



## **Use of Reasonable Force and Physical Restraint Policy**

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## **1. Aims**

- 1.1 This is the Use of Reasonable Force and Physical Restraint Policy of Discovery Educational Trust (DET) and its Schools.
- 1.2 The aims of this Policy are as follows:
  - 1.2.1 to maintain the safety and welfare of all DET pupils, it may sometimes be necessary to use reasonable force on a pupil, as permitted by law;
  - 1.2.2 to actively promote and safeguard the welfare of pupils at DET and its Schools, and to protect all who come into contact with DET/its Schools from harm;
  - 1.2.3 to ensure that when reasonable force and physical restraint are required to be used, they are used in a safe and controlled manner for the minimum time necessary;
  - 1.2.4 to ensure, so far as is possible, that every pupil in a DET School is able to benefit from and make their full contribution to the life of the School, consistent always with the needs of the DET/School community;
  - 1.2.5 to create a calm, safe and supportive environment free from disruption in which pupils can thrive and flourish both in and out of the classroom and reach their full potential; and
  - 1.2.6 to help promote a whole-School culture of safety, equality, inclusion and protection.

## **2. Scope**

- 2.1 This Policy applies to all DET Schools, including the Early Years Foundation Stage (**EYFS**) and the Sixth Form.
- 2.2 This Policy (together with the individual School Anti-Bullying and Behaviour Policies and all other School policies related to behaviour) applies to all pupils at all DET Schools, and at all times when a pupil is:
  - 2.2.1 in or at the School;
  - 2.2.2 representing the School or wearing School uniform;
  - 2.2.3 travelling to or from School;
  - 2.2.4 on School-organised trips;
  - 2.2.5 associated with the School at any time.

## **3. Regulatory Framework**

- 3.1 This Policy has been prepared to meet the DET/School responsibilities under:
  - 3.1.1 Education Act 2002, as amended by the Education Act 2011;
  - 3.1.2 The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
  - 3.1.3 The Education and Inspections Act 2006;
  - 3.1.4 The Education Act 1996;

- 3.1.5 Education (Independent School Standards) Regulations 2014;
- 3.1.6 Statutory framework for the Early Years Foundation Stage (DfE, December 2023, effective January 2024);
- 3.1.7 Education and Skills Act 2008;
- 3.1.8 Children Act 1989;
- 3.1.9 Childcare Act 2006;
- 3.1.10 Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR);
- 3.1.11 Equality Act 2010.
- 3.2 This Policy has regard to the following guidance and advice:
  - 3.2.1 **Keeping children safe in education** (DfE, September 2024) (**KCSIE**);
  - 3.2.2 **Working together to safeguard children** (HM Government, December 2023);
  - 3.2.3 **Information sharing advice for safeguarding practitioners** (DfE, May 2024);
  - 3.2.4 **Behaviour in schools: advice for head teachers and school staff 2022** (DfE, February 2024);
  - 3.2.5 **Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement** (DfE, August 2024) (**Suspension and Permanent Exclusion Guidance**);
  - 3.2.6 **Use of reasonable force** (DfE, July 2013);
  - 3.2.7 **Searching, screening and confiscation** (DfE, July 2023);
  - 3.2.8 **Mental health and behaviour in schools** (DfE, November 2018);
- 3.3 The following Trust and School policies, procedures and resource materials are relevant to this Policy:
  - 3.3.1 DET Safeguarding and Child Protection Policy and local School procedures;
  - 3.3.2 School Behaviour Policies;
  - 3.3.3 School Anti-Bullying Policies;
  - 3.3.4 DET Risk Assessment Policy for Pupil Welfare;
  - 3.3.5 DET Special Educational Needs and Disability (SEND) Policy;
  - 3.3.6 DET Staff Code of Conduct;
  - 3.3.7 DET Searching, Screening and Confiscation Policy.
- 4. **Publication and Availability**
  - 4.1 This Policy is published on the Trust's website, and available via a link from all School websites.
  - 4.2 This Policy is available in hard copy on request.

- 4.3 A copy of the Policy is available for inspection from the relevant Main Reception/School Office during the school day.
- 4.4 This Policy can be made available in large print or another accessible format, if required.
- 4.5 A copy of this Policy is available to staff via SafeSmart.

