



# **USE OF REASONABLE FORCE POLICY**

REVIEW DATE: FEBRUARY 2019

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## **OBJECTIVES**

Discovery Multi Academy Trust aims to provide a safe, caring and friendly environment for all our pupils to allow them to 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, Anti-Bullying and Safeguarding Policies

## **POLICY DEVELOPMENT**

This policy has been written in line with Department for Education guidance, entitled 'Use of reasonable force' (July 2013).

## **MINIMISING THE NEED TO USE REASONABLE FORCE**

The Trust's schools 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 a curriculum which endeavours 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) and subsequent guidance published by the DfE in January 2016 entitled 'Behaviour and Discipline in Schools – Guidance for Head Teachers and Staff' the Executive Headteacher is empowered to authorise those members of his/her staff to use reasonable force.

At Trust schools, the Executive Headteacher 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, all members of staff, whether they have undergone MAPA training or not, 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 themselves); 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 nonphysical 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.

## **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.

Overlaid onto The Assault Cycle (Kaplan & Wheeler, 1983)

### The least restrictive **RESPONSE**® strategy.

(West, Stirling, & Mc Hugh, 2004)



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.

Staff should try to avoid using force unless or until another member of staff is present to support, observe or call for assistance.

## STAFF TRAINING

Staff at Discovery Multi Academy Trust who have been identified as needing training in this area will access Physical Intervention training, known as MAPA® training (Management of Actual and Potential Aggression) from a nationally accredited trainer.

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.

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 Trustees 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 reasonable force on a pupil.

The record must be made as soon as practicable after the incident. 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 or a representative of their trade union when compiling a report.

The Trust will use the electronic health, safety and behaviour recording system 'Behaviourwatch'. 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 Behaviourwatch using their allocated log-in at <https://www.behaviourwatch.co.uk/>

## **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**

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. Complaints and allegations will be taken seriously and we will refer to our complaints procedure in our complaints policy.

## **MONITORING AND REVIEW**

This policy will be monitored regularly and reviewed by the Trust as required. The Executive Headteacher is responsible for the implementation of this policy, in addition to the Safeguarding Trustee, who also has responsibility in this area.