

# Use of Reasonable Force & Physical Intervention Policy

## USE OF REASONABLE FORCE AND RESTRICTIVE PHYSICAL INTERVENTION POLICY

### Introduction

This policy has been formulated with reference to the following documents:

- Welsh Government Framework for Restrictive Physical Intervention Policy and Practice, March 2005.
- Safe and Effective Intervention – use of reasonable force and searching for weapons, Welsh Government October 2013.
- Framework for Restrictive Physical Intervention Policy and Practice, March 2005.
- European Convention on Human Rights, Fundamental Freedoms (1985), Human Rights Act 1998.
- Department for Children and Families (2007) Use of Force to Control or Restrain Pupils
- British Institute of Learning Disabilities (BILD), Code of Practice for the use and reduction of restrictive physical interventions

**It has been reviewed to reflect the document Safe and effective intervention – use of reasonable force and searching for weapons March 13 (097/2013) replacing (041/2010)**

### A. Purpose of the Policy

- To establish the legal requirements and responsibilities of the school and clarify their approach to the use of reasonable force and restrictive physical intervention for all staff, pupils, governors, parents/carers, external agencies and the wider community.
- To enable staff to manage incidents with confidence and consistency, ensuring their response complements the overall approach to the values and the ethos of the school, whilst ensuring the best interests of those involved.
- To reinforce and safeguard the health and safety of the whole school community and others who use the school.

### B. The Agreed Definition of Challenging Behaviour:

***‘describes behaviour of such frequency, duration or intensity that the safety of the person or others is placed in jeopardy or behaviour which is likely to limit or delay access to ordinary community facilities’, (Emerson 1995).***

The most effective way to manage challenging behaviour is to use whole school approaches to positive behaviour management. Each school’s Behaviour Policy should give guidance on providing preventative strategies, before there is a need for reasonable force or restrictive physical intervention.

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## C. The Legal Position

Section 93 of the Education and Inspections Act 2006, replaced Section 550A of the Education Act 1996 and enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- ***committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);***
- ***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.***

Staff to which this power applies is defined in section 95 of the Act. They are

***'any teacher who works at the school, and any other person whom the head has authorised to have control or charge of pupils'***

The use of this power also includes:

- support staff, whose job normally includes supervising pupils, such as teaching assistants, learning mentors and lunchtime supervisors
- people to whom the head has given temporary authorisation to have control or charge of pupils, such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example, parents accompanying pupils on school-organised visits)

### ***This power does not include:***

- administrative staff, unless they had been given authorisation by the head teacher to have control or charge of pupils
- prefects

Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a pupil might have.

Under the Equality Act 2010 schools have key duties:

- not to treat a disabled pupil less favourably, because of his/her disability, than a non-disabled pupil;
- not to treat a disabled pupil unfavourably because of a reason related to their disability, without justification; and not to apply a provision, criterion or practice that puts or would put a disabled pupil at a particular disadvantage compared with a non-disabled pupil, without justification;

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- to take reasonable steps to avoid putting a disabled pupil at a substantial disadvantage in comparison with a non-disabled pupil (known as the reasonable adjustments duty).

## D. What is reasonable force?

This describes the appropriateness of the physical intervention which must always be related to age, maturity, sex, understanding and capacity of the individual. Appropriateness will also be dependent on the risk factors associated with the individual, the staff and other individuals in the vicinity.

- The term 'reasonable force' covers a broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
- Force is usually used either to **control** or to **restrain**. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed.
- As mentioned above, schools generally use force to control pupils and to restrain them. Control means 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 a classroom.
- Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
- School 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 pupil.

## E. Definitions of Managing Behaviour

### **Positive Behaviour Management:**

This is an holistic approach involving policy, guidance, management of the environment and deployment of staff. It also involves personal behaviour, diversion, diffusion and de-escalation. Restraint is only a small part of the framework.

