

# Emneth Nursery School

and Day-Care Provision



## Behaviour and the use of Force to Control or Restrain Children

### Objectives

At Emneth Nursery School we are committed to ensuring that children are safe and feel safe; a key aspect of this is to promote good behaviour. Through a positive approach to promoting good behaviour, co-operation and a caring attitude, we hope to ensure that children will develop a strong sense of esteem, empathy and respect for themselves and other people.

Bullying will not be tolerated at Emneth Nursery and any instances of bullying by children or adults including; racism, sexism, bullying based on sexual orientation including homophobia and transphobia or based on learning abilities, sensory or physical impairment, social class, faith, non-faith or lifestyle will be challenged.

The objective of any use of force is:

- To maintain the safety of children and staff
- To prevent serious breaches of Nursery discipline
- To prevent serious damage to property

Use of force is only used as a last resort and procedures are in place at Emneth Nursery to create a calm and orderly environment and supportive Nursery climate that lessens the risk and threat of violence of any kind.

High quality, ongoing staff development develops essential understanding of child development to guide our expectations of children's behavior and how to manage situations where any use of force is to be applied.

### Behaviour

Behaviour is also about developing emotional literacy so that children are able to explore and acknowledge their own feelings and find appropriate ways to express them. Appropriate behaviour enables individuals to become good citizens and good learners.

Good behaviour is the responsibility of everyone including; staff, children, Parents / carers, families and visitors. We are all expected to be:

- Courteous and respectful to others
- Caring of the nursery environment and each other's work
- To value everyone regardless of whether or not they have a disability, whatever their ethnicity, culture, religious affiliation, national origin or national status, whatever their gender and gender identity and whatever their sexual identity.

At Emneth Nursery School we are committed to:

- To work in partnership with parents and carers to support their child's positive behavior
- Work with parents to ensure that they send their child to nursery each day punctually, suitably clothed, fed, rested and ready to play and learn
- Invite parents / carers to meetings with the key person, head teacher or other Nursery staff, if requested, to discuss their child's behavior
- Expect children and adults to show respect and consideration towards each other and towards the nursery environment and its resources improving outcomes for all children and eliminating all forms of discrimination
- Harassment and bullying, as well as promoting equality of opportunity and relations across the whole school community
- Take all reasonable measures to protect the safety and well-being of staff and pupils, including preventing all forms of bullying and dealing effectively with reports and complaints about bullying
- Ensure parents that have any complaint about their child being bullied is taken seriously by nursery and investigated / resolved as necessary
- Enable children to show respect to school staff, fellow children, nursery property and the nursery environment
- Ensuring good order in nursery where adults and children are respectful towards each other creating an environment in which learning can take place
- Ensure staff model good behaviour and never belittle children or colleagues
- Promote positive behaviour through active development of children's social emotional and behavioural skills
- Keep parents informed of their child's progress, including issues relating to their behaviour – use appropriate methods of engaging them and, where necessary, support them in meeting their parental responsibilities
- Support and praise good behaviour and apply sanctions fairly and consistently taking account of SEN, disability and the needs of vulnerable children offering support as appropriate; praise begins with frequent use of encouraging language and gestures, so that positive behaviour is instantly recognized
- Ensure nursery staff are aware of any SEN-related or other personal factors which may arise and impact on children's behavior
- Work with other agencies to promote community cohesion and safety
- Ensure staff are well informed about cultural differences in behaviour and their implications
- Support newly arrived children and their families in understanding and following the behaviour policy
- Apply sanctions consistently and fairly. We will monitor the overall impact of their sanctions by age, ethnicity, gender, special educational needs and disability (which would not mean monitoring every individual sanction, however small, but rather taking reasonable steps to get a picture of whether overall any particular groups of pupils are disproportionately affected). Such information is required as part of nursery's equality schemes. The leadership team will analyse any patterns revealed which raise concerns about the application of the policy against the principles and values of the nursery which will trigger a review and possible amendments to practice
- Make sure that every vulnerable child has a key person in school who knows them well, has good links with the home, and can act as a reference point for all staff when they are unsure about how to apply the disciplinary framework

- Plan proactively how the school's disciplinary framework should be applied for each of these pupils
- Ensure that all those in contact with the pupil know what has been agreed
- Ensure that all staff are aware of appropriate referral procedures to other agencies.

