### Use of Force Policy

Introduction

It is important for **Glow Education Project** to maintain a caring, welcoming ethos which establishes a safe, secure, and stable environment to enable pupils to grow, develop and learn. Accordingly, **Glow Education Project** must take reasonable steps, through their pupil management and staff training programme, to minimise the likelihood of positive handling becoming necessary.

The majority of pupils do not behave in an aggressive or violent way. They attend **Glow Education Project** in an environment which is conducive to learning. For pupils who present challenging behaviours, redirection, diffusion, prevention, and avoidance are the first tools in managing violence and will tend to make control and restraint unnecessary in many situations. However, there may be occasions when the use of force or positive handling is appropriate and necessary. For this reason there is a duty on all schools in England to have a policy to reflect this practice. This policy is best placed within the school’s discipline or behaviour policy.

Good practice in schools should involve pupils in examining and discussing the implications of behaviour that would require staff intervention. Staff should have the opportunity to examine issues of discipline, care and control, and methods of dealing with difficulties should be shared.

This guidance acknowledges that situations will arise for **Glow Education Project** staff in which the use of force may be required in dealing with conflict when other measures have failed, or staff are taken by surprise.

Although the legal framework and national guidance often refers to the “use of force”, for the purposes of this document, we shall use the term “positive handling” whenever possible.This document draws extensively on the national guidance, ‘Use of reasonable force in schools; A summary for head teachers, staff and governing bodies’ (DfE, 2011) and local practice.

Underpinning philosophy

The safety of staff and students is the prime, underpinning aim of the use of force and positive handling. Reducing the need for positive handling is in line with training in behaviour management and prevention strategies offered by the management team.

* Positive handling should, wherever possible, be avoided.
* There are occasions when positive handling is appropriate and is in line with the duty of care members of staff have to pupils and colleagues.
* When positive handling is necessary, it must be used in ways that maintain the safety and dignity of all concerned.

Principles

It is essential that the physical management of pupils:

* Is seen as a rare occurrence and as a last resort
* Seeks to ensure the safety of other children and staff
* Is part of a whole school behaviour policy
* Is not used to discipline or punish pupils.

The foundation of good practice in this area is based on:

* Good relationships between staff and pupils
* The positive promotion of good behaviour
* Clear procedures and processes, which are reinforced inside and outside the classroom
* Clear recording of all incidents
* Effective links with parents
* Effective links with other appropriate Schools/agencies.

**Positive handling**

The purpose of positive handling is:

* To restrain the pupil until the emotional response passes, self-control is regained and the situation is diffused;
* To limit the harm that the pupil can do to self and others;
* To demonstrate to the pupil that he/she is within safe physical boundaries and that adults can contain his/her anger.

It is helpful to distinguish between:

* *Planned intervention,* in which staff employ, where necessary, pre-arranged strategies and methods which are based upon a risk assessment and recorded in care plans;
* *Emergency or unplanned positive handling* which occurs in response to unforeseen event.

Where possible, the pupil should be advised in advance that positive handling will be used unless he/she desists. Throughout any restraint, the member of staff should ensure the pupil understands what is happening either by talking firmly, yet calmly and quietly, to the pupil, or via a colleague, encouraging calm, letting them know the physical intervention will be relaxed as they become calm and offering the chance to talk.

The legal framework

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

* Committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil)
* Causing personal injury or damage to property
* 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.

The staff to which this power applies are:

* Any member of staff at the school.
* Any other person whom the head has authorised to have control or charge of pupils. This can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on school-organised visits).
* This does not include any pupils.

The power may be used where the pupil (including a pupil from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

**Glow Education Project** Directors/Managers must ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a pupil; and reporting each such incident to each parent of the pupil as soon as practicable after the incident. This is to ensure that parents are kept informed of serious events at school concerning their child. It also provides a level of transparency which means that a spurious or malicious allegation based on the incident would be less likely to succeed. The member of staff must not report the incident to a parent if it appears to that member of staff that doing so would be likely to result in significant harm to the pupil. If that is the case and there is no parent of the pupil to whom the incident could be reported, then the incident must be reported to the local authority where the pupil normally lives.

A pro forma for recording significant incidents is included in appendix 1.

# Reasonable force

There is no statutory 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 takes place. 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 trivial misbehaviour.

However, there are two relevant considerations:

* Positive handling can be regarded as reasonable **only** if the circumstances of the particular incident warrant it. The use of **any** degree of positive handling is unlawful if the circumstances do not warrant its use;
* The degree of positive handling used must be in proportion to the circumstances of the incident and the seriousness of the behaviour.

# Glow Education Project Positive Handling Policy

No-one likes the idea that they might need to use positive handling. The concept conflicts with many of our values as teachers and educationalists. Such views, however, can lead to an avoidance of the subject. If positive handling needs to be used, it is in everyone’s interests that it is done well. This can only be achieved by proper forward planning. Staff need to know exactly what actions they are permitted to take and should not be embarrassed about the need to do so. Above all, they need to know that their colleagues, the Directors/Schools and the Children and Young People Directorate will support their actions.

