

## POLICY STATEMENT

Policy	Use of Reasonable Force
College Department	Safeguarding

Date Written	30 <sup>th</sup> April 2018
Written by	J Blake
Approved by	Principal
Date of Approval	1 <sup>st</sup> May 201
Next major review date	April 2019
Location and disseminations	A copy of the policy can be found, in the college admin office and on the college website.
The context of the policy and its relationship to other policies	This policy should be considered in conjunction with other written policies on behaviour, health and safety, medicines, college visits, child protection and safeguarding.

St George's College is committed to a positive behaviour policy which encourages student to make positive behaviour choices. On rare occasions circumstances may result in a situation that requires some form of physical intervention by staff. We believes that physical intervention must only be used as a last resort after all other calming and de-escalation techniques have been tried and failed.

Our policy for physical intervention is based upon the following principles:

- Physical intervention should be used only as a last resort when other appropriate strategies have been tried and failed;
- Any physical contact should be only the minimum required;
- Physical intervention must be used in ways that maintain the safety and dignity of all concerned;
- Incidents must be recorded and reported to the co-Principal as soon as possible;
- Parents/Carers will be informed on the day of each incident.
- Paperwork around the incident must be filled in as soon as possible (but on the day of the issue)

The Use of Force to Control or Restraint of pupils is covered by Section 93 of the Education and Inspections Act 2006 and DfE Guidance on the use of force to control or restrain pupils which is part of the Government's Guidance relating to behaviour and discipline in schools.

Force is used to control or restrain pupils when all other strategies have been tried and failed. DfE

Guidance 'Use of reasonable Force' (Advice for head teachers, staff and governing bodies) is distributed to all staff.

The Principal has authorised staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:

- Committing a criminal offence (or for a pupil under the age of criminal responsibility, behaving in a way that would be an offence if they were older);
- Causing personal injury to, or damage to the property of any person, (including the pupil or himself); or
- Prejudicing the maintenance of good order and discipline in the College or among any pupils receiving education at the College, whether during a teaching session or otherwise.

It is the responsibility of the Principal and DSLs to provide information and training.

Annual training concerning the use of reasonable force is to be facilitated for all residential house staff.

Those exercising the power to use force must also take proper account of any particular special education need (SEN) and/or disability that a pupil might have.

Under the Disability Discrimination Act 1995 we have two key duties:

- Not to treat disabled pupils less favourably for a reason relating to his or her disability.
- To take reasonable steps to avoid putting disabled pupils at a substantial disadvantage (known as the reasonable adjustments duty).

### **Reasonable force and Searching for a Prohibited items**

Reasonable force may also be used in exercising the statutory power, introduced under the Violent Crime Reduction Act 2006, to search pupils with or without their consent for prohibited items as set out below.

The Principal has authorised staff to use this search power where they have reasonable grounds for suspecting that a pupil has:

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

However force cannot be used to search for items that are not prohibited items but are banned under the college rules.

Reasonable force could be used by the searcher and/or a second person required to be present at a search. However the Department strongly advises not to search pupils where resistance is expected, but rather to call the police and St George's endorses this action.

### **Managing challenging behaviour**

St George's College recognises that there is a need, reflected in common law, to physically intervene when there is an obvious risk to the safety of students, staff and property. This applies both on and off setting sites. If used at all, the use of force to control or restrain pupils will be used in the context of a respectful, supportive relationship with the student in order to ensure minimal risk of injury to students and staff.

The college has adopted the term 'Positive Handling' to describe such interventions.

St George's believes it is important for members of staff who may need to physically intervene to do so after other behaviour management techniques have been tried and preferably following training in such techniques.

Staff should understand the importance of listening to and respecting student to create an environment that is calm and supportive, especially when dealing with students who may have emotional and behavioural needs, which may increase their aggression. All staff should understand the importance of responding to the feelings of the student, which lie beneath the behaviour, as well as the behaviour itself.

If a student is behaving disruptively or anti-socially, every non-physical strategy will be used to manage the behaviour positively to prevent a deterioration of the situation. Staff should view physical intervention with a student as a 'last resort' and for the purposes of maintaining a safe environment.

