



Stockton-on-Tees
BOROUGH COUNCIL

STOCKTON-ON-TEES CHILDREN'S TRUST

PROTOCOL ON THE USE OF REASONABLE FORCE IN SCHOOLS AND SETTINGS

**DfE last issued in 2013
New consultation in 2023**

Purpose of the Protocol

The purpose of this protocol is to set out Stockton-on-Tees Children's Trust's policy on the use of Reasonable Force (RF) in schools and settings, for children and young people.

Stockton-on-Tees Children's Trust 'Guidance on the Use of Reasonable Force with Children and Young People' which accompanies this document sets out how this policy may be put into effective practise.

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1. Defining the use of Reasonable Force (including control and restraint)

The Department for Education (DfE) provided non-statutory advice on the Use of Reasonable Force issued in July 2011 replacing 'The use of force to control and restrain pupils – Guidance for Schools in England.'

The advice states that:

Reasonable Force is usually used either to control or restrain – it is reasonable in that no more force is used than is necessary.

Control means either passive physical contact (e.g. blocking a pupil's path) or active physical contact (e.g. leading a pupil by the arm out of a classroom).

Restraint means to hold back physically or to bring a pupil under control. This is typically used in more extreme circumstances (e.g. to stop a fight where pupils are refusing to separate)

School staff should always try to act in such a way as to avoid injury to the pupil, but in some extreme cases this may not be possible.

2. Legal context

The use of all forms of physical intervention and physical contact are governed by the criminal and civil law. The unwarranted or inappropriate use of force may constitute an assault. In addition the application of physical restraint may infringe the human rights of a child or young person. However in certain circumstances the use of a force can be justified:

In all cases the use of force has to be justified by there being:

- The likelihood of injury to the child or young person, or
- The likelihood of injury to others, or
- The likelihood of serious damage to property.

School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal proceedings or other legal action (Section 93 of the Education and Inspections Act 2006). This power applies to any member of staff at the school. It can also apply to people whom the head teacher has temporarily put in charge of pupils (e.g. unpaid volunteers or parents accompanying students on a school organised trip).

Additionally;

- In schools, force may be justified:
 - To prevent the committing of any offence, or
 - To maintain good order and discipline.

Schools should not have a 'no contact' policy as this risks putting staff at risk of being in breach of their duty of care or prevent them taking action needed to prevent a pupil causing harm.

Schools do not require parental consent to use force on a student.

3. Guidance

Restraint should be only be used when a situation warrants immediate action. De-escalation techniques should always be used to avoid the need to employ restraint unless the risk is so exceptional that it precludes the use of de-escalation.

The de-escalation techniques should be appropriate to the individual needs of the child or young person, acknowledging that the member of staff may not speak the child or young person's first language or that the child or young person may not have sufficiently developed language skills to be able to respond to verbal de-escalations.

The use of restraint is also governed by the principles of ethical practice.

The intervention should;

- Be in the best interests of the child or young person,
 - Be reasonable and proportionate to the circumstances,
 - Use the minimum force necessary for the minimum time necessary,
 - Be based on a comprehensive risk assessment,
 - Have regard for other young people or adults present,
 - Respect the safety and dignity of all concerned.
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- Following a thorough evaluation of the child or young person's needs,
 - By appropriately trained and skilled staff,
 - With the approval of senior managers,
 - With the approval of parents/carers.

Reducing the need for physical intervention

Schools should seek to reduce the need for the use of force as far as is practicable.

Several steps have been identified to achieve this:

- Maintain a positive culture,
- Promote ethical practice,
- Maintain a child-centred approach,
- Understand high risk behaviour or violent behaviour,
- Promote an awareness in staff of their own reactions to aggressive or violent behaviour and the effect of their mood on others,
- Promote self control in children and young people,

- Use authority appropriately,
- Maintain a policy to manage behaviour positively,
- Promote positive relationships.

When can reasonable force be used?

Reasonable force can be used to prevent pupils hurting themselves or others, from damaging property or from causing disorder.

The decision on whether or not to physically intervene is down to the professional judgement of the staff concerned depending upon the individual circumstances and as is consistent with the school's behaviour policy.

It is unlawful for force to be used as a punishment.

Communicating the school's approach to the use of force

Every school must have a behaviour policy which is made known to staff, parents and pupils.

Whilst there is no legal requirement to have a policy on the use of force this is good practise and governors should notify head teachers that this should be included in the school's behaviour policy and setting out the circumstances in which force may be used. Any such policy should include reference to the school's legal duty to make reasonable adjustments for disabled children and children with Special Educational Needs.

Planned use of Restraint

The behaviour of a small number of children and young people may give rise to concern before they are admitted to a school or establishment. Additionally some children and young people may develop such behaviours following admission. In these cases a written plan to manage the child or young person's behaviour must be developed which must include intervention strategies and planned evaluation of its effectiveness.

The plan must be developed and agreed by the team or multi-disciplinary team, if more than one service is involved, and ideally with the child or young person, his or her carers and advocates and anyone who has Parental Responsibility. The plan should be compliant with the school's or establishment's broader strategies for dealing with behavioural difficulties.

