



Guidance on the Use of Force and Physical Intervention

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Together, pursuing life in all its fullness

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This Trust and Academy is committed to safeguarding and promoting the wellbeing of all our children.

Our vision, based on John 10:10, is for every adult, every child and every academy in our trust to come together in order that we may pursue life in all its fullness. We have a vision of building a better future for all within our academies, who in turn will positively impact their communities.

1. Introduction

The purpose of this guidance is to provide a set of unifying principles for the use of force, physical intervention and restraint by all staff across the Diocese of Coventry Multi Academy Trust (the Trust) and any partner agencies who come into contact with children and young people who exhibit challenging behaviour, aggression or violence that could jeopardies their own or another's safety. Force or physical restraint is only used to protect a child or others in the proximity.

The guidance applies at any time that a pupil is in school or elsewhere under the charge of a paid member of staff, including after school activities and school visits.

See link to DfE guidance for Use of Reasonable Force in Schools in section 17.

2. Context

- It is our vision that every child and young person, including those who are vulnerable and disadvantaged, should have the greatest possible opportunity to be the best they can be. That includes being safe from harm.
- The safety and well-being of children is paramount. Plans and interventions should be based on a clear assessment of the child's developmental progress and the difficulties the child may be experiencing.
- The purpose of all interventions should be to achieve the best possible outcomes for each child, recognising that each child is unique.
- Children must be listened to and every effort made to understand their wishes and feelings. Professionals and volunteers should do everything possible to develop co-operative working relationships with children and their parents or caregivers. The academy should use a variety of strategies for this to support SEND pupils e.g. opportunities to write/draw if non verbal.
- Action and services should be provided according to the identified needs of the child and the impact of service provision and interventions on the child's developmental progress should be reviewed.
- Practice with children must be based on sound professional judgement underpinned by a rigorous evidence base and the practitioner's knowledge and experience. New information should be taken into account.

- All staff and volunteers that work with children and young people have a Duty of Care to keep children, young people, colleagues and themselves safe.

3. Definition

Physical positive handling and restraint is the positive application of force with the intention of protecting the child from harming themselves or others or seriously damaging property.

4. What is the purpose of this policy?

It is very rare for a positive handling restraint to be used at any of our academies but occasionally situations arise when it proves necessary for an adult in the academy to use reasonable force (restraint) on a pupil.

This policy describes the academy's approach towards the use of restraint. The use of reasonable force is also detailed in each academies Behaviour Policy.

5. Specific aims of the reasonable force policy

- To protect every person in the academy community from harm.
- To protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful.
- To provide adequate information and training for staff so that they are clear as to what constitutes appropriate behaviour and to enable them to acquire skills to manage conflict effectively and deal with violent or potentially volatile situations.
- To encourage staff to support each other during and after an incident has taken place.
- To create an academy climate which is calm, orderly and supportive to minimise the risk and threat of violence.
- To maintain and celebrate positive relationships between both staff and pupils.
- To manage individual incidents well and recognise that situations can lead to challenging behaviour and these are often foreseeable.

6. What the law says:

1. Section 93 of the Education and Inspections Act 2006 enables academy staff to use reasonable force to prevent a pupil from:

- a) Committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b) Causing personal injury or damage to property;
- c) Prejudicing the maintenance of good order and discipline at the academy or among any pupils receiving education at the academy, whether during a teaching session or otherwise:

2. The staff to which this power applies are:

- a) Any member of staff at the academy;
- b) Any other person whom the Headteacher has authorised to have control or charge of pupils. This can also include people to whom the Headteacher has given temporary authorisation to

have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on academy organized visits), this does not include any pupils. The power may be used where the pupil (including a pupil from another academy) is on the academy premises or elsewhere in the lawful control or charge of the staff member (for example on an academy visit).

3. The law states that there is no definition of “reasonable force”. Whether the force used is reasonable will always depend on the circumstances of individual cases. Deciding on whether the use of force is justified will depend in part upon the context in which the misbehaviour and/or incident takes place and the nature of the incident itself. The test is whether the force used is proportionate to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent misbehaviour.