## 5. Definitions

- 5.1 Where the following words or phrases are used in this policy:
  - 5.1.1 References to the Trust or DET are references to Discovery Educational Trust, the multi-academy trust.
  - 5.1.2 References to staff mean any person working at Trust Schools or for the Central Trust team, whether under a contract of employment, contract for services or otherwise than under a contract whether paid or unpaid, whatever their position, role or responsibilities. Staff includes (but is not limited to) teachers, contractors (including peripatetic teachers), teaching assistants and support, coaches, part-time staff, graduate/language assistants, sports coaches, all Associate/Support staff, temporary supply, agency staff and casual workers, examination invigilators, work experience students and volunteers.
  - 5.1.3 References to Parent or Parents mean the natural or adoptive parents of the pupil (irrespective of whether they are or have ever been married, with whom the pupil lives, or whether they have contact with the pupil) as well as any person who is not the natural or adoptive parent of the pupil, but who has care of, or parental responsibility for, the pupil (e.g. foster carer/legal guardian).
  - 5.1.4 References to **school days** mean Monday to Friday, when the DET Schools are open to pupils during term-time. The dates of terms are published on the individual School websites.

## 6. Responsibility Statement and Allocation of Tasks

- 6.1 The Trust has overall responsibility for all matters, which are the subject of this Policy.
- 6.2 The Trust is aware of its duties under the Equality Act 2010, and the requirement under Section 149 of the Equality Act 2010 to meet the Public Sector Equality Duty. This means that, in carrying out its functions, the Trust is required to have due regard to the need to:
  - 6.2.1 eliminate discrimination and other conduct that is prohibited by the Act;
  - 6.2.2 advance equality of opportunity between people, who share a protected characteristic and people, who do not share it; and
  - 6.2.3 foster good relations across all characteristics - between people, who share a protected characteristic and people, who do not share it.
- 6.3 Any use of reasonable force is legal and proportionate. Staff consider the pupil's age, and any SEND that they may have.
- 6.4 To ensure the efficient discharge of its responsibilities under this Policy, the Trust has allocated the following tasks:

Task	Allocated to	When / frequency of review
Keeping the Policy up-to-date and compliant with the law and best practice	Director of Education (DoE) - Personal Development, Attitudes and Behaviour; and Director of Operations (DoO)	As a minimum annually, ideally termly, and as required
Monitoring the implementation of the Policy, relevant risk assessments and any action taken in response and evaluating effectiveness	Executive Headteacher (EHT); and Headteachers (HTs)	As a minimum annually, ideally termly, and as required
Seeking input from interested groups (such as pupils, staff, parents) to consider improvements to the School's processes under the Policy	EHT; and HTs	As a minimum annually, ideally termly, and as required
Formal annual review including trends relating to disciplinary measures taken	DET	Annually
Overall responsibility for content and implementation	DET	As a minimum annually

## 7. Reasonable Force

- 7.1 The term “reasonable force” covers the broad range of actions used by most teachers at some point in their career that involves a degree of physical contact with pupils.
- 7.2 Force is usually used either to control or 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.
- 7.3 “Reasonable in the circumstances” means using no more force than is needed.
- 7.4 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.
- 7.5 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.
- 7.6 DET School staff 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.
- 7.7 Parental consent is not required to use reasonable force on a pupil.

## **8. Who Can Use Reasonable Force?**

- 8.1 All members of DET/School staff have a legal power to use reasonable force (Education and Inspections Act 2006, Section 93).
- 8.2 This power also applies to people, who the EHT/HT has temporarily put in charge of pupils, for example, unpaid volunteers or Parents accompanying pupils on an educational visit.