### **Restrictive Physical Interventions:**

British Institute of Learning Disabilities (BILD) defines physical interventions as:

- the use of barriers: eg. tables across door ways
- the use of equipment: eg. the use of mittens, splints or walking reins
- direct physical contact:
  - i. leading a pupil by the hand or arm
  - ii. ushering a pupil away by placing a hand in the centre of the back
  - iii. **Restraint:** in more extreme circumstances, physical intervention using appropriate restrictive holds or reasonable force may be necessary
- **'Time Out'**  
The use of 'Time Out' can be an effective de-escalation strategy in positive behaviour management. This can be a planned or unplanned strategy, and can take place in a number of varying environments e.g. garden, library, playground, isolation room. When electing to use 'Time Out' as a strategy, the following points need to be considered:

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- i. the 'Time Out' environment - the child's whereabouts must always be known to a supervising adult, although this supervision can be done from a distance, depending on individual pupil circumstances and professional judgement
- ii. the duration of 'Time Out' must be carefully considered and monitored to ensure that the child does not become unduly distressed

**In no circumstances should a child be placed in a locked room as a 'Time Out' intervention.**

**Guidance from circular 0097/2013 should be heeded when using 'Time out'.**

- 'The Courts may consider it an offence/breach of a child's human rights to lock a child in a room except in an emergency when, for example, the use of a locked room is a temporary measure while seeking assistance. In such a circumstance the child should always be supervised by an adult. Placing pupils in a room which they cannot leave of their own volition should not be used as a punishment in any instances.' (0097/2013)
- If a pupil goes with a staff member to a quiet room away from an incident, the staff member must remain with the pupil in the quiet room or area until such time as the pupil is calm and orderly. Depending on the circumstances, it may be more beneficial for pupils to be accompanied by a staff member who is well known to them. Once the pupil is calm and safe, the staff member may leave the pupil unaccompanied, although not unmonitored, in the room but the door must not be locked.
- All quiet rooms or areas must have sufficient daylight, access and exit points and not be within a confined space that could cause the pupil to feel trapped or scared and therefore increase any anxiety, aggression or violence which may have been evident in the original incident.
- The use of quiet rooms should also be consistent with the school's policies on safeguarding and health and safety. Proper records must be maintained of the use of such rooms and any form of physical restraint that has been employed.

## **F. Use of Reasonable force & Restrictive Physical Intervention**

### ***Planned intervention:***

This is the use of restrictive physical intervention based upon a level of foreseeable risk that has been planned in advance and is written into an Individual Reactive Strategy (IRS). When used as a planned response it must always be part of a much broader approach that includes proactive support and based on a clear rationale and risk assessment. In such circumstances, the school should, as far as possible, ensure that staff involved in planned intervention have specific expertise and training in managing challenging behaviour and restrictive physical intervention.

### ***Unplanned intervention:***

This is the use of a restrictive physical intervention in response to a behaviour that presents significant risk, where the behaviour had not been observed previously and no Individual Reactive Strategy (IRS) was in place.

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## **Screening & Searching**

Staff can legally use a restrictive physical intervention or reasonable force when conducting a search for:

- knives or weapons

## **G. Information to parents**

A statement on the use of reasonable force and restrictive physical intervention, plus the use of 'Time Out' as strategies, should be conveyed to parents in this policy and mentioned in others where appropriate.

## **H. Key Principles**

1. All school staff members have a legal power to use reasonable force to prevent pupils committing a criminal offence, injuring themselves or others, damaging property, and to maintain good order and discipline amongst pupils.
2. The focus should be on preventing, as far as possible, the need for the use of reasonable force on pupils, by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind. The use of force should only be a last and justifiable resort and schools should minimise the possibility of force being needed. However, this may not always be possible and in such circumstances staff need to be aware of sensitivities associated with any form of physical contact with pupils.
3. Schools should never seek to inhibit the ability of staff to use reasonable force by adopting a 'no contact' policy. The power to use reasonable force helps ensure pupil, staff and school safety and the risk with a no-contact policy is that it might place a member of staff in breach of their duty of care towards a pupil or prevent them taking an action needed to prevent a pupil causing injury to others.
4. Under no circumstances should any individual ever be restrained in a face down position. In all situations, behaviour and action must be reasonable and proportionate with regard to action, force and duration. It must also be intended to protect and safeguard individuals, either from themselves or others.

## **I. The Exercise of Professional Judgement**

Professional judgement is key to deciding upon the most appropriate course of action to ensure safer outcomes for individuals and others in situations that pose a risk of serious harm. Where the potential exists for the use of restrictive physical intervention, a number of important factors have to be balanced. These factors include:

- knowledge of the individual and their history
- knowledge of the impact and effects of restrictive physical intervention techniques and methods
- ensuring the welfare and safety of all those involved
- ensuring professional transparency and accountability
- ensuring that all actions are appropriate and acceptable within recognised professional practice, civil law and criminal law.



