

## Use of Reasonable Force Policy

**Written by:** Marcus Link **Date:** February 2018  
**Approved by:** College of Management **Date:**  
Council of Trustees **Date:**

**Review information:** First created February 2018.  
**Date for next review:**

**Clarification:** *The use of power in this policy relates to the phrase “legal power”.*

### Policy - Statement of intent

**Schools should not have a ‘no contact’ policy.** There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil or prevent them taking action needed to prevent a pupil causing harm. This is a real risk at our school as members of staff tend to shy away from using force due to a general progressive-liberal attitude and/or fear-based attitudes when it comes to behaviour management and have in the past held beliefs to the effect that no physical contact whatsoever is permissible.

All school staff and volunteers who have been charged with responsibility for pupils have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.

DfE guidelines specifically make the following two points:

- Senior school leaders should support their staff when they use this power.
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force.

This policy is intended to provide clarification on the issues of physical contact and especially the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of senior staff including the SLT and the school’s governing body, the Council of Trustees, in respect of this power.

Whilst schools are not required to have a policy on the use of force, it is best practice to set out, in the behaviour policy, the circumstances in which force might be used. For example, it could say that teachers will physically separate pupils found fighting or that if a pupil refuses to leave a room when instructed to do so, they will be physically removed.

However, this school has different behaviour policies for different age groups and it appeared altogether better suited to the school’s ethos to single this subject out.

This policy is based on the DfE advice “Use of reasonable force” which was last updated July 2013.

## **Scope**

All members of school staff have a legal power to use reasonable force as defined by section 93 of the Education and Inspections Act 2006.

This power applies to any member of staff at the school. It can also apply to people who have temporarily been put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

## **Permissible physical contact with pupils**

- It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.
- Examples of where touching a pupil might be proper or necessary:
  - Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
  - When comforting a distressed pupil;
  - When a pupil is being congratulated or praised;
  - To demonstrate how to use a musical instrument;
  - To demonstrate exercises or techniques during handwork, craft, games, cycling and movement lessons or other related situations;
  - To give first aid; or
  - The use of reasonable force to control pupils and to restrain them.

## **Unacceptable use of force with pupils**

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

The following are not permissible:

- Holding around neck, by collar or in such a way as might restrict breathing
- Slapping, punching or kicking
- Twisting or forcing limbs against a joint
- Tripping up
- Pulling or pushing
- Holding or pulling by hair or ear
- Holding a pupil face down on the ground
- Holding in a way that might be considered indecent
- Using threat of violence

## Reasonable force

- Use of reasonable force of pupils must be seen within the context of the behaviour policies of the school and members of staff are urged to familiarise themselves with these.
- Physical control and restraint are likely to be an extremely rare occurrences at our school and therefore not a situation that staff members are likely to encounter with any regularity.
- The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
- 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 student needs to be restrained to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed.
- As mentioned above, 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.
- 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.
- School staff should 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.

The degree of force applied must be proportionate to the seriousness of the behaviour or the consequences it is intended to prevent and must be appropriate

- considering the age,
- understanding,
- reasonable adjustments for disabled children and children with special educational needs (SEN) and
- gender of the pupil concerned.

It should be the minimum necessary to achieve the desired results:

- Blocking a pupil's path
- Physically interposing between pupils
- Holding
- Leading by hand or arm
- Shepherding a pupil away by placing a hand in the centre of the back, or, in more extreme circumstances, using more restrictive holds
- Continue to try to calm the situation by communicating and making it clear that the contact will stop as soon as it is no longer necessary

## **Strategies for avoiding the use of force**

- Good behaviour and self-discipline are actively and positively fostered at our school and as such are the primary tools in managing behaviour
- An individual programme or report book
- Liaison with parents
- Awareness raising of behaviour or situations likely to become problematic at the appropriate Department, Collegiate and College of Management meetings
- Consistency of approach by staff towards pupils

## **Defusing the situation**

**Physical restraint, including the use of reasonable force, should only be used when all other strategies have been exhausted.**

Staff should always attempt to defuse the situation, by for example:

- Giving appropriate verbal instructions and warnings, e.g. 'Stop it!'
- Making clear the expectations of all concerned and the likely consequences if behaviour deteriorates further
- Using eye contact with positive and calming facial expression
- Making appropriate use of humour
- Adjusting body position to ensure minimum threat to pupil and maximum safety for all concerned: generally, a sideways stance
- Seeking help from other staff to defuse the situation

## **When can reasonable force be used?**

However, there may be situations when there simply is not enough time to consider alternatives and the decision on whether to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

If possible, consider the following when using force:

- Restraint should only be used as a last resort and the degree should not exceed the level of force of the presenting behaviour
- A calm and measured approach will likely make a difference: restraint should always be used with care
- The intention is to help the young person regain their self-control
- The method of restraint must depend for its efficacy on the technique rather than the size of the staff member
- Every effort should be made as far as possible to ensure the presence of another member of staff as witness and assistant
- Restraint should not be used if it is likely to make the situation worse

- Restraint must always be an act of care and control and never punishment or result from a loss of control by the staff member
- The minimum force necessary to prevent the possibility of harm to persons or property should be used
- It should only continue for the minimum time for it to be effective

The following list is not exhaustive but provides some examples of situations where reasonable force can be used:

- Where a pupil is causing or is highly likely to cause injury to themselves or to another person
- Where a pupil tries to attack someone
- Where someone is causing serious damage to property
- Where a child is running out of the classroom, building, school grounds, venue, train, bus, plane (e.g. on a school trip) and likely to place themselves at an unacceptable risk
- To prevent a pupil from committing a criminal offence

### **Power to search pupils without consent**

In addition to the general power to use reasonable force described above, authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”:

- 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.

Force cannot be used to search for other items banned under the school rules.

Authorised staff here is defined as such members of staff who have been authorised by at least two members of the SLT. A pupil may be restrained with reasonable force prior to a search until such authorisation has been given.

### **Reporting, post-incident support, monitoring and review**

- Schools do not require parental consent to use force on a student.

- It is considered good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents.
- By law, it is up to schools to decide whether it is appropriate to report the use of force to parents.
- In deciding what is a serious incident, teachers should use their professional judgement and consider the:
  - pupil's behaviour and level of risk presented at the time of the incident;
  - degree of force used;
  - effect on the pupil or member of staff; and
  - the child's age.
- At this school, all incidents of restraint, or accusations of physical intervention, should be reported to the SLT via the HSO immediately, using the appropriate incident form, which must be completed in full immediately.
- Witnesses will also be asked to make a report in writing and will be interviewed.
- Parents will be notified immediately.
- There must be a post incident review with the pupil as soon as is judged likely to be effective.
- Implications for this policy must be considered as a part of the outcome.
- The school has a duty of care to secure the health and safety of its staff and pupils and therefore exclusion may result from such a situation.

### **Complaints by pupils about the use of force**

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- 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.
- We will refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

- Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- The Council of Trustees will always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- As employers, we have a duty of care towards our staff.
- We will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

### **Information/ Guidance/ Advice**

- DfE Advice for Schools on use of reasonable force (reviewed July 2015):  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/444051/Use\\_of\\_reasonable\\_force\\_advice\\_Reviewed\\_July\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf)
- DfE Guidance: Dealing with Allegations of Abuse against Teachers and Other Staff  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/361446/DFE-RB192.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/361446/DFE-RB192.pdf)

### **Compliance**

- Independent School Standards
- Keeping Children Safe in Education

### **Related policies**

- Behaviour Policies
- Exclusion and Suspension Policy
- Serious Incidents Policy
- Staff Code of Conduct Policy
- Concerns and Complaints Policy