

Edwalton Primary School

Use of Reasonable Force Policy



Written in December 2011, in line with the Equality Act 2010

Updated November 2016

Designated teachers: Brian Owens/Trish Gilbert

To be reviewed annually

Reviewed November 2017

Physical Intervention Policy

(Use of Reasonable Force)

Edwalton Primary School

Objectives

Here at **EDWALTON PRIMARY** School in line with Every Child Matters and the Equality Act 2010, we aim to provide a safe, caring and friendly environment for all our pupils to allow them learn effectively, improve their life chances and help them maximise their potential.

We take the safety of our pupils and staff very seriously. We believe that all pupils and staff have the right to be and feel safe whilst at school or on a school-run activity.

This policy should be read in conjunction with our behaviour, discipline, child protection, equality (and the broader safeguarding agenda) policies.

Policy Development

This policy was formulated in consultation with the whole school community with input from members of staff, governors, parents/carers, children and young people, and other partners.

Parents were encouraged to contribute by **EDWALTON PRIMARY** through discussion had on reviews and other informal meetings.

This policy is also written in line with Nottinghamshire County Council's policy on the same subject, entitled 'Keeping Classrooms Safe for Learning and Teaching'.

Minimising the Need to Use Reasonable Force

As a school we are firmly committed to creating a calm and safe environment which minimises the risk of incidents arising that might require the use of reasonable force. We use the Social and Emotional Aspects of Learning (SEAL) curriculum to explore and strengthen emotional responses to situations.

We will only use force as a last resort and strongly believe in de-escalating any incidents as they arise to prevent them from reaching a crisis point. Staff will be skilled in promoting and rewarding positive behaviour and will utilise various appropriate techniques in the management of a class environment.

Staff will only use reasonable force when the risks involved in doing so are outweighed by the risks involved by not using force.

Staff Authorised to Use Reasonable Force

Under Section 93 of the Education and Inspection Act (2006) the head teacher of our school is empowered to authorise those members of his/her staff who are enabled to use reasonable force.

Here at **EDWALTON PRIMARY** School the head teacher has empowered the following members of staff to use reasonable force:

- Teachers and any member of staff who has control or charge of pupils in a given lesson or circumstance have permanent authorisation.
- Other members of staff such as site management and administrative teams also have the power to use reasonable force if a circumstance should arise in which immediate action should be taken.

Deciding Whether to Use Reasonable Force

Under English law, members of staff are empowered to use reasonable force to prevent a pupil from or stop them continuing:

- committing any offence;
- causing personal injury to, or damage to the property of, any person (including the pupil himself); or,
- 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.

All members of staff will make decisions about when, how and why to use reasonable force. To help staff in making decisions about using reasonable force the following considerations may be useful:

- whether the consequences of not intervening would have seriously endangered the wellbeing of a person;
- whether the consequences of not intervening would have caused serious and significant damage to property;
- whether the chance of achieving the desired outcome in a non-physical way was low;
- the age, size, gender, developmental maturity of the persons involved.

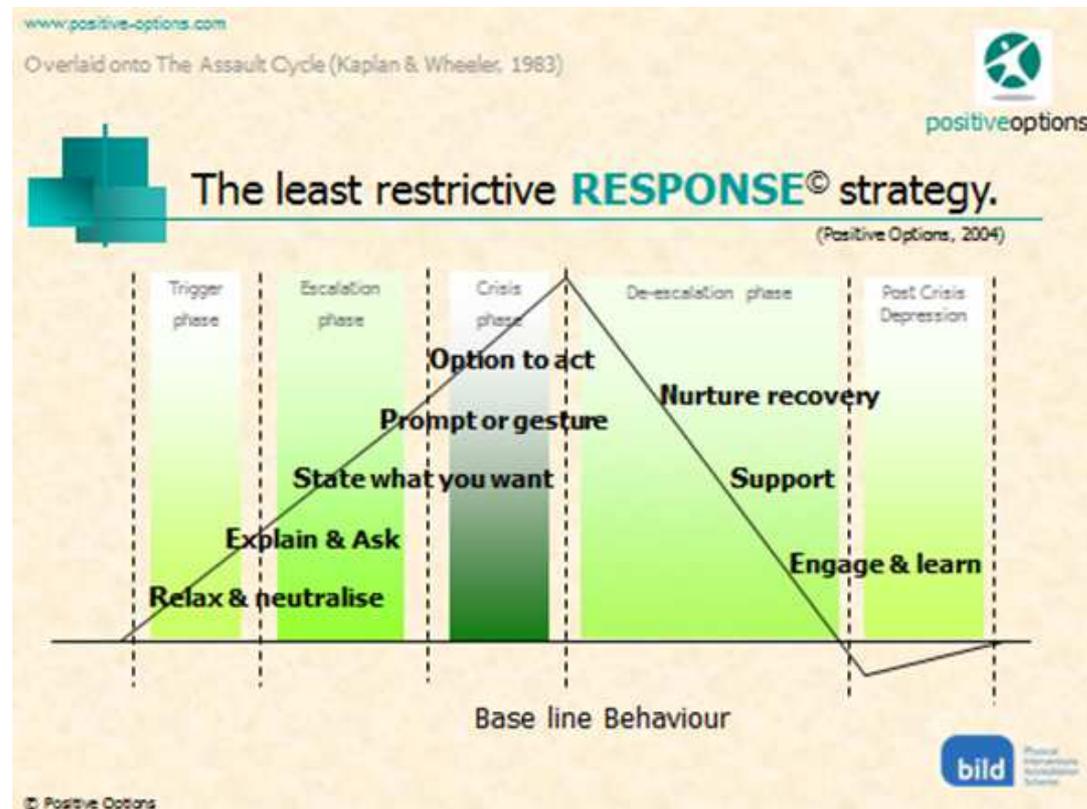
Staff are also expected to remember that physical intervention is only one option and for behaviours involving extreme levels of risk it may be more appropriate to gain support from other agencies, including the police.