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## Circumstances When Physical Intervention Might Be Appropriate

Some examples of situations where physical intervention might be used are:

- To prevent a pupil from attacking a member of staff, or another pupil
- To prevent a pupil causing serious, deliberate damage to property
- To prevent a pupil causing injury or damage by accident, by rough play, or by misuse of dangerous material or objects
- To ensure that a pupil leaves a classroom where the pupil persistently refuses to follow an instruction to do so
- To prevent a pupil behaving in a way that seriously disrupts a lesson
- To prevent a pupil behaving in a way that seriously disrupts a school sporting event or school visit.

The focus should be on preventing, as far as possible, the need for the use of force on pupils, by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind. The use of force should only be a last resort; schools should minimise the possibility of force being needed. However, this may not always be possible and in such circumstances staff need to be aware of sensitivities associated with any form of physical contact with pupils.

## Strategies other than force to be considered:

Examples

- The use of a range of de-escalation strategies, especially those which have been identified as effective through a pupil's Individual Reactive Strategy (where one exists)
- Providing the disruptive pupil with a choice of locations to exit to
- Giving clear directions
- Change of face – calling a staff member who is known to have a positive relationship with the pupil
- Allowing 'take-up' time, thus allowing a 'face-saving' opportunity
- Removing the audience, i.e. requesting that other pupils leave the room

Procedures and practical considerations during specific incidents:

Wherever practicable staff are expected to:

- Use a calm and measured approach
- Tell the pupil to stop, remind them of consequences, tell them what will happen if she/he does not stop
- Seek assistance from other colleagues at as early a stage as possible
- Staff who become aware that another member of staff is intervening physically with a pupil have a responsibility to provide a presence and to offer support and assistance, should this be required

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- Try to defuse the situation verbally and prevent escalation
- Try to remove the pupil from the peer audience
- Attempt to communicate with the pupil throughout the incident
- In as calm a manner as possible, explain that the reason for intervention is to keep the pupil and others safe
- Make it clear that intervention will stop as soon as the pupil calms and the risk assessment indicates it is no longer necessary
- If it is not possible to control the extreme pupil without risk of injury to yourself or other, remove the other pupils who may be at risk and summon assistance.

It is good practice to:

- Give the impression you are in control
- Give the impression you have not lost your temper or are not acting out of anger or frustration
- Give the impression you are not trying to punish the pupil
- Call for assistance

## J. Duty of Care

When dealing with situations requiring protective action, duty of care does not imply that the needs of one individual automatically override the safety needs of others (including staff members) placed at risk. Threatening or reckless behaviour needs to be managed to minimise harm to all concerned. Any action that involves the restriction of choice and movement must be commensurate with a professional duty of care and proportionate to the level of risk presented.

The professional's duty of care extends to ensuring that an individual is monitored and cared for throughout any incident. Autonomy, commensurate with their age and understanding, is returned to them as soon as it is safe to do so. The expectations placed upon staff using reasonable force or restrictive physical intervention should not contravene health and safety requirements by placing themselves or others in unnecessary risk.

## K. Children Looked After

Any child Looked After should have relevant information around the possible use of reasonable force or restrictive physical intervention made available to them and their carers, as well as information about the complaints system and the support available from an advocate.

If reasonable force or a restrictive physical intervention has been used, it should be discussed during any statutory review process, when considering if a placement is able to meet a child's needs and this discussion should be reflected in the child's care plan. There should be a clear written record of these events in the social work file in accordance with the authority's recording procedures.

## L. Training

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Like other forms of professional development, decisions about training in the use of reasonable force and restrictive physical intervention are best made by individual schools in the light of their particular needs and circumstances. However, all school staff, including those who are temporary or on supply, have the right to use reasonable force or restrictive physical intervention as a last and justifiable resort, regardless of whether they have received training.

Schools should make it clear to staff that unreasonable or inappropriate use of force may lead to disciplinary action.

As indicated in the legal position (page2), there will be particular training needs for staff working closely with pupils with SEN/ALN and/or disabilities. Risk assessments will help inform decisions about staff training. They will also inform the circumstances in which schools would temporarily authorise staff or volunteers to have control or charge of pupils.

