

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Field Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

Use of Reasonable Force Policy

Named staff for this policy:

Allens Croft Nursery School – Laura O'Neill (Head of School)

Jakeman Nursery School – Janine Maidment (Nursery Manager)

Shenley Fields Nursery School – Louise Shepherd (Head of School)

Introduction

At Allens Croft, Jakeman and Shenley Fields Nursery Schools we strive to create environments in which both children and adults feel happy, safe, secure and valued. We aim to ensure a whole school approach to behaviour known and understood by all staff, children, parents and outside agencies.

The use of force upon any pupil by a member of staff is a serious matter, and should only be considered as a last resort. However, the law is clear and the Governing Body has a responsibility to all concerned, to support any member of staff who as a last resort uses reasonable force in accordance with the law, and with this policy.

This policy should be read in conjunction with our Safeguarding policies.

Aims of the Policy

The aims of this Reasonable Force Policy are to:

- Provide clarification on the use of reasonable force in school;
- To enable staff to feel more informed and confident about the use of reasonable force when they believe it to be necessary;

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Field Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

- To make clear the responsibilities of Head teachers, staff and the Governing Body in respect of this power;
- This policy is drawn from advice contained in the document ‘Use of Reasonable Force – Advice for Head Teachers, Staff and Governing Bodies’ issued in 2013 by the Department for Education (DFE);
- This policy draws upon the most recent information in the DFE ‘Keeping Children Safe in Education September 2016.’

Definition of Reasonable Force

Physical intervention takes two forms, either restrictive or non-restrictive. The use of gentle physical prompting or guidance, where a child is happy to comply, or manual guidance to help a pupil working, is a non-restrictive physical intervention.

Restrictive physical interventions involve the use of reasonable force, and are associated with increased risks regarding the safety of a young person and staff. This guidance is specifically concerned with the use of restrictive physical interventions, referred to as reasonable force.

What the Law Says

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 pupil from doing or continuing to do any of the following:

- Committing a criminal offence;
- Causing personal injury to themselves or another;
- Causing damage to property belonging to them or another, including the school;

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Field Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

- Any behaviour prejudicing the maintenance of good order and discipline in the school

School Expectations

The use of reasonable force should always be considered within the wider context of other strategies such as:

- Reminders of expectations where an instruction is repeated until the child complies
- Use of distracter to interrupt the behaviour e.g. whistle, shout to stop fight
- Avoidance of confrontation or distraction to another activity

Who can use reasonable force?

The staff to which this lawful power is granted are defined in the Act. Through this policy, the Executive Head Teacher expressly gives authority to:

a) All qualified staff who have control or charge of pupils (including teaching staff, teaching assistants, special needs assistants) who work at Allens Croft, Jakeman and Shenley Fields Nursery Schools, however only in situations where the child poses a danger to him/herself or to others.

No voluntary helper or student may use any form of physical restraint or removal.

When can schools use reasonable force?

In situations where a pupil (including one from another school) is on school premises or elsewhere in the lawful control or charge of a staff member – for example on a school trip;

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Field Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

- To remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- To prevent a pupil behaving in a way that disrupts a school event or a school trip;
- 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;
- To prevent a pupil from attacking a member of staff or another pupil, or to stop a fight;
- To restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

Use force as a punishment – it is always unlawful to use force as a punishment.

Deciding whether to use force

As a general rule staff should only use force when:

- The potential consequences of not intervening are sufficiently serious to justify because the risk associated with not using force outweighs the risk of using it;
- The chance of achieving the desired outcome by other non-physical means are low;

Staff do not require parental consent to apply reasonable force on a pupil.

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Field Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

Using Force

Before using force, staff should - where practicable - tell the pupil to stop misbehaving. Care should be taken to avoid giving the impression that the member of staff is angry or frustrated, or are acting to punish the child.

The following points should be followed;

DO...

Tell a child what you are going to do and why;

Use minimum force necessary;

Involve another member of staff;

Provide another opportunity for the child to do what is requested to avoid removal;

Use simple, repetitive, clear language and instruction;

Hold limbs above major joints if possible e.g. hold arm above elbow;

Relax removal in response to child compliance.

DO NOT...

Act in temper

Involve yourself in a prolonged discussion or argument with child;

Touch or hold sexual areas;

Twist or force limbs back;

Hold child in way which restricts blood flow or breathing;

Trip up child to restrict travel.

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School *Kings Norton Nursery School* *Lillian De Lissa Nursery School* *Adderley Nursery School*
Jakeman Nursery School *Selly Oak Nursery School* *St Thomas Centre Nursery School* *Gracelands Nursery School*
Shenley Field Nursery School *Weoley Castle Nursery School* *Newtown Nursery School* *Highfield Nursery School*

Reasonable force should be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible, and at the same time allowing the child to gain self-control.

When possible the best solution is to remove the child to a safe calm area, if necessary by carrying the child to a safe area where restraint can be removed and the safety of the child and staff can be regained. There should be two members of staff present if any manual handling is necessary. Allens Croft, Jakeman and Shenley Fields Nursery Schools consider gently holding a child's hands or lower arms as acceptable. Similarly holding ankles to stop kicking may be acceptable.

It must be noted that staff in school act in 'loco parentis' at all times, and therefore must ensure that the safety and wellbeing of the pupil is of paramount importance. However, staff in schools must be aware of practice which is considered illegal. The following practices are prohibited under the Children's Act 1989 or the Human Rights Act 1998:

The use of physical force, or to threaten to use force (for example by raising a fist or using a verbal threat).