Staff will be kept informed and have a duty to inform others about the plans around specific pupils who can present risks to themselves and others. This may include information about SEN, personal circumstance and temporary upset given from the Headteacher or SENCo.

Using Reasonable Force

When using force members of staff should only use the minimum amount of force required in achieving the required outcome.

Staff should also use force within the context of existing good practice in non-physical skills and techniques, such as in the RESPONSE[®] Strategy:



Staff should, where possible, avoid any type of intervention that is likely to injure a pupil, unless in the most extreme of circumstance where there was no viable alternative. Also staff should avoid using force unless or until another member of staff is present to support, observe or call for assistance.

Staff training

Staff at **EDWALTON PRIMARY** School, who have been identified as needing training in this area, will access Physical intervention and MAPA training through the County Council co-ordinator who delivers nationally accredited courses.

These courses provide participants with an insight into recent legislation and guidance that could impact on policy and practice, as well as a range of physical and non-physical strategies to help manage the risks posed by children and young people's behaviour.

Nottinghamshire County Council has adopted the MAPA (Managing Actual and Potential Aggression) training model, and as such is an 'Approved Training Centre' for Positive Options Ltd, which is a BILD (British Institute of Learning Disability) accredited training programme.

These training programmes will be delivered to specific staff by accessing specialist training events, details of which can be found in the physical intervention room on Nottinghamshire's virtual learning platform, Fronter.

Staff who receive this training will be accredited to use the physical elements of MAPA for a defined period as stated on their certificate. Staff will be expected to attend a refresher course to update their skills and renew their certification every 12-15 months.

Recording and Reporting Incidents

The governing body will ensure that a procedure is in place, and is followed by staff, for recording and reporting, *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. This is done through filling out accident forms and handing them to the office to be logged, and specifically recording incidences in the school MAPA log. Further, parents are informed of key handling events that occur in order to minimise risk.

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, staff should take into account:

- an incident where unreasonable use of force is used on a pupil would always be a significant incident;
- any incident where substantial force has been used (e.g. physically pushing a pupil out of a room) would be significant;
- the use of a restraint technique is significant;
- 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:

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

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 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. Staff may find it helpful to seek the advice of a senior colleague when filling in a report.

The **EDWALTON PRIMARY** School will use the Nottinghamshire County Council electronic health and safety recording system 'WellWorker'. This system enables members of staff to report, using a standardised format, any significant incident where

force has been used, or any incident where violence to staff has occurred or been threatened. Staff can access well worker via [EDWALTON PRIMARY](#).

As it states in the safeguarding policy all staff will be able to raise concerns to the Headteacher and governors, alongside the keeping of good records.

Post-incident support

Following the use of physical intervention staff and pupils will be supported, the immediate physical needs of all parties will be met and staff will ensure that positive relationships are maintained.

Complaints and allegations

In the case of a complaint arising, there should normally be an informal discussion with the appropriate member of staff, and if necessary the Head Teacher, with a view to successfully resolving the complaint without the need to resort to more formal procedures.

*In the unlikely event that a complaint is not satisfactorily resolved informally, then the school has a documented Complaints Procedure which should be followed from the point where a formal (written) complaint is sent to the school's Governing Body. **(Complaints Policy 2016)***

We will also make clear to pupils that they have a right, and are able, to question/complain about the use of reasonable force.

We will ensure that mechanisms are in place for pupils, parents, carers and staff to voice the opinions, comments or concerns. (see the complaints process flow chart in the Complaints Procedure Policy on the School Website)

Complaints and allegations will be taken seriously and we will endeavour to have it resolved speedily and satisfactorily. This requires effective discussion between all involved parties, therefore 'anonymous' complaints cannot be accepted for consideration by the School or its Governors.

Monitoring and review

This policy will be monitored regularly and reviewed by the governing body at least annually or as required. This is the second version of this policy and is due to be reviewed in [EDWALTON PRIMARY](#) in November 2017.

The Head Teacher and SENCo are responsible for the implementation of this policy and [Jennie le Mare](#) is the Link Governor, who also has responsibility in this area.

Further information

Can be found in the Nottinghamshire County Council's policy on the same subject, entitled 'Keeping Classrooms Safe for Learning and Teaching'