The starting point for establishing good practice in the use of positive handling is the development of a policy which reflects current legislation and case laws, as well as government guidance, professional codes of practice and local circumstances. A policy on physical restraint can be incorporated into a school’s discipline or behaviour management policy.

Pupils who have very challenging behaviour require a behaviour management plan or a positive handling plan which should identify the most appropriate interventions to be used. Such a plan should involve both parents and pupils and be reviewed regularly.

Prevention

It is important to remember that the manner in which a difficult situation is approached is very significant and might make the use of positive handling unnecessary. The following are techniques which can have a positive effect on pupils’ behaviour and may prevent the escalation of a difficult situation. Staff should be aware of such techniques as they are likely to be used as part of the **Glow Education Project** management of pupils’ behaviour. It may help to:

* Move calmly
* Make simple, clear statements to the pupil
* Keep your voice quiet, firm, and assured
* Lessen the threat of your presence by sitting down or allowing the pupils space
* Talk to the pupil all the time
* Offer comfort, reassurance, and security
* Maintain eye contact
* When possible, have help at hand
* Find a way to allow the pupil to ‘save face’

It is usually unhelpful to:

* Give complex advice or instructions
* Speak quickly and loudly
* Corner a child or stand too close
* Attempt to reason by asking questions

**WHAT STAFF CAN AND CANNOT DO WHEN USING POSITIVE HANDLING**

Many staff are rightly concerned about the dangers of what they believe to be justified and legal use of positive handling developing into disciplinary or legal action. The purpose of this guidance is to define in detail the standards to be met in deciding upon and implementing positive handling, so that staff can be confident that, if they follow the policy and guidance, they will have the support of the Children and Young People Directorate. To assist in this purpose, the following is a list of actions, which may be presented as part of justified restraint, which are considered acceptable and unacceptable. These are measures that could be included in the school’s positive handling policy.

**Those which are acceptable are:**

* The issuing of one or more verbal warnings or instructions to the student prior to positive handling (where feasible).
* The removal, as far as is possible, of onlookers and observers who are not critical to the process.
* Attempts to maintain the dignity and self-respect of the child during and after the restraining process.
* The holding of the body, where essential, by arms being held against the side of the body ensuring breathing is not restricted (pressure should not restrict breathing). A sideways approach is safer and less open to misinterpretation.
* The consistent reminding to the child that reinstatement of self-control will begin the process of release.
* If the child needs to be placed onto the floor, an additional staff member, if available, is advisable.
* Children restrained on the floor should be lowered gently to minimise the risk to the child and staff, and should be constantly informed about what is happening to them.
* Restraining holds on the shoulders, and arms below the shoulders, are to be encouraged whilst the child is on the floor.
* The use of soft surfaces and finishes (e.g. carpets, sofas, etc.) and the avoidance or removal of potential weapons, such as ashtrays, knives, crockery, etc.

**Those which are unacceptable are:**

* Use of actions prohibited by law.
* Intentionally or maliciously inflicting pain on a child (except where essential for medical purposes). The Department is aware that positive handling may not be possible without the child or young person feeling some discomfort, and that the risk of this increases as the sizes and ages of children become closer to those of the staff. The point is that feeling uncomfortable is incidental to the process of restraint, kept to a minimum and not used as a means of control.
* Deliberately encouraging conflict which is not necessary.
* Using positive handling as a punishment.
* Hitting a child.
* Forcing a pupil’s arm behind their back.
* Twisting limbs.
* Pinning pupils against walls or furniture.
* Techniques which restrict circulation or breathing.
* Any holding which may be interpreted as being of a sexual nature; keep hands away from the upper thigh or breast region.

**Risk assessment**

When the use of positive handling is appropriate, it is important that suitable steps are taken to minimise the risk to both staff and pupils.

Among the main risks to pupils are that positive handling could:

* Be used unnecessarily
* Cause injury
* Cause pain, distress, or psychological trauma
* Become routine rather than exceptional and increase the risk of abuse
* Undermine the dignity of staff, or humiliate or degrade those involved
* Create distrust and undermine relationship.

The main risks to staff include injury or distress to themselves and the need to justify their actions if challenged at a later date. However, failure to take such action may also present risks, which include breach of duty of care, injury to children, damage to property and the possibility of litigation.

For those pupils who are thought to require a behaviour management plan involving positive handling, a risk assessment should be carried out.

**Under what conditions can staff use positive handling?**

* A pupil absconding can only be restrained from leaving the premises if they would place themselves at risk if they were not to be kept within the school.
* It must never become a substitute for good behaviour management.
* Whilst a situation may warrant positive handling, it may be inappropriate for you to intervene without support. In these circumstances, you should do your best to remove pupils at risk and summon assistance. (This may warrant Police involvement if the pupil has a weapon.)

**Planned and emergency positive handling**

In most circumstances, positive handling will be used reactively. Occasionally, however, it may be in the best interests of a pupil to consider the use of such intervention as part of the overall behaviour management of that pupil. It must be part of an agreed strategy to help a pupil to learn to control their aggressive behaviour. In such circumstances, it is essential to involve the parents and the pupil in discussions about such possible action and identify key members of staff who should know exactly what action they should take. The pupil should have a prescribed, written positive handling plan within their behaviour management plan.