## M. Action Following Incidents Involving the Use of Reasonable Force and Restrictive Physical Intervention

### 1. Reporting to Health & Safety:

Under the RIDDOR regulations (1995) it is **mandatory** that all incidents involving Restrictive Intervention which may have resulted in injury to the pupil and or staff member must be reported on line within **3 working days** to FCC Health and Safety Executive on:

*FCC Intranet/HRDirect/Health and Safety/Reporting-Accidents and Incidents.*

### 2. Recording for Internal School Systems

WG guidance states:

*'There must be a clear audit trail which is accessible to all involved, including pupils and their parents/carers and those agencies with a legal right to access such information.'*

*(WG Guidance, Safe and Effective Intervention – use of reasonable force and searching for weapons, March 2013).*

The recording for internal school systems should include:

#### i. **Significant Incident Record** which must include:

- a description of the type of behaviour displayed by the pupil
- a description of the way the incident developed
- reasons for the decision to use physical intervention strategies
- description of any restrictive physical intervention, if used
- signed witness statements by pupil(s), staff or any other witnesses
- details of outcomes of the incident including injuries and damage
- actions taken by the school
- when the parent/carer was told



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- names of external agency officers who were informed of the incident

## ( APPENDIX 2: SIGNIFICANT INCIDENT RECORD )

**Appendix 3: Post incident reporting form (An optional form has also been included in the appendices)**

## ( APPENDIX 4: WITNESS STATEMENT )

### ii. **Mandatory Restraint Log:**

It is a legal requirement that schools keep a log of all incidents of **Restraint**. This log should be completed as soon as possible and within **24 hours** of the incident.

It is recommended that schools use the DCC template '**Mandatory Restraint Log**'.

## ( APPENDIX 5: MANDATORY RESTRICTIVE PHYSICAL INTERVENTION LOG )

### 3. Debrief

It is good practice to hold a debrief for all parties concerned in any significant incident. It is advised that any such debrief should be recorded and copies placed in pupil/staff files.

### N. Complaints Procedures

WG guidance states that pupils and parents/carers:

*'must have clear information about how to have their views known, how to make a complaint and how to access the services of an advocate.'*

*(WG Guidance, Safe and Effective intervention – use of reasonable force and searching for weapons, March 2013)*

*This has been reiterated in section 3.50 'Dealing with complaints and allegations 'use of reasonable force and searching for weapons March 13 (097/2013)*

After an incident in a school, there is always the possibility of a formal complaint. A number of persons might feel aggrieved by the incident, whether they are pupils, parents, teachers, other employees, or even visitors to the school and members of the public. Any of these persons can lodge a complaint and expect it to be investigated diligently and fairly.

As a precursor to such a possibility, head teachers should be aware of the need to review and monitor the reactions of all parties involved in an incident, to consider the effects on current school policies, and have a total awareness and understanding of all aspects of the case. The general complaints procedures adopted by the governing body must always be followed.

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If a complaint is received which alleges some form of abuse or injury, whether inflicted during the use of reasonable force or restrictive physical intervention or not, the head teacher or designated person must record the complaint in writing. The recorded information must include where and when the incident occurred. It should include as much detail of the alleged injuries or abuse as possible. At this point, it is important that the head teacher confirms to the complainant that the matter will be dealt with in line with the All Wales Child Protection Procedures ([www.awcpp.org.uk](http://www.awcpp.org.uk)) which will require referral to Children's Services and the police.

## O. Accountability and Monitoring

Accountability and transparency are essential in any setting. Policies on the use of reasonable force and restrictive physical intervention, good practice guidance, training arrangements, arrangements for the recording of incidents and complaint processes must be accessible and known by staff, service users and their advocates/representatives.

Systems and processes must be put in place to monitor, evaluate and ensure that written policies and procedures continue to:

- be relevant
- be fully complied with
- ensure the recording of incidents clearly, promptly and comprehensively
- ensure that complaints are followed up promptly and in accordance with statutory timescales where appropriate.

## P. Reporting to Governors

The WG guidance document 'Safe and effective intervention – use of reasonable force and searching for weapons' states that

*'Information on trends and emerging problems should be shared within the school, using local procedures. Monitoring information should be reported on a regular basis to school governors.'*

It is suggested that Head Teachers report on a termly basis to Governors regarding key issues including number of restraints, need for training and any significant issues involving restraint. Pupil anonymity should be maintained

## Q. Policy Development Process

The acceptance of this policy follows consultation with all staff, governors, School Council, DCC School Improvement & Inclusion Service, DCC Health & Safety Executive, DCC Children's Services and the Police.

