

The Use of Force by Staff to Control or Restrain Pupils

July 2019

See

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf

Introduction

Central to this policy is the understanding that any Physical Intervention used by staff must be in accord with the idea of 'Reasonable Force' and used only as a last resort once all other strategies have been exhausted.

There is no legal definition of reasonable force. The use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it and the degree of force employed is proportionate to the level of challenging behaviour presented or the consequences it is intended to prevent.

Objectives

The key objective is to maintain the safety of both pupils and staff, prevent serious breaches of organisational discipline and serious damage to property.

Minimising the need to use force

Strategies implemented by Creating Careers are;

- Creating a calm environment that minimises the risk of incidents that might require force arising
- De-escalating incidents if they do arise
- Ensure that all staff are aware of possible reasons for challenging behaviour
- Risk assessments and positive handling plans for individual pupils
- Taking practical steps to avoid situations where incidents are more likely to occur,

Staff Authorised to Use Force

All staff are legally able to use physical intervention when necessary.

Deciding whether to use force

Any act of physical intervention must be an act of care and not of punishment. Deliberate use of physical contact to punish a young person, cause pain, injury or humiliation is unlawful, regardless of the severity of the young person's behaviour or the degree of provocation.

Physical Intervention is never seen in isolation at our organisation. It is but one strategy available to staff and should always be seen as a last resort when all other strategies have failed. Physical Interventions can be placed in two broad categories:

- 1) Emergency Interventions;

This will occur when an unexpected incident occurs and all other strategies have been exhausted or the incident requires a rapid physical response (for example a child running onto a road).

2) Planned Interventions;

These involve staff employing, where necessary, an intervention that has been agreed as a response to an identified behaviour.

Where there is a high risk that physical intervention and potential physical harm may occur other strategies should be considered. For example where there is a suspicion that a pupil may be carrying an offensive weapon consideration should be given to calling the police to assist if the pupil is likely to resist a search.

Using force

Staff should use only the minimum force required to achieve a safe outcome. A calm, considered approach to the situation is needed. A clear oral warning should be given that physical force may be used.

When circumstances justify, staff can:

- Physically interpose between pupil
- Lead a pupil by the arm
- Move a pupil away by placing a hand in the centre of the back
- Take any necessary action consistent with the concept of reasonable force

Wherever possible force should not be used unless or until another responsible adult is present to support, observe and call for assistance.

Physical actions such as holding a pupil around the neck, by the collar or in any other way that might restrict their ability to breathe, slapping, kicking or punching are not permissible.

Types of incident where the use of reasonable force may be necessary fall into three broad categories:

- 1) Action due to imminent risk of injury
- 2) Action due to developing risk of injury or significant damage to property
- 3) Action where a pupil is behaving in a way that is compromising good order and discipline

Examples of 1 and 2

- A pupil attacks a member of staff or another pupil
- A pupil is engaged in or on the verge of starting to damage property
- A pupil is running up and down a corridor in a way that could cause injury
- A pupil is absconding (NB this only applies if the child is at risk if they leave the room/building).

Examples of 3

- A pupil persistently refuses to leave the room
- A pupil is behaving in a way that is seriously disrupting the lesson

Risk Assessment

In the case of emergency interventions staff will make a risk assessment at the time, comparing the risks associated with intervention against the risks of not intervening.

Any Physical Interventions used will need to take account of age, cultural background, gender, stature and medical history of the student involved.

Reporting and Monitoring of Incidents

Reporting and monitoring is of paramount importance for a number of reasons:

- Protection for staff and pupils
- Keeps a record of number of incidents so times/ areas that most incidents occur can be tracked
- To ensure that policy guidelines are followed
- To inform parents
- To inform future planning as part of school improvement
- To prevent misunderstanding or misinterpretation of the incident
- To provide a record for any future enquiry
- Identifies frequency, staff and pupils involved

As in other incidents should an injury occur you will need to complete an accident form and return it to Human Resources as is the usual process.

Post Physical Intervention Procedures

When both the staff and the child involved are calm then a debrief needs to take place between them. This should include (if appropriate) a discussion about strategies that the child could use in the future. As soon as is reasonably possible and within 24 hours after an incident staff need to write a report on the incident. The report should be given to the Programme Leadership team who will provide a debrief for the staff and check the welfare of both staff and pupil, where this has not already taken place.

Complaints

Should there be any complaint about physical intervention procedures these should be addressed to the Programme Lead in the first instance, who will attempt to resolve the complaint.

The Programme Lead will seek further advice from the Local Authority Designated Officer. If it is felt that the way the Programme Lead has dealt with the complaint is unsatisfactory or if the complaint is against the Programme Lead, then contact should be made with the Management Committee who will arrange for an investigation into the complaint. Contact details can be obtained by calling Creating Careers or asking a member of the team.

If it is felt that neither the Programme Lead or Management Committee have not dealt with the complaint satisfactorily, it will be escalated in line with Creating Careers Complaints policy.

Monitoring and review

This policy is reviewed by the Directors. The number and level of incidents are monitored through the use of incident forms and are used to inform practice.

REPORT OF INCIDENT INVOLVING REASONABLE FORCE

Name of Staff _____

The report MUST be completed as soon as practicable after the incident Name
of Student _____

Date of incident _____

Time _____

Place incident occurred _____

Names of
witnesses _____

Record of Incident

Please give details about why the use of reasonable force was thought necessary.

*Circle as appropriate

Was the child concerned liable to injury? YES/NO*

To what degree?

Were other students liable to injury? YES/NO*

To what degree?

Were staff liable to injury? YES/NO*

To what degree?

Was property about to be damaged? YES/NO*

Was 'good order' prejudiced? YES/NO*

Examples may be needed here

Other reason(s) _____

Antecedent Behaviour

Give details about circumstances leading up to the incident, nature of student behaviour, the use of techniques other than reasonable force to defuse and de-escalate the situation and measures taken to avoid harm to the student. Give details of any other adults present.

Intervention

Give details of the reasonable force applied, including degree, how the student was held and for how long. If more than one member of staff was involved, each should record their action separately and attach them to this form.

Record of any injuries to students/staff

Record of any damage to property

Give details of the measures taken to calm the student after the incident

Signature _____

Date: _____

Time

This report is to be passed to the Programme
Lead