4. The statutory power conferred by section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self defence or to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils. Section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of academy discipline regardless of whether that behaviour would also constitute a criminal offence.

5. Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006 (and re-enacted by section 242 of the ASCL Act 2009), to search pupils without their consent for weapons. This search power may be exercised by Headteachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force may be used by the searcher. Where resistance is expected academy staff may judge it more appropriate to call the police. DfE Searching, screening and confiscation – see relevant documentation in section 17.

6. Key legal words to be noted are reasonable, proportionate and necessary. Any action taken should always be in the best interests of the child/client.

7. It is unlawful to use force as a punishment. This is because it would fall between the definition of corporal punishment, abolished by section 548 of the Education Act 1996.

7.0 Who is authorised to use restraint?

All members of school staff have a legal power to use reasonable force. This power applies to any member of staff at the academy. It can also apply to people whom the Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit (DFE use of reasonable force 2013 – see relevant documentation in section 17).

8.0 When is it appropriate to use restraint?

It is important to use restraint in certain circumstances if other strategies have not worked (however, it is important to note that often decisions to use restraint have to be made very quickly

and under pressure and so all other strategies may not have been used on every occasion). Staff will assess the circumstances of each case to make the best judgement whether or not to use force and what force to use; taking into account any pupils with Special Education Needs and/or Disabilities (SEND). Staff will aim to make the best judgement based on the following:

- The use of force outweighing the risks associated with not using force
- Potential consequences are more serious than the use of force
- Using any other means to achieve the desired result are low.

9.0 How do we avoid using restraint?

High expectations and rigorous behaviour procedures are evident and expected across the academy. As part of our behaviour expectations, we see it as the responsibility of every staff member to get to know and have positive relationships with the children. This means that when a child needs additional behavioural support, staff can use de-escalation techniques where necessary and attempt to make interventions suitable for each individual child before a situation escalates to needing positive handling or restraint.

There are some situations in which the need for physical restraint is immediate and where there are no equally effective alternatives (e.g. is a pupil is about to run across a road). However, in many circumstances there are alternatives e.g. use of assertiveness skills such as:

- Repetition of an instruction until the pupil complies
- Use of a distracter, such as shouting loudly or a loud whistle, to interrupt the behaviour (such as a fight) long enough for other methods of verbal control to be effective
- Transfer of adult
- Success reminders and positive reassurance
- Appropriate behaviour reminder
- Other techniques designed to defuse the situation, such as planned ignoring and the avoidance of confrontation, or use of humour (in these cases the incident can be dealt with later when emotions are no longer running high)

10.0 Staff training

Annually, staff in all academies will be updated on the behaviour policy and this will form part of their whole school training. This policy will also be published on the academy website and shared with the Academy Governance Committee.

It is each academies decision as to which training staff will be provided with but Restraint training will be offered to all staff on a rolling programme and on-going support will also be provided. Staff will maintain good levels of communication and share information on a need to know basis. Staff will be kept informed about pupils who could present a risk to themselves or others and then advised on how best to deal with pupils or situations which may arise. Any such training should be approved by the **BILD** (British Institute Learning Difficulties)

11.0 Positive handling plans (PHP)

Positive Handling Plans are plans drawn up between the academy and the parent of a child for whom restraint may need to be used. Behaviour triggers, de-escalation techniques and an

agreed method of physical restraint are identified and agreed. All staff will have access to the positive handling plan for each identified child.

12.0 Risk assessments

If the academy become aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, we will plan how to respond if the situation arises. This will be in the form of a Risk Assessment which will be shared with all staff and with parents. The risk assessment will be reviewed regularly and in light of any changes in behaviour or new strategies to be implemented.

13.0 Use of physical restraint

Staff are only authorised to use reasonable force in applying physical restraint, although there is no absolute definition of this, as what constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied. However, as a general rule, only the force necessary to stop or prevent the behaviour should be used, in accordance with the guidelines below. In all circumstances other methods should be used if appropriate or effective. Physical restraint should be a last resort.