The locking of a child in a room without a court order, except in an emergency when for example the use of a locked room as a temporary measure whilst seeking assistance could be legally justified.

The Executive Head Teacher or appropriate Head of School should be informed immediately if any child is being physically restrained. Wherever possible, the Executive Head Teacher or appropriate Head of School will support in the situation.

Reporting and Recording use of Reasonable Force

The federated schools will keep a record of each significant incident of the use of force using the form appended (see Appendix 2). The Executive Head Teacher and Heads of School are the designated members of staff with responsibility for maintaining these records.

The purpose of recording is to ensure that policy guidelines are followed, to inform parents / carers, to inform future planning as part of school improvement processes,

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School *Kings Norton Nursery School* *Lillian De Lissa Nursery School* *Adderley Nursery School*
Jakeman Nursery School *Selly Oak Nursery School* *St Thomas Centre Nursery School* *Gracelands Nursery School*
Shenley Field Nursery School *Weoley Castle Nursery School* *Newtown Nursery School* *Highfield Nursery School*

to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

The Executive Head Teacher/ Heads of School/ named persons above should contact parents/carers as soon as possible after an incident, normally on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss the incident.

Post-incident support

The Executive Head Teacher/ Head of Schools/ named persons above\ will provide support for staff and children after the incident. If injuries result from the application of reasonable force, medical help should be sought straight away. If necessary a school accident form will be completed.

As soon as possible after the incident, parents / carers should be informed and if necessary details of the incident will be confirmed in writing. The pupil will be appropriately support to develop strategies for avoiding such crisis points in future.

A first aid qualified practitioner will check the child is unharmed following the incident along with a witness.

Monitoring the use of Reasonable Force

The monitoring of this policy and any physical restraint incidents will be completed by the Executive Head Teacher and the Governing Body. This policy will be reviewed in light of any new DfE guidelines or two yearly.

Any significant incidents of physical restraint, especially if they result in injury to any child, staff member or property, will be reported to the Governing Body. Any physical injury sustained by staff as a result of a child's actions will be reported to the Local Authority.

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School Kings Norton Nursery School Lillian De Lissa Nursery School Adderley Nursery School
Jakeman Nursery School Selly Oak Nursery School St Thomas Centre Nursery School Gracelands Nursery School
Shenley Field Nursery School Weoley Castle Nursery School Newtown Nursery School Highfield Nursery School

Staff Training

Staff are made aware of this policy and have training on child protection and other training that will ensure they are aware of their duties and the law.

Staff involved in implementing planned use of reasonable force, as part of a behaviour management strategy within the school, will be provided with training in the range of intervention techniques they are expected to use in their day-to-day work.

Complaints and allegations

Any concerns or complaints will be dealt with through the systems detailed in the Complaints Policy.

This policy should be read in conjunction with the school Behaviour Policy, Complaints Policy and Safeguarding Policy.

Further sources of information

From 'Use of Reasonable Force – Advice for head teachers, staff and governing bodies' issued 2013 by the Department for Education (DFE);

Date Policy Adopted: 20.10.2020

Date for next renewal: Autumn Term 2021

Signed: _____

Sean Delaney
Chair of Governors

Signed: _____

David Aldworth
Executive Head Teacher

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School Kings Norton Nursery School Lillian De Lissa Nursery School Adderley Nursery School
Jakeman Nursery School Selly Oak Nursery School St Thomas Centre Nursery School Gracelands Nursery School
Shenley Field Nursery School Weoley Castle Nursery School Newtown Nursery School Highfield Nursery School

Appendix 1:

Model letter for informing a parent of an incident requiring restraint of their child.

Dear

I write to inform you that on (date) at (time) your son/ daughter(child's name) was involved in an incident which occasioned the need for a member of my staff to restrain him/her.

Description of events:

.....
.....
.....
.....
.....
.....

As the school has a duty of care to prevent physical harm to pupils and staff and a remit to promote good discipline and behaviour, the action by the member of staff was fully compliant with Section 93 of the Education and Inspections Act 2006, guidance contained in 'Use of reasonable force: Advice for Head Teachers, Staff and Governing Bodies' (July 2013) and the school's policy document governing the use of reasonable force to control or restrain pupils. The Act lists occasions when 'authorised' persons may use force to control pupils as:

- Prevention of an offence.
- Prevention of personal injury or damage to property.
- Prevention of behaviour prejudicial to good order and discipline.

During the restraint (child's name) was not at risk of harm, he/she was effectively removed from the situation and allowed to calm down.

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Field Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

I am sure that you would wish to support the school in its actions and I should be grateful if you would contact the school to make a mutually convenient appointment to discuss the incident.

Appendix 2

Physical Intervention Form

Date		Time of day	
Name of child		Group	
Name of adult reporting the incident		Other adult(s) witness to incident	
Other children involved			
Reason for Physical Intervention			
De-escalation and intervention techniques used			
Was anyone hurt?	YES/NO		Accident form completed?
Who	Child		Adult

THE BIRMINGHAM FEDERATION OF MAINTAINED NURSERY SCHOOLS

Allens Croft Nursery School

Kings Norton Nursery School

Lillian De Lissa Nursery School

Adderley Nursery School

Jakeman Nursery School

Selly Oak Nursery School

St Thomas Centre Nursery School

Gracelands Nursery School

Shenley Field Nursery School

Weoley Castle Nursery School

Newtown Nursery School

Highfield Nursery School

	Outcome for child		
	Signed (first aider)		
Action taken by Executive Head Teacher/Head of Schools.	Parents informed		Time and date:
	Sign and date		
Involved parties to read, sign and date	Name		Date
	Name		Date
	Name		Date