It is available to:

- Parents

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- Teachers
- Support Staff
- Behaviour / Inclusion Team
- School Council
- Support Groups
- School Nurse
- ESW
- Police School Liaison Officer
- Student Voice Champion

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## APPENDIX 2: SIGNIFICANT INCIDENT RECORD

Action – File & Log in school record  
File & Log with FCC  
Bullying incident- Log on SIMS

Child's name:	Year:
Record completed by:	Designation:
Incident reported to:	
Location of incident:	Date:
Staff involved:	Time:
Duration of incident:	

### Behaviour (please tick)

Persistent refusal to comply		Verbally abusive		Disruption to lesson	
Property damage		Pushing		Kicking	
Hitting		Spitting		Head butting	
Biting		Self-harm		Other	
<b>Bullying:</b> <b>Please circle</b>	- Homophobic - Sexist/sexual	SEN/Disability Emotional	Cyber Bullying	Race/Religion	

Other: (detail below)

(Describe exactly what happened before the incident/PI was used)

### Intervention strategies used (please tick)

None		Active listening		Prompting/signalling	
Reminder of past strengths		Planned ignoring		Reminders of rules/Boundaries	
Diversion		Elective 'Time out'		Removal of audience	
Shepherding by the arm		Directed Time out		Flat hand on the back	
Take hold and walk		Take hold and stand		Take hold and sit	

### Reason for intervention (please tick)

Immediate danger to:	Pupil		Other pupils		Staff	
Avoid damage to property			To prevent or disrupt a criminal act			
Behaviour prejudicial to good order			In response to a known trigger			
Other (please detail)						
<b>Total duration of all holds</b>						

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Effectiveness of holds	
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**Description of the incident:**

**Details of injuries sustained:**

Staff:

Pupils:

Has an injury report form been completed? YES/NO/NA

Have details of First Aid been completed? YES/NO/NA

**Summary of action taken by Head Teacher / Manager**

**Parent informed**

**Date:** \_\_\_\_\_ **By Whom:** \_\_\_\_\_ **How:** \_\_\_\_\_

**Other agencies informed of the incident: (Insert date)**

ESW		CAMHS		Children's Services		LAC	
Police		FCC H&S		YJS		Other	
Others (Please state)							

**Additional forms completed:**

Restrictive Physical Intervention log: YES / NO

FCC Injury/Incident report: YES / NO

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Witness statements: YES / NO

Electronic Reference Number.....

## Appendix 3: Post Incident Action Record (Optional)

Child's name:	Year:
Record completed by:	Designation:
Date of incident:	Time of incident:
Electronic Reference number (if applicable)	

Action taken by Head Teacher/Manager:				
	Date	Method	By whom	
Parents informed				
Debrief with child				
Staff Debriefing:				
Name	Debriefed by	Method	Date	Time

Witness statements requested		
Who	Role	Date Received

Other Actions		
Date	Action	By Whom



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## Accident / Incident Reporting

**Flintshire County Council Accident / Incident reporting Form: available on infonet**

*\* If there is more than one person involved in the incident or more than one witness, include the personal details for each. This is a selectable facility on the electronic intranet form*

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## Appendix 4

<b>WITNESS STATEMENT</b>		page _ of _
<b>Date of incident:</b>	<b>Date witness statement given:</b>	
<b>Name of person making statement:</b> _____		
<b>Signature of person making statement:</b> _____		
<b>Designation (please tick)</b>		
Staff: <input type="checkbox"/>	Parent: <input type="checkbox"/>	Visitor: <input type="checkbox"/>
Pupil: <input type="checkbox"/>	Form ( if pupil): <input type="checkbox"/>	
<b>For statements made by a pupil, please tick below:</b>		
Statement written by pupil <input type="checkbox"/>	Dictated to member of staff <input type="checkbox"/>	
<b>Signed (pupil):</b> _____		
<b>Signed (staff member):</b> _____		
<b>Details of incident:</b>		
( Please use additional sheet if necessary )		

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WITNESS STATEMENT

ADDITIONAL PAGE

page \_ of \_

Details of incident:

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## APPENDIX 5:RPI LOG MANDATORY RESTRICTIVE PHYSICAL INTERVENTION LOG

**A: Danger to self or others**  
**B: Damage to Property**  
**C: Criminal Act**  
**D: 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**

DATE	PUPIL	STAFF INVOLVED	RESTRAINTS USED	DURATION	A	B	C	D	COMPLETED BY

Administration Use	
Statutory/Non-Statutory:	Non-Statutory
School Website:	Yes
Document Author:	Ms. S. Budgen
GB Committee Overview:	
Date Document Reviewed and Approved by Committee:	
Document Formulated:	December 2019
Date Reviewed Document Approved by FGB:	March 2020 (Due to Covid-19 delayed until October 2020)
To be Reviewed:	Every two years
Next Review Date:	March 2022