#### **All staff must be aware that they must not:**

- Use force as a punishment as this action would fall within the definition of corporal punishment, which has been abolished;
- Use pain to gain compliance;
- Deprive the student of food or drink;
- Require the student to wear inappropriate clothing
- Require the student to wear clothing that marks them out as different;
- Humiliate and/or degrade the student;
- Use punitive measures to intentionally cause discomfort or distress;
- Confine students in rooms that are unsafe and/or unheated as punishment;
- Lock students in rooms to isolate them;
- Make derogatory or inappropriate comments;
- Use 'banter' that has the potential to offend

In the following situations, staff must judge whether or not a physical intervention would be reasonable or appropriate:

- Risk to the safety of staff, student or visitors;
- Where there is a risk of serious damage to property;
- Where a student's behaviour is seriously prejudicial to good order and discipline;
- Where a student is committing a criminal offence.

This judgment will take into account the circumstances of the incident. All staff should be aware that the use of a physical intervention in response to a clear or developing danger of injury is intended to be used to manage behaviour positively to prevent a deterioration of the situation.

### **De-Escalation techniques**

In a relatively small number of circumstances usual classroom discipline and behaviour plans may be insufficient and a different approach is needed to manage student's behaviour in a way that keeps them, the other students in the class and college staff physically and emotionally safe.

De-escalation is an essential technique and talking down situations is always the first thing to do. Remaining calm, professional and objective is not always easy and therefore it is a skill that will need to be practised in order to respond in a different way when a challenging situation occurs.

Reasoning with an angry student is not always possible, the aim of de-escalation is to reduce the level of agitation so that at an appropriate time discussion becomes an option and a better outcome can be achieved.

### **When to de-escalate**

De-escalation techniques are most successful when used early, before the student or young person becomes physically challenging or dysregulated. To do this, it is necessary to be aware of and spot early signs of agitation such as:

- Balled fists;
- Fidgeting;
- Shaking;
- 'Eye-balling' another student;
- Head thrust forward;
- Clenched jaw;
- Speech becoming more rapid or high-pitched.

### **Non-verbal strategies**

The large part of what we communicate is through body language, much is through the tone of our voice and there are estimates that just 7% is through the words that we use. It is useful to remember this when you are trying to de-escalate. Ensure you are modelling the behaviour you want the student to emulate, relaxed and open body language can be helpful.

Non-verbal techniques include the following.

- Appear calm and self-assured. Make sure you are not displaying the same signs of agitation that

can be seen in the student, unclench your fists, do not hold eye contact for too long and avoid standing square to the student;

- Maintain a neutral facial expression. Even our eyebrows can indicate we are surprised or angry, and similarly our mouths can betray our emotions unwittingly. Another natural reaction we often have when under stress is to smirk or giggle, which must be controlled; ☒ Allow space. Entering a person's personal space can be useful to refocus on a task when the situation is calm, but when a student is agitated this can indicate aggression and escalate the situation. Staying some distance away will also help keep you safe should the student become physically aggressive;
- Control your breathing. When we are stressed, angry or tense, our breathing becomes more shallow and rapid. If we take deeper, slower breaths, this will not only help keep us calm, but the student will begin to match our own breathing pattern. It can sometimes help to match the student's breathing initially then gradually slow it down.

### **Verbal strategies**

- Lower your voice and keep your tone even. It is hard to have an argument with someone who is not responding aggressively back to you;
- Distraction and diversion are extremely useful. When a student is aggressive, they are responding with their own fight-or-flight instincts and not thinking about their actions. Distract them and engage their thinking brain, perhaps by changing the subject or commenting on something that is happening outside the window;
- Give choices, repeat these using the broken-record technique if necessary, and do not get drawn into secondary behaviours such as arguing back, which are designed to distract or upset you;
- Acknowledging the student's feelings shows that you have listened to them, and can be crucial when diffusing a situation; for example, 'It must be really difficult for you ... thank you for letting me know';
- Use words and phrases that de-escalate, such as:
  - o I wonder if...
  - o Let's try...
  - o It seems like...
  - o Maybe we can...
- Tell the student what you want them to do rather than what you do not want them to do; for example, 'I want you to sit down' rather than 'stop arguing with me';

### **Things to avoid**

- Do not make threats or promises you cannot carry through, such as threatening to exclude the student;
- Do not be defensive or take it personally. What is being said may seem insulting and directed at you, but this level of aggression is not really about you;
- Do not use sarcasm or humiliate the student.