This policy applies to everyone. Everyone is of equal value and will be valued equally regardless of whether or not they have a disability, whatever their ethnicity, culture, religious affiliation, belief, non-belief, national origin or national status, whatever their gender and gender identity, transgender, including homophobia and transphobia and social class.

Governors will review the general principles to guide the head teacher in determining measures to promote good behavior and notify the head teacher and give him / her related guidance if the governing body wants the school's behaviour policy to include particular measures or address particular issues.

## **Use of Force**

All teachers and staff automatically have the legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action. This includes all teachers and support staff. Members of staff should not put themselves at risk. An individual would not be seen to be failing in their duty of care by not using force to prevent injury, if doing so threatened their own safety.

## **Definitions**

There is no statutory definition of 'reasonable force'. It depends on:-

- Whether the force used is justified in the context in which the misbehaviour takes place.
- Whether the force used is proportionate to the consequences it is intended to prevent.

Within the Nursery, force is generally used for two different purposes – to 'control' and to 'restrain' children

**Control** means either passive contact (standing between children) or active physical contact (leading a pupil by hand or arm)

**Restraint** is when staff physically prevent a pupil from continuing what they were doing when told to stop, or when involved in a fight. Nursery staff should always avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring a pupil.

## **Deciding Whether to Use Force**

Staff should only use force when:

- The potential consequences of not intervening were sufficiently serious to justify considering use of force
- The chance of achieving the desired result by other means were low
- The risk associated with not using force outweighed those of using force.

Staff in charge of children must ensure that clear guidance is given to volunteer helpers working with children who present particular risks to themselves or others, such as those with SEN or severe behavioural difficulties.

According to Section 93 of the Education and Inspections Act 2006 **reasonable force can be used in the following circumstances:-**

- Where a criminal offence is being committed
- Self-defence or where children may injure themselves or others
- Where the behaviour is prejudicial to maintaining good order and discipline at the Nursery or among the children
- A risk of significant damage to property
- Where the action occurs on the Nursery premises or during an authorised activity off the premises
- When exercising the statutory power (sect 45 – Violent Crime Reduction Act 2006) to search children without their consent for weapons, alcohol, illegal drugs and stolen property.

**NOTE: It is always unlawful to use force as a punishment.**

**Nursery can use reasonable force to:**

- Remove disruptive children from the classroom where they have refused to follow an instruction to do so
- Prevent a Child behaving in a way that disrupts a Nursery event or trip
- Prevent a child leaving the classroom where allowing them to leave would risk their safety or lead to behaviour that disrupts the behaviour of others
- Prevent a child from attacking a member of staff or another pupil, or to stop a fight on the playground
- Restrain a child at risk of harming themselves through physical outbursts

**Communicating the Nursery's Approach to the Use of Force**

This is done through the behaviour policy and this policy. Members of staff do not require parental consent to use force on a pupil but makes policies available to parents via the Nursery website.

**Children with SEN or Disabilities**

The Special Educational Needs Coordinator (SENCo) is directly involved in reviewing the needs and management programme of children with SEN and

behavioural difficulties. An individual risk assessment is drawn up where it is known that force is more likely to be used to restrain a particular pupil, such as with a pupil with SEN or poor behaviour.

### **Recording and Reporting Significant Incidents**

#### ***This part of the guidance is statutory***

The Governing Body ensures that appropriate procedures are in place for recording and reporting significant incidents where a member of staff has used force on a pupil. The 'bound and numbered' book, for recording incidents, is kept in the Head Teachers office, at the Primary Nursery.

Parents, as soon as is practicable, are told when and where the incident took place, why force was used, what force was used, whether there were any injuries and what follow up action (support and /or disciplinary) was being taken in relation to their child.

### **Post Incident Support**

Care is taken after an incident to ensure both staff and children are supported including meeting immediate medical needs, rebuilding relationships and reflecting on the incident so lessons can be learned.

### **Complaints and Allegations**

If a complaint is made it is done so using the Nursery's complaints procedure and/or guidance on abuse by staff.

Behaviour Policy written by- Holly Bowman

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Use of Force Policy Written By: Holly Bowman

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