## **9. Use and Application of Reasonable Force**

- 9.1 Any use of force by staff must be reasonable, proportionate and lawful. Reasonable force is used only when immediately necessary and for the minimum time necessary.
- 9.2 Force is never used as a punishment.
- 9.3 Circumstances in which reasonable force might be used include the following:
  - 9.3.1 Where it is necessary for a pupil to be removed from the classroom following disruptive behaviour, and they have refused the instruction to leave the classroom;
  - 9.3.2 Where it is necessary to stop behaviour by a pupil that is disrupting a School event, trip or visit;
  - 9.3.3 Where it is necessary to prevent a pupil from leaving a classroom, where allowing them to leave would risk their safety;
  - 9.3.4 Where it is necessary to prevent a pupil from leaving a classroom, because allowing them to leave would lead to behaviour that disrupts the behaviour of others in the School;
  - 9.3.5 Where it is necessary to stop a pupil from physically attacking another pupil or member of staff, or where it is necessary to break up a fight;
  - 9.3.6 Where it is necessary to restrain a pupil, who may harm themselves through physical outbursts.
  - 9.3.7 Where a member of staff has assessed that it is appropriate to use reasonable force to conduct a search of a pupil without their cooperation to search for a 'prohibited' item as defined in the School Behaviour Policy and the Trust Searching, Screening and Confiscation Policy. Force is never used to search for other items that are banned by the School.
- 9.4 Physical intervention can take several forms. It might involve staff:
  - 9.4.1 Physically interposing between pupils;
  - 9.4.2 Blocking a pupil's path;
  - 9.4.3 Holding;
  - 9.4.4 Pushing;
  - 9.4.5 Pulling;
  - 9.4.6 Leading a pupil by the hand or arm;

- 9.4.7 Shepherding a pupil away by placing a hand in the centre of the back; or (in extreme circumstances)
- 9.4.8 Using more restrictive holds.
- 9.5 Staff must not act in a way that might reasonably be expected to cause injury, for example by:
  - 9.5.1 Holding a pupil by the neck or collar, or in a way that may restrict their ability to breathe;
  - 9.5.2 Slapping, punching or kicking the pupil;
  - 9.5.3 Twisting or forcing limbs against a joint;
  - 9.5.4 Tripping up a pupil;
  - 9.5.5 Holding or pulling a pupil by the hair or ear;
  - 9.5.6 Contact with sexually sensitive areas;
  - 9.5.7 Holding a pupil face down on the ground.

## **10. Physical Contact with Pupils**

- 10.1 There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, for example, demonstrating exercises or techniques in sport or music tuition, during Drama or PE, comforting a distressed pupil, congratulating a pupil, providing First Aid, or where pupils with SEND need more physical contact to assist their everyday learning).

However, it is crucial that they only do so in ways appropriate to their professional role. Staff should, therefore, always use their professional judgement. Staff must not have unnecessary physical contact with pupils, and must be alert to minor forms of friendly physical contact being misconstrued by pupils or onlookers.

Where exercises or procedures need to be demonstrated, extreme caution must be used if the demonstration involves contact with pupils and, wherever possible, contact should be avoided. It is acknowledged that some staff, for example, those who teach PE, or who offer music tuition, do, on occasions, have to initiate physical contact with pupils in order to support a pupil to enable them to perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or to assist them with an exercise. This should be done with the pupil's agreement.

Contact under these circumstances must be for the minimum time necessary to complete the activity, and take place in an open environment. Staff must explain the intended action to the pupil and remain sensitive to any discomfort expressed verbally or non-verbally by the pupil.

A member of staff can never take the place of a Parent in providing physical comfort, and must be cautious of any demonstration of affection. In instances of pupil distress, support, agency and supply staff, contractors and volunteers must, wherever possible, seek the assistance of a member of the teaching staff or one of the School Nurses (or other member of staff with these responsibilities), rather than become involved themselves. If a member of Associate/Support Staff or volunteer has helped a pupil in distress, the Designated Safeguarding Lead (DSL) (or Deputy DSL in their absence) must be informed.

First Aid, personal and/or intimate care (removing wet clothes or toileting in lower years) must only be administered by trained staff, and they must adhere to the School's policies on administering First Aid/medication and intimate care, and the reporting requirements. They should explain to the pupil what is happening, and ensure that another member of staff is present or aware of the action being taken.

Pupils are entitled to privacy when changing or showering, although there must be an appropriate level of supervision to ensure safety. Staff must announce themselves when entering changing rooms, and avoid remaining, unless required.

Physical contact must never be secretive, or for the gratification of the member of staff, or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, the incident and circumstances must be recorded as soon as possible, the DSL informed and, if appropriate, a copy of the report placed on the pupil's file.