Sometimes, no matter how carefully and skilfully you try to de-escalate a situation, it may still reach crisis point. Know your college systems for summoning help and moving bystanders to safety. After any outburst or incident, always make time to debrief, repair and rebuild the relationship, without this the relationship is likely to continue to deteriorate. Problem-solve the situation and teach new behaviours where needed. Ensure any sanctions are appropriate to what has happened and remember that it is the certainty that behaviour is challenged that is important rather than the severity of what happens. Resolving conflicts is one of the most important skills to model

Any physical intervention will take into consideration the age and competence of the student and will be the least restrictive alternative. In doing so the action must take proper account of any particular special educational need and/or disability that the pupil may have. Under the Disability Discrimination Act 1995 we have two key duties:

- Not to treat a disabled pupil less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and
- To take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled (known as the reasonable adjustments duty).

### **The use of Positive Handling**

All members of staff working with students at the college are authorised to handle, use reasonable force or restrain students if/when such physical intervention is necessary. No member of staff is required to employ any physical intervention strategy if they are not comfortable or confident to do so effectively. No member of staff should intervene physically if they have reason to believe that to do so would worsen the situation/incident that is taking place.

A member of staff recognising that a situation is escalating to a point demanding positive handling yet feeling unable to carry this out must, as part of their duty of care, clearly give the student(s) a warning to stop the behaviour otherwise they may need to physical intervene and then seek help by any means available.

Dynamic risk assessments considering the safety of other students is important and it may be necessary if a student does not calm down, to remove all the other students to ensure that they are safe. This action can sometimes bring order to the situation.

Staff considering handling, use of reasonable force or restraint must provide opportunity for the student to alter their behaviour/actions before employing a physical intervention strategy and should continue to make instructions to the student and details of their intended interventions clear.

Staff intervening with students will seek assistance from other members of staff as early as possible, since single-handed intervention increases the risk of injury to both parties and does not provide a witness. Staff who become aware that another member of staff is intervening physically with a student will have a responsibility to provide a presence and to offer support and assistance should this be required. Where possible, staff who have not been involved in the initial confrontation leading up to an incident may be in a better position to intervene or restrain the student if this proves necessary.

A student's behaviour may be adversely affected by the presence of an audience. Wherever possible, the audience will be removed, or if this is not possible, the student and member(s) of staff will withdraw to a quiet but not completely private, place (e.g. two members of staff should be present or a door left open so that others are aware of the situation).

Staff will tell the student being restrained, in a calm and gentle manner that the reason for the intervention is to keep the student and others safe. Staff will explain that as soon as the student calms down, she/he will be released.

The force used will be commensurate with the risk presented.

All staff should be aware of the college's planned procedures to enable staff to call for help in emergencies (e.g. a member of staff will contact the Principal, either by phone or by sending a student).

**Examples of situations where positive handling may be appropriate include:**

- Student attacks member of staff or another student;
- Student is fighting;
- Student is engaging in, or on the verge of, committing deliberate damage or vandalism to property;
- Student is causing or at risk of causing injury or damage by accident, by rough play or by misuse of dangerous materials or objects;
- Student absconds from college other than at an authorised time.
- Refusal of a pupil to remain in a particular place is not enough on its own to justify force. It would be justifiable where allowing a pupil to leave would:
  - o entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property or
  - o lead to behaviour that prejudices good order and discipline, such as disrupting other lessons
- Student persistently refuses to follow an instruction to leave a classroom;
- Student behaves in such a way that seriously disrupts a lesson, or

The following approaches are regarded as reasonable in appropriate circumstances:

- Holding for security and to reduce anxiety where there is potential risk, even if the student is not yet out of control. This is best used when the student is anxious or confused. Its purpose is to defuse or prevent escalation. Staff should take care that their actions should in no way be capable of being interpreted by the student as aggression.
- Physically interposing between student
- Blocking a student's path
- Pushing if restricted to situations where reasonable force is used to resist a student's movement, rather than a forceful push that might cause the student to fall over
- Escorting a student by the hand or arm.

