

Forres Sandle Manor (Non-Academic) Policy

Policy Title	Use of Reasonable Force
Policy Lead (Appointment (& Initials))	Deputy Head (JW)
Date of Last Review	September 2019
Date of Next Review	September 2020

USE OF REASONABLE FORCE

This policy has been prepared for all teaching staff, support staff who have contact with pupils, and for volunteers working at FSM, to explain the school's approach towards the use of reasonable force with pupils. Parents and pupils also have access to this policy via the School website.

All members of staff and volunteers who might have to intervene physically with pupils should understand the options and strategies open to them. They should know what is acceptable and what is not. This policy is consistent with the latest DfE guidance released in July 2013 *Use of Reasonable Force – Advice for head teachers, staff and governing bodies*. (Reviewed 2017) and *Reducing the Need for Restraint and Restrictive Intervention* (2019)

The policy should be read in tandem with other school policies relating to interaction between adults and pupils.

PURPOSE OF POLICY

Good personal and professional relationships between staff and pupils are vital to ensure good order and discipline. We recognise that the majority of pupils in our school respond positively to the discipline and control practised by staff. This helps ensure the well-being and safety of all pupils and staff at FSM. It is also acknowledged that, in exceptional circumstances, staff might need to use reasonable force to control a situation or to intervene in a situation that might otherwise pose a risk of harm to a pupil.

This policy seeks to ensure that all the staff in school understand clearly their responsibilities if using reasonable force in exceptional circumstances. It is imperative that staff are well-informed and understand how to deal with these difficult situations and understand fully the rationale and implications of this policy document. The policy should also be made available to parents on request.

CORPORAL PUNISHMENT

The use of force as a punishment - corporal punishment - is not allowed. The law forbids a teacher to use any degree of physical contact that is intended deliberately to punish a child or that is intended primarily to cause pain, injury or humiliation.

KEY POINTS

- All school staff have a legal power to use force and lawful use of the power will provide a defence to any related complaint, criminal prosecution or other legal action.
- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- Suspension should not be an automatic response if a member of staff is accused of using excessive force.
- Senior Management and governors should support staff when they use this power.

BEING PREPARED FOR INCIDENTS

FSM is aware that any pupil has the potential to behave in a way that might require physical control or restraint, from crossing the school drive when there is oncoming traffic to a complete loss of self-control in a manner that may harm themselves or others. It is essential that staff give forethought as to how to respond if a situation arises. Such forethought needs to address:

- How a pupil will be controlled in order to prevent conflict.
- The type of contact that can be used to restrain a pupil.
- The involvement of parents, informing them about specific action the school might need to take or has taken.
- Ensuring that they know exactly what action they should take (this could identify a need for staff training or guidance).
- The additional support that can be summoned, if necessary.
- Taking medical advice about the safest way to hold a pupil with specific health needs, particularly in SEN settings.

WHAT IS REASONABLE FORCE?

The following guidance is given in the most recent DfE publication:

- 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 (*naturally excluding such instances as are given in 'Physical Contact with Pupils in Other Circumstances' below*).
- 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.
- 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.

IMPORTANT CONSIDERATIONS

- The use of force can be regarded as reasonable, only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful, if the particular circumstances do not justify the use of physical force; for example, physical force should not be used to prevent a pupil from committing a trivial misdemeanour, or in a situation that could be clearly resolved without force.
- Whether it is appropriate to use force, and the degree of force that could reasonably be employed, will depend on the age and understanding of the pupil.
- As a school we have a legal duty to make reasonable adjustments for disabled children, children with special educational needs or with medical conditions, (SEN). When using reasonable force in response to risks presented by incidents involving children with SEN schools and colleges should in considering the risks carefully recognise the additional vulnerability of these groups. By planning positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children, and agreeing them with parents and carers, FSM can reduce the occurrence of challenging behaviour and the need to use reasonable force.

WHO CAN USE REASONABLE FORCE?

- All members of school staff have a legal power to use reasonable force. Staff should note that this is a power, not a duty, so there is an element of discretion as to whether to use it.
- This must, however, be weighed against staff's duty of care as in some circumstances it could conceivably be argued that failing to take action breaches that duty of care.
- The power applies to any member of staff at the school and can apply to those the Headmaster has temporarily put in charge of pupils who are not formally employed by the school. At all times this includes the Gap Student volunteers. It also includes parents accompanying pupils on a school organised trip.

WHEN CAN REASONABLE FORCE BE USED?

In a school, force is used for two main purposes – to control pupils or to restrain them. Reasonable force can be used to prevent a pupil:

- From hurting themselves or others, from damaging property (including their own) or from causing disorder.
- Committing a criminal offence (including behaving in a way that would be an offence if that pupil were not under the age of criminal responsibility).
- Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

The power applies when a teacher, or authorised person, is on the school premises, and when he or she has lawful control or charge of the pupil concerned elsewhere, e.g. on a field trip or other authorised activity.

The decision whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

EXAMPLES

The following list, cited by the DfE, is not exhaustive but provides some examples of situations where reasonable force can and cannot be used:

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

To be clear on this last point: everyone has a right to defend himself or herself against an attack, provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency – for example, if a pupil were at immediate risk of injury or on the point of inflicting injury on someone else – any member of staff is entitled to intervene.

Further examples of incidents where reasonable force could be used include:

- A pupil engaging in, or on the verge of committing, deliberate damage or vandalism to property.
- A pupil causing, or at risk of causing, injury or damage by accident, by rough play or by misuse of dangerous materials or objects.
- A pupil running in a corridor or on a stairway in a manner in which he or she might have, or cause, an accident likely to injure him or herself or others.

Physical intervention to enforce compliance should never be used as a substitute for good behavioural management.