When Physical restraint becomes necessary staff will:

- Communicate to the pupil (where possible) that they may need to be positively handled if their behaviour becomes disruptive or unsafe when a situation arises
- Use non-threatening verbal and body language, ensuring the pupil can see a way out of a situation
- Talk to the pupil in a calm and controlled manner throughout the incident
- Explain to the pupil that they need to stop the unwanted behaviour and if they fail to do this there may be consequences that follow
- Use quiet areas which are not in view of bystanders and send other pupils away, so that everyone is safe and to maintain dignity for the pupil being positively handled
- If a pupil needs physical intervention explain to them what you are doing and why (e.g. to stop them harming themselves or damaging property) Try and talk to the pupil throughout the incident
- If necessary explain to the pupil why they are being positively handled e.g. to stop them self-harming, hurting others or to avoid property damage
- Use the minimum force necessary to achieve the desired result
- Tell the pupil what they must do for you to remove the restraint (this may need frequent repetition)
- Use simple and clear language
- Hold limbs above a major joint if possible e.g. above the elbow
- Relax your restraint in response to the pupil's compliance
- Preserve the safety and dignity of all concerned
- Record e.g. relevant paperwork, CPOMs and report incidents to the Headteacher, DSL (if they have not been involved) as soon as possible and also inform parents of each incident
- Take into consideration the pupils own strength, body weight and gender
- Where ever possible only use force if another member of staff or responsible adult is present to support, observe and offer assistance

- Always ask for help and support if it is needed.

14.0 Actions after restraint

Physical restraint often occurs in response to highly charged emotional situations and there is a clear need for a non-blaming and supportive debriefing process after the incident, both for the staff and pupil. This gives everyone involved the opportunity to explore thoughts and feelings during and after the incident. Arrangements for debriefing should be made as soon as the situation has stabilised and this is also a good opportunity for any restorative work to take place.

An appropriate member of staff, usually a teacher, a member of the pastoral care team or a senior leader, should always be involved in debriefing the pupil involved. Any victims of the incident should also be offered support, and their parents informed.

If the behaviour is part of an on-going pattern it may be necessary to address the situation through the development of a Behaviour support plan which will include further strategies agreed by the SENCO, teacher or pastoral care staff. It is good practice for staff to discuss and reflect upon the incident afterwards, it is also helpful to consider the circumstances precipitating the incident to explore ways in which future incidents can be avoided. This may also support revisiting and making adjustments to any risk assessments that are in place or may be the reason to instigate a risk assessment

15.0 Recording and reporting of incidents

All instance of physical restraint should be recorded immediately after the incident on CPOMS. All sections of this report should be completed and passed to the Headteacher or Designated Safeguarding Lead (if they have not been involved) so that in the event of any future complaint a full record is available. All records will be treated confidentially and dealt with in accordance with the Data Protection Act 2018.

A member of the leadership team will contact parents as soon as possible after an incident, normally on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

16.0 Complaints and allegations

Children, young people and parents have the right to complain about actions taken by staff. This might include the use of force. Any complaints will be dealt with in line with the Trust Complaints Policy.

Allegations of a safeguarding nature against any individual who works or volunteers with children will be referred to the Local Authority Designated Officer (LADO) within **one working day**, as required by the Department for Education document Working Together to Safeguard Children and Young People (see relevant documentation in section 17).

17.0 Links to other policies and relevant documentation

- Written Statement on Behaviour Principles
- Complaints policy
- Academy Behaviour Policy
- Academy SEN Policy and Information Report
- Academy Safeguarding Policy

DFE guidance - Searching, Screening and Confiscation:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf

DFE guidance - Behaviour and discipline in Schools:

<https://www.gov.uk/government/publications/behaviour-and-discipline-in-schools>

DFE guidance - Use of reasonable force in schools:

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

DFE guidance - Working Together to Safeguard Children and Young People:

<https://www.gov.uk/government/publications/working-together-to-safeguard-children--2>

18.0 Forms

- Positive Handling Plan
(available from the Forms/Safeguarding section of the Info Hub)