**Emergency use of positive handling**

* Emergency use of positive handling may be required when pupils behave in ways that have not been foreseen by a risk assessment. Research evidence shows that injuries to staff and to service users are more likely to occur when positive handling is used to manage unforeseen events and, for this reason, great care should be taken to avoid situations where unplanned interventions might be needed.
* An effective risk assessment procedure, together with well-planned preventative strategies, will help to keep emergency use of positive handling to an absolute minimum.
* Even in an emergency, the positive handling used must be reasonable and proportional to the severity of the situation. It should be commensurate with the desired outcome and the specific circumstances in terms of intensity and duration. Before using positive handling in an emergency, the person concerned should be confident that the possible adverse outcomes associated with the intervention (e.g. injury or distress) will be less severe than the adverse consequences which might have occurred without the use of positive handling.

**Monitoring and recording**

Incidents involving the use of positive handling must be clearly recorded and reported to the Designated senior member of staff.

**Short Summary of Use reasonable force**

**Key points:**

Glow Education Project staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.

Suspension should not be an automatic response when a member of staff has been accused of using excessive force.

Senior Glow Education Project leaders should support their staff when they use this power

**Definitions:**

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.

**Who can use Reasonable force?**

All members of Glow Education Project staff have a legal power to use reasonable force

This power applies to any member of staff at the Glow Education Project. It can also apply to people whom the Glow Education Project Managers has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

**Glow Education Project can use reasonable force to:**

Remove disruptive pupils from the classroom where they have refused to follow an instruction to do so prevent a pupil behaving in a way that disrupts a school event or a school trip or visit. Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.

Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the centre.

Restrain a pupil at risk of harming themselves through physical outbursts.

**Glow Education Project cannot: use force as a punishment - it is always unlawful to use force as a punishment.**

**Handling pupil complaints when force is used against them**

All complaints about the use of force should be thoroughly, speedily, and appropriately investigated.

Where a member of staff has acted within the law – that is, they have used reasonable force to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.

When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

Suspension must not be an automatic response when a member of staff has been accused of using excessive force**. Glow Education Project** must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

If a decision is taken to suspend a teacher/member of staff, Glow Education Project should ensure that the teacher has access to a named contact who can provide support.

Directors should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

**Policy updated: December 2022**

**GLOW EDUCATION PROJECT SERIOUS INCIDENT RECORD**

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Name of young person: | | | | Name of person writing report: | |
| Date & time of incident: | | | | Location of incident: | |
| Name(s) of staff involved: | | | | Name (s) of witnesses: | |
| Incident book completed: Yes No | | | | | |
| Reason for intervention:   * Injury to a person * Damage to property * Criminal offence * Serious disruption * Absconding | | | | External agencies informed   * Medical staff * Parent/carer * Social worker * Police * other | |
| **Describe events leading up to the incident:** | | | | | |
| ** Behaviours that occurred:** | | | | | |
| Verbal abuse | | Slapping | | | Punching |
| Biting | | Pinching | | | Spitting |
| Kicking | | Hair grab | | | Neck grab |
| Clothing grab | | Body holds | | | Arm grab |
| Weapons/missiles | | Head butting | | | Self mutilation |
| Pushing | | Disruption | | | Damage to property |
|  | |  | | |  |
| Who was at risk? | | | | | |
| **Describe any changes made to routines, staff or environment in an attempt to reduce the risk:** | | | | | |
| ** Diversions, Distractions & De-escalation strategies attempted:** | | | | | |
| Verbal advice | | | | Limited choice | |
| Clear directions | | | | Distraction | |
| Negations | | | | Planned ignoring | |
| Take up time | | | | Consequences | |
| Time out | | | | Humour | |
| Change of staff | | | | Success reminders | |
|  | | | |  | |
|  | | | |  | |
| ** Physical interventions used & duration of restraint:** | | | | | |
| Help hug | Sitting wrap | | | | Other: |
| Cradle hug | One person escort | | | |
| Wrap | Two person escort | | | |
| **Why was this action in the best interest of the student?** | | | | | |
| **Medical intervention** | | | | | |
| Injury to child: | | | Action taken: | | |
| Injury to staff: | | | Action taken: | | |
| Injury to others: | | | Action taken: | | |
| ** Action following the event:** | | | | | |
| Person responsible for safeguarding has checked this record: | | | | | |
| Parent/carer informed by phone: | | | | | |
| Parent/carer informed by letter: | | | | | |
| Risk assessment to be carried out: | | | | | |
| Positive Handling Plan to be completed: | | | | | |
| Procedural change: | | | | | |
| Student support: | | | | | |
| Staff support: | | | | | |
| Relationship repair: | | | | | |
| Disciplinary action: | | | | | |
| Has any complaint been lodged: YES NO (details not to be recorded here) | | | | | |
| Signed by: | | | | Role: | |