



POLICY ON THE USE OF FORCE AND RESTRAINT

Introduction:

East Midlands Vocational Academy Ltd is committed to maintaining the safety of students and staff. Situations involving decisions about whether to use force can occur in school.

This policy seeks to establish clear guidelines on the use of force by staff and acts as an important part in minimising risks associated with choosing to use or not use force.

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

- a. committing any criminal offence.
- b. causing personal injury to, or damage to the property of, any person (including the student him/herself).
- c. prejudicing the maintenance of good order and discipline at the school or among any students receiving education at the school, whether during a teaching session or otherwise.

Objectives:

This policy seeks to:

- Ensure the safety of students and staff
- Prevent serious breaches of school discipline
- Prevent serious injury to staff and/or students
- Provide guidelines to staff when faced with situations that may require the use of force

Minimising the use of force:

The following principles should help to minimise the need to use force:

- Establishing a calm school environment.
- Ensuring appropriate levels of supervision, including break and lunchtimes.
- Using SEAL (Social and Emotional Aspects of Learning) approaches to teach students how to manage conflict and strong feelings.
- Using emotional intelligence to de-escalate incidents if they do arise.
- Developing appropriate risk assessments and positive handling plans for individual Students.
- Only using force where the member of staff considers that the risks involved in doing so are outweighed by the risks involved in not using force.

Staff Authorisation

Permanent authorisation:

All teachers and support staff who have control or charge of students automatically have the statutory power to use force. This includes teachers, teaching assistants and student welfare staff.

Temporary authorisation:

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Review Date: September 2017

Review Date:

May be issued by the Director to other members of staff involved in supervising students, e.g. site staff, office staff or volunteers.

Any such authorisation will be given in advance, in writing and will be time limited.

Deciding whether to use force.

Force may be considered when:

- There is a need to prevent injury to another student and/or member of staff or to the student themselves.
- A student fails to comply with a reasonable instruction to stop an action that is potentially dangerous to themselves or others.
- A student's actions place in jeopardy the health and safety of others.
- A student's behaviour seriously prejudices good order and discipline in the school.

Members of staff should use the following guidelines to decide whether or not force should be used in particular circumstances:

- The potential consequences of not intervening were sufficiently serious to justify considering using force.
- The chances of achieving the desired result by other means were judged to be low.
- The risk associated with not using force outweighs those of using force.
- There was identifiable risk to other students and/or members of staff and/or school Property.

Proper account should be made of any particular Special Education Need and/or disability that a student may have.

It is worth noting, however, that decisions often need to be made quickly and that the professional judgement of the member of staff involved is key.

Staff should seek to minimise the most serious risks, for example calling the police for assistance if necessary and ensure that any force used is reasonable and proportionate.

Using force:

- It is important to use the minimum force necessary to achieve the desired result. It is always unlawful to use force as a punishment.
- A clear verbal warning should be given to the student that force may have to be used.
- Restraint that is likely to injure a student (particularly anything that could constrict breathing) should only be used in extreme cases or where there was no viable alternative.
- Wherever possible force should not be used unless there is another responsible adult present to support, observe and call for assistance.

The types of force used could include:

- a. Passive physical contact resulting from standing between students or blocking students
- b. Active physical contact such as:
 - i) leading a student by the hand or arm
 - ii) ushering a student away by placing a hand in the centre of the back
 - iii) in more extreme cases using appropriate physical restraint

Where there is a high and immediate risk of death or serious injury, a member of staff is justified in taking any necessary action (consistent with seeking to use the minimum force required to achieve the desired result) e.g. preventing a student running in to a busy road or preventing a student hitting someone with a dangerous object such as a hammer or glass bottle.

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Review Date: September 2016

Review Date: September 2017

Review Date:

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However it may not always be possible to avoid injuring a student.

Staff should avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

Examples of situations that call for judgements of this kind might include:

- A student attacking a member of staff, or another student.
- Students fighting.
- A Student deliberately damaging property.
- A Student causing, or at risk of causing, injury or damage by accident, rough play, or by misuse of materials or objects.
- A Student persistently refusing to follow an instruction to leave a classroom.
- A student behaving in a way that seriously disrupts a lesson, school event or visit.
- A student placing him/herself at risk by absconding from school.

In these examples the use of force would be reasonable if the behaviour was sufficiently dangerous or disruptive to warrant physical intervention and could not realistically be dealt with by other means.

Recording incidents

Annex A should be used to record details of any incidents requiring the use of force.

This should be completed as soon as is practically possible after the incident and handed to the Director.

Complaints

All complaints made relating to the use of force will be dealt with according to the school's complaints procedure. Allegations about a member of staff will follow guidelines.

Training

Staff should receive regular training as part of INSET provision on the appropriate use of force.

Monitoring and Review

The Director and Programmes Manager will monitor the use of this policy on a day to day basis. Periodic reports will be made to the School about the use and implementation of this policy. The policy is subject to regular review, according to the cycle of policy review determined by the School.

Equal Opportunities:

The staff are committed to providing the full range of opportunities for all pupils, regardless of gender, disability, ethnicity, social, cultural or religious background. All pupils have access to the curriculum, and the right to a learning environment, which dispels ignorance, prejudice or stereotyping.

Policy adopted by Director January 2014

To be reviewed January 2015

Force and Restraint Policy – produced September 2015

Review Date: September 2016

Review Date: September 2017

Review Date:

Annex A

Use of Force to Control or Restrain Pupils: Incident Record

Details of pupil or pupils on whom force was used by a member of staff (name, class):

Date, time and location of incident:

Details of other pupils involved (directly or as witnesses), including whether any of the pupils involved were vulnerable for SEN, disability, medical or social reasons:

Description of incident by the staff involved, including any attempts to de-escalate and warnings given that force might be used:

Reason for using force and description of force used:

Any injury suffered by staff or pupils or any first aid and/or medical attention required:

Reasons for making a record of the incident:

Follow up, including post-incident support and any disciplinary action against pupils:

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Any information about the incident shared with staff not involved in it and external agencies:

When and how those with parental responsibilities were informed about the incident and any views they have expressed:

Has any complaint been lodged (details should not be recorded here)?

Report compiled by:

Name and role:

Signature:

Date:

Report countersigned by:

Name and role:

Signature:

Date:

Force and Restraint Policy – produced September 2015

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