics of an incident can be recorded where it is not known on whom force was used, as for example where a member of staff has hastily had to part several students encircling a fight. The staff member may (understandably) focus on and recall the identities of the fighting students and not the individual spectators who were drawn aside to allow access. Staff may find it helpful to seek the advice of a senior colleague or a representative of their trade union when compiling a report.

While schools may develop their own form for recording incidents, the recording form provided in Appendix A identifies the types of information that should be recorded.

The school's procedure for Recording and Reporting should provide that the member of staff involved in the incident compiles the record. The procedure should also ensure that the member of staff with lead responsibility for safeguarding checks the record and that the school provides the member of staff involved in the incident with a copy of the final version. It is important that this information is treated in confidence. All accounts of the same incident should be recorded, including those of the student or students involved. Parents should not be given a copy of the incident record as a matter of course, but they should 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. Ordinarily the names of those involved in the incident should not be disclosed in the report. However, the student may give this information to the parent or the parent can request the information from the school. The school should deal with these requests in accordance with the Data Protection Act 1998.

It is advisable that the school's procedure for making a record following such incidents is contained within its policy on the use of force.