Unplanned use of restraint

Unplanned use of restraint may become necessary when a child or young person behaves in an unexpected way. The child or young person may not have a behaviour plan and trained staff may not be on hand. Unless the situation is urgent, staff should seek assistance from appropriately trained staff. Even if such assistance is not available the duty of care still remains and any response must be reasonable, proportionate and use the minimum force necessary to prevent injury and maintain safety, consistent with the circumstances and with any training the staff may have received.

It is best practise that restraint should only be carried out by identified members of staff who have been appropriately trained. However it is recognised that in schools and other education settings some members of staff have a statutory power to use reasonable force by virtue of their job.

Certain interventions involve elevated risk. The DfE advice includes three specific examples:

- *The 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing,*
- *The 'double basket hold' which involves holding a person's arms across their chest,*
- *The 'nose distraction technique' which involves a sharp upward jab under the nose.*

Stockton on Tees Local Safeguarding Children Board (SLSCB) also includes:

- Use clothing or belts to restrict movement,
- Hold someone who is lying on the floor or forcing them onto the floor,
- Restrict breathing or impede the airways,
- Place someone in seclusion, where people are made to spend time alone in a room against their will,
- Extend or flex the joints or put pressure on the joints, neck, chest abdomen or groin area.

It is strongly recommended that such techniques are not used outside specialist provision and then only in exceptional circumstances.

If all other strategies and techniques have been tried and have proved inadequate, procedures with elevated levels of risk may be used in episodes of planned restraint:

- Following a thorough assessment of risk.

Training

Whilst it is acknowledged that in schools staff by virtue of their job have a legal right to use reasonable force, staff who are likely be called upon to use restraint with children or young people should be appropriately trained. It can be dangerous to children, young people and staff to use restraint without training. The approved approach in Stockton is Team Teach. In most circumstances the one day training will be sufficient. The training should be placed within the ethos of the establishment and should stress that de-escalation is the preferred option. Ideally staff should be given time to develop relationships with the children and young people before they might have to use restraint. The training should include school leaders as well as staff, all of whom should be medically fit to carry out restraint.

Training is made up of five components:

- Induction training which will include dealing with challenging situations, the ethos of restraint, de-escalation, principles and practice,
- Practitioner training which will include the management of challenge and the use of restraint Interventions with children and young people,
- Trainer training to enable experienced workers to train others in their own place of work and other establishments within the local authority,
- Training managers to ensure they are able to fulfil their role in the use of restraint with children and young people,
- Refresher and update training.

4. Recording and reporting

All incidents of restraint should be recorded as quickly as possible and in any event within 24 hours of the incident the Head Teacher or a person acting on his or her behalf must be informed at the earliest opportunity. Parents/carers and relevant professionals, where appropriate, should also be contacted as soon as is practicable.

As a minimum the written record should include:

- The names of the staff and children or young people involved,
- Details of any witnesses,
- The date, time and duration of the intervention,
- The reason for using restraint, rather than using an alternative strategy,
- The nature of any de-escalation used seeking to prevent the need to intervene physically,
- The type of restraint used,
- Whether or not anyone was hurt, if so the action taken,
- Whether or not anyone was distressed, if so the action taken,
- The views of the child or young person,
- The process for following child protection procedures if the child or young person is hurt.

Recording restraint serves several purposes, including:

- Monitoring the welfare of children and young people,
- Monitoring staff performance,
- Identifying training needs,
- Detailing how and when the incident was reported to parents / carers.

An example of a recording form can be found in the additional guidance materials.

Following up and de-briefing

As soon as possible after the incident the member of staff should be de-briefed by an appropriate senior member of staff. The de-brief should allow for reflection and the relevant senior member of staff should be prepared to deal with the emotions raised by the incident. The de-brief enables learning to take place and contributes towards professional development.

The response of the child or young person should be sought and he or she should also be allowed to reflect on the incident. The views of the parent/carer should also be recorded. The risk assessment should be reviewed, the effectiveness of the outcomes recorded and linked to any relevant plan within the setting.

5. Handling Pupil Complaints when force is used against them

Where an allegation is made against a member of staff this should be managed in accordance with Stockton Local Safeguarding Children Board Procedures.

- All complaints should be thoroughly speedily and appropriately investigated. Effective recording, proper dialogue with parents and the child should assist in such investigation,
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true,
- Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to 'Dealing with Allegations of Abuse against Teachers and Other Staff' guidance,
- If a decision is made to suspend a member of staff the school should ensure that s/he has access to a named contact who can provide support as is consistent with the school's duty of care to its employees,
- Governors should always consider whether a member of staff has acted within the law when deciding whether or not to take disciplinary action against them.

6. Monitoring

Monitoring depends on good recording of episodes of restraint and the maintenance and analysis of appropriate records. The Head Teacher should monitor episodes of restraint both individually and across the establishment. and provide an overview report at least annually of the incidence and management of restraint in the school to the Governing Body. In turn, the Governing Body, should also be aware of its duties to safeguard children and young people and should pay due regard to the Stockton Safeguarding Children Board's policies and procedures.

Monitoring serves two main purposes. At the individual level it allows for improved practice with the individual member of staff and/or child or young person, whilst at the strategic level it has the potential to influence policy and practice.