## 11. Staff Training

- 11.1 All members of staff receive training about the use of reasonable force appropriate to their role to enable them to carry out their responsibilities. This includes information and guidance on any restraint techniques, which must **not** be used because they are known to present an unacceptable risk when used on children and young people.

- 11.1.1 The “seated double embrace”, which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third person monitors breathing;

- 11.1.2 The “double basket-hold”, which involves holding a person’s arms across their chest;

- 11.1.3 The “nose distraction technique”, which involves a sharp, upward jab under the nose.

- 11.2 Additional and refresher training is provided, where necessary.

## 12. Additional Needs

- 12.1 Those exercising the power to use reasonable force consider any particular vulnerabilities or SEND that a pupil may have. Reasonable adjustments are made for pupils with SEND. All use of reasonable force is carried out in accordance with the DET/its Schools’ statutory duties under the Equality Act 2010.

- 12.2 For pupils with a particular SEND, the use of reasonable force should not only depend on the circumstances of the case, but also on the information and understanding of the needs of the pupil concerned.

- 12.3 The Special Educational Needs and Disability Coordinator (**SENDCo**) discusses the needs of such pupils with the Parents and the members of staff, who work with them, to ensure that clear guidelines are in place as to the pupil's needs and when physical intervention may be necessary.

- 12.4 If physical restraint is likely to be necessary because of a pupil's disability or SEN, a written plan is put in place following consultation with the Parents setting out the techniques that should normally be used, considering the pupil's Education, Health and Care Plan (EHCP), where appropriate.

- 12.5 DET and its Schools ensure that all members of staff involved with such pupils have received the appropriate training to enable them to carry out their responsibilities.

### **13. Risk Assessment**

- 13.1 Where a concern about a pupil's welfare is identified, the risks to that pupil's welfare are assessed, and appropriate action is taken to reduce the risks identified.
- 13.2 The format of risk assessment may vary and may be included as part of the School's overall response to a welfare issue, including the use of individual pupil welfare plans (including EHCPs and behaviour plans, as appropriate). Regardless of the form used, the School's approach to promoting pupil welfare is systematic and pupil-focused.
- 13.3 The EHT/HT has overall responsibility for ensuring that matters that affect pupil welfare are adequately risk assessed, and for ensuring that the relevant findings are implemented, monitored and evaluated, as required.
- 13.4 Day-to-day responsibility to complete risk assessments under this Policy are delegated to the DSL (or the Deputy DSL in their absence), who have been properly trained in, and tasked with, carrying out the particular assessment. Refer to the DET Risk Assessment Policy for Pupil Welfare.

### **14. Recording and Reporting Incidents**

- 14.1 DET and its Schools establish and maintain a strong and effective system for data recording, including all parts of behaviour culture that is collected from a range of sources and that is regularly objectively analysed and monitored by appropriately skilled staff.
- 14.2 Where a member of staff is involved in any incident in which force is used on a pupil, they should report the incident via the Child Protection Online Management System (CPOMS) immediately. All reports on CPOMS are monitored on a regular basis to establish trends, evaluate the School's policy and procedures, and assess training requirements.
- 14.3 These records are reviewed by the Local School Committee (LSC) as part of the EHT's/HT's reporting to that forum, and, at a summary level, to the Trust Board (TB) to evaluate all data recorded in order to meet their obligations under this Policy and, in particular, establish any trends (for example, in respect of particular socio-economical groups, or groups with a protected characteristic).
- 14.4 Whilst DET and its Schools are not required to obtain the consent of Parents to use force on a pupil, Parents are informed of serious incidents involving the use of force. In the EYFS setting, the pupil's Parents are informed about any use of reasonable force on the day of the incident or as soon as reasonably practicable thereafter.
- 14.5 Any complaints about the use of force are investigated in accordance with the DET Complaints Policy and Procedure.

### **15. Record Keeping**

- 15.1 All records created in accordance with this Policy are managed in accordance with the DET Data Protection Policy, Records Management Policy and Retention Schedules.
- 15.2 Sensitive personal information about pupils is disclosed only on a "need to know" basis with careful attention to pupils' rights and needs.
- 15.3 The records created in accordance with this Policy may contain personal data. The Trust's and its Schools' use of this personal data is in accordance with Data Protection law. DET has published Privacy Notices on its website that explain how it and its Schools use personal data.