PRACTICAL CONSIDERATIONS

Before intervening physically, the member of staff should, wherever practical:

- Tell the pupil who is misbehaving to stop, and what will happen if he or she does not stop.

- Continue attempting to communicate with the pupil throughout the incident and make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.
- Keep a calm and measured approach: the teacher/authorised person should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.
- Not intervene in an incident without help (unless in an emergency) if the authorised person feels they could be at risk of injury, for example when dealing with an older pupil, or a physically large child, or more than one pupil.
- In difficult circumstances:
 - Try to remove other pupils who are at risk, and summon assistance from a colleague or colleagues or, if deemed necessary, the Police.
 - Inform pupils that he or she has sent for help.
 - Attempt to defuse the situation orally until assistance arrives and try to prevent the incident from worsening.

FSM does not require parental consent to use reasonable force on a pupil.

The DfES suggest reasonable force might be:

- Physically interposing between pupils.
- Blocking a pupil's path.
- Holding.
- Pushing and pulling.
- Leading a pupil by the hand or arm.
- Shepherding a pupil away by placing a hand in the centre of the back.

Staff should try not to act in a way that could cause injury to the pupil. They should not:

- Hold a pupil around the neck or by the collar, or in any other way that might restrict the pupil's ability to breathe.
- Slap, punch or kick a pupil.
- Twist or force limbs against a joint.
- Trip a pupil.
- Hold or pull a pupil by the hair or ear.
- Hold a pupil face down on the ground.

The following techniques have also been identified as presenting unacceptable risk when used on children:

- The 'seated double embrace', where two members of staff force a child into a sitting position and lean them forward while a third monitors breathing.
- The 'double basket hold', where a child's arms are held across their chest.
- The 'nose distraction technique', involving a sharp upward jab under the nose.

Staff should always avoid touching a pupil in a way that might be considered indecent.

RECORDING INCIDENTS – THE INCIDENT REPORT

It is vital that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where force is used.

Immediately after any incident, the member of staff concerned should inform the Headmaster, or a senior member of staff, and provide a written report as soon as possible using the 2-sided Incident Report given as Appendix 1.

Staff might find it helpful to seek advice from a senior colleague or a representative of their Professional Association when compiling a report. Staff should keep a copy of the report.

The use of any force can cause the parents of the pupil involved great concern. Parents should be informed as soon as possible and given an opportunity to discuss the incident with the Headmaster. This can be after school, by telephone or by letter.

In deciding what a serious incident is, 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.
- The child's age.

COMPLAINTS

If staff follow the clear guidelines and parents are notified, most complaints should be avoided. However, this might not prevent all complaints and use of reasonable force could still lead to some form of investigation. A link to guidance on dealing with allegations against staff can be found in Appendix 2.

The possibility cannot be ruled out that a complaint might result in a disciplinary hearing, a criminal prosecution, or a civil action brought by a pupil or parent. In these circumstances, it would be for the disciplinary panel or court to decide whether the degree of force was reasonable in the circumstances.

If a formal complaint from a pupil or parent is received:

- 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. Schools should 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.
- FSM will 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, FSM will ensure that the teacher has access to a named contact who can provide support.
- The Governing bodies 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, FSM and the local authorities have a duty of care towards our employees. It is important that FSM provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

PHYSICAL CONTACT WITH PUPILS IN OTHER CIRCUMSTANCES

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. For example:

- To demonstrate exercises or techniques during PE lessons or sports coaching.
- In DT.
- Giving first aid.
- Cleaning a young child after an accident/wetting or soiling.
- Young children and pupils with SEN can need staff to provide physical prompts or help.
- When a pupil is in distress and needs comforting.
- When a pupil is being congratulated or praised.
- To demonstrate how to use a musical instrument.
- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school.

Staff should use their own professional judgement to decide if a pupil needs this kind of support.

Some children find touching particularly unwelcome; for example, children sensitive to physical contact because of their cultural background or because they have been abused.

Physical contact with pupils becomes increasingly open to question as pupils get older. Staff should bear in mind that even innocent and well-intentioned physical contact can, sometimes, be misconstrued.

APPENDIX 1

Forres Sandle Manor

USE OF REASONABLE FORCE INCIDENT REPORT FORM

Name(s) of pupil(s) involved:
Name(s) of adult(s) involved:
Summary of the incident: Date and time: Place: Circumstances leading to incident:
Specific details of restraint:
Further action:

Names of any pupils who witnessed the incident:

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cont.

Appendix 1 cont.

Reasons the force was necessary: e.g. to prevent injury to a pupil:

How the incident began and progressed, including details of the pupil's behaviour, what was said, steps taken to diffuse the situation, the degree of force used, how it was applied and for how long.

The pupil's response and the outcome of the incident.

Details of any injury suffered by the pupil, another pupil, or a member of staff and any damage to property.

Signature(s) of teacher(s) involved:

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Date:

Headmaster:

Date:

APPENDIX 2

Useful Documents and Resources

DfE – ‘Use of Reasonable Force – Advice for head teachers, staff and governing bodies’
(published July 2013: Reviewed 2017)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf)

[HM Government: Reducing-the-need-for-restraint-and-restrictive-intervention \(2019\)](#)

[DfE: Searching screening and confiscation \(2018\)](#)

[Dealing with allegations against teachers and other staff](#)

Teacher Support Network – 08000 562 088, <http://teachersupport.info>

Link to dealing with allegations of abuse against staff – guidance for local authorities, head teachers, school staff, governing bodies and proprietors of independent schools can also be found in the DfE document: *Behaviour and discipline in schools: Advice for Headteachers and school staff*:

[DfE: Behaviour and Discipline in Schools \(2016\)](#)