

## **The Whitby Secondary Partnership**

# **Use of Reasonable Force and Physical Restraint Policy**

### **Governance Status**

This policy was adopted by the Governing Body on 16 June 2020. It will be reviewed every two years.

<b>Review dates</b>	<b>By Whom</b>	<b>Approval date</b>
June 2020	Staff and Governors	16 June 2020
June 2022		

**Signed by the Chair of Governors:**

*Pen Cruz*

## CONTEXT

Caedmon College Whitby and Eskdale School are recognisable by the quality of their communities within which principles are fostered, both within the curriculum and through the relationships which exist between students, parents, teachers, support staff, governors, and the wider community. They strive to be welcoming places offering the support necessary for individuals to develop and achieve fully their potential. **Such a positive and caring ethos demands an active anti-bullying policy.**

It follows that, within the schools any behaviour which is the abuse of power and results in hurting others is totally unacceptable. Students and their parents must be confident that such bullying behaviour will be dealt with seriously.

### Physical Restraint

Staff must never use restraint as a punishment, to physically overpower a student who is not putting themselves or others at serious risk of harm or as a threat to manage behaviour. It should only be used to prevent:

- i) a student from committing a criminal offence;
- ii) causing personal injury (including to the student themselves) to, or damage to property;
- iii) prejudicing the maintenance of good order and discipline at the schools.

### Objectives

- To protect staff and students
- To prevent serious breaches of discipline
- To prevent serious damage to property
- To reduce the likelihood of actions by staff being successfully challenged in the courts

### What is reasonable force?

1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with students.
2. Force is usually used either to control or restrain. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, schools generally use force to control students and to restrain them. Control means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom.
5. Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.
6. Staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the student.

### Minimising the need to use force

It is important to have a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind.

**Wherever practicable, staff will issue a warning to a student that force may have to be used before using it.**

### Staff authorised to use force

All teachers and members of staff have the Headteachers' authorisation to be in control of or take charge of students and automatically have the power to use force. This power does not apply to MSAs.

## **Deciding when to use force**

Staff can use such force as is reasonable in the circumstances to prevent a student from doing, or continuing to do, any of the following:

- a. Causing personal injury to, or damage to the property of, any person (including the student); or
- b. Prejudicing the maintenance of good order and discipline at the schools or among any students receiving education at the schools, whether during a teaching session or otherwise.

## **Any force used must be in proportion to the consequences it is intended to prevent.**

The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified:

- Student attack on staff or student
- Students fighting
- Damage to property
- Rough play
- Use of dangerous objects
- Absconding if likely to involve safety

## **Using force**

Wherever possible, staff should tell the student to stop and be calm and measured. They should not give the impression of acting out of anger, frustration or punishment. *Force should cease quickly.* Examples include:

Standing between students, leading by the arm, hand on the centre of the back and finally, appropriate restrictive holds.

## **The degree of force used should be the minimum needed to achieve the desired result.**

When exercising the power to use force, we must also take proper account of any special need and/or disability that a student might have.

Staff working with special needs students will have an awareness of situations that may provoke difficult behaviour, preventative strategies and de-escalation techniques. They will know of any previous incidents and handling strategies that are recommended.

ST and medical staff may be called – though not necessarily waited for. They should be involved in post-incident follow up.

Reasonable force may also be used to search students without their consent for weapons. The Department for Education strongly advises schools not to search students where resistance is expected, but rather to call the police.

*It is always unlawful to use force as a punishment.*

Always avoid touching or restraining in such a way that could be interpreted as sexually inappropriate conduct. Sometimes physical contact may be proper or necessary – such as sport and first aid.

Where it is possible, more than one member of staff should be involved and, ideally where a member of staff is physically managing a student of the opposite sex, a member of staff of the same sex as the student should be present from the earliest time possible.

## **Staff training**

There may be particular needs for staff that work closely with students with additional needs or disability; however, general training on de-escalation techniques and the safe implementation of this policy will be offered to all staff every two years. Staff will be made aware of this policy and procedures during their induction.

## **Recording and reporting incidents**

Systematic records of any serious incident are kept using an entry to the schools' management information system (MIS). It is very important to have a witness to what happened. After any recordable incident, parents should always be informed – (telephone first and then confirm in writing). All incidents to be recorded in writing and a copy placed on the student(s) file.

**Post-incident support**

First aid and emotional support will be offered for staff and students. Punishments such as exclusions and pastoral support programmes may follow.

**Dealing with complaints and allegations**

Parents and students have a right to complain about actions taken by school staff and should contact the Principal/Headteacher.

**Monitoring and review**

Members of the Governing Body and the ST from both schools will review this policy every two years.

**SEN Students**

We must always take account of any SEN and/or learning disability that a student may experience. We have two key duties under the Equality Act 2010:

- a) not to treat a disabled student less favourably, for a reason relating to his/her disability, than someone to whom that reason does not apply, without justification; and
- b) to take reasonable steps to avoid putting disabled students at a substantial disadvantage to students who are not disabled (reasonable adjustments duty).

**Notes**

Please refer to: DfE guidelines

NYCC Guidance on the Use of Restrictive Physical Intervention with Children and Young People