**Holds which are not acceptable**

- Holding a student around the neck or by the collar, or in any other way that might restrict a student's ability to breathe;
- 'Forcing a pupil forward when in a seated position because of the risk of positional asphyxia;

- Any hold that inflicts pain in order to gain compliance;
- Slapping, punching or kicking a student;
- Twisting or forcing limbs against a joint;
- Tripping a student;
- Holding a student by the hair or ear;
- Holding a student face down on the ground
- Weight being placed on the student's back (compression)
- Positions that make it difficult to monitor the student's condition.

Further and for the avoidance of doubt The DfE Guidance on Use of Reasonable Force identifies that certain restraint techniques presented an unacceptable risk when used on student and young people. The techniques in question are:

- 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; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

When a student is under restraint they should be closely monitored and observed for any of the following warning signs

- Inability or difficulty in breathing
- Sudden increase or decrease in aggression
- Feeling or being sick
- Becoming limp, unresponsive, losing or lowering of consciousness
- Respiratory or cardiac arrest
- Developing swelling to the face or neck areas
- Developing pinpoint-sized haemorrhaging to the head, chest or neck area
- Marked expansion of veins in the neck

If warning signs appear

- Immediately release or modify the restraint as far as practicable to effect the immediate reduction in body wall restriction
- Immediately summon medical attention and provide immediate first aid

### **The procedure for when Positive Handling**

The procedure for when Positive Handling has been / or might need to be used set out below must always be followed:

- Give the student clear warning. Offer an escape route from the situation, for example, through calming or following instructions;
- Once the restrictive physical intervention is judged necessary it should happen quickly, smoothly and confidently;
- Always remain calm and talk in a conciliatory tone. Ignore any abuse and let the high emotional state it run its course;
- Once things begin to calm, it can be coupled with significant changes in restrictive physical intervention, this should be on staff terms, not when demanded by the student;
- The aim is to talk through the situation and discuss the behaviour that caused the whole episode;
- The extent of force used should be no more than necessary to control the situation;
- If a member of staff or an authorised person has to use force or physical restraint then they must complete a record of physical intervention.

After the Event Staff must go to the DSL to obtain the necessary forms to record the event and complete it as soon as possible, but certainly on the day of the event. Parents and pupils will be consulted at all stages of the process.

Strategies will be communicated to relevant staff and a positive handling plan will be written.

A full review of each incident will be made to include:

- Responses to challenge; how managed; appropriateness; likelihood or reoccurrence.
- Responses by staff; need for training and support.

### **Complaints and Allegations**

A clear restraint policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under the complaints or disciplinary policy.

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.

If a decision is taken to suspend a teacher, the college will ensure that the teacher has access to a named contact who can provide support. We feel it is important to provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

### **Searching pupils**

On occasions a member of staff may have reasonable grounds to suspect that a student is in possession of an item or items which contravene college regulations and could potentially cause harm to the student or others.

Under these circumstances The Education Act 2011 extends the power of staff to search students without their consent. Searches will be conducted by two members of staff, at least one of whom will be the same sex as the student.

For further information the DfE have provided guidance on Searching, Screening and Confiscation.

St George's College does not endorse and will not undertake a physical search of any students' person. Where necessary a student will be asked to remove his/her coat, empty all pockets, open their bags and in some circumstances remove their shoes and socks. Possessions and items of apparel that have been removed may then be searched by the staff present.

If undesirable items are discovered the College will use its power of confiscation to retain the offending item(s) and the Behaviour Policy will be referred to.