

Use of Reasonable Force Policy



National Support School
designated by
National College for
Teaching & Leadership

National Teaching School
designated by
National College for
Teaching & Leadership



Nurture ~ Believe ~ Discover ~ Achieve

Our vision for Woodstock CE Primary School reflects a passionate commitment to learning and recognition of the uniqueness of individual learners. It is driven by our desire to offer the best possible education for our pupils in partnership with parents, the church and the local community.

WOODSTOCK CE PRIMARY SCHOOL IS A CENTRE:

- For learning where high standards are pursued with consistency and enthusiasm.
- Where individuals are valued and helped to achieve their personal best
- Where effective partnerships secure the success of the school.

“For I know the plans I have for you”, declares the Lord, “plans to prosper you and not to harm you, plans to give you hope and a future.”

Jeremiah 29, v11



Introduction

Woodstock CE Primary School believes that:

- Each child has the right to be educated in a safe and secure environment.
- Parents and carers are informed and reassured that their children are being educated in a safe, caring and respectful atmosphere.
- All staff have the right to work in a safe and secure environment.

The school seeks to create such a learning environment and to protect all people in its community from harm.

Preventative Strategies

The school actively promotes positive behaviour management strategies and seeks to develop good relationships at all levels thus reducing the need for the use of physical intervention wherever possible.

All staff will seek to follow strategies likely to reduce the need for force in dealing with difficult pupils, based on the age of the child and context in which they are applied. They will endeavour at all times to:

- Move calmly and confidently
- Make clear, simple statements, telling the student to stop and the consequences of failing to do so
- Intervene early. Communicate with the child throughout the incident
- Try to maintain eye contact
- If necessary, summon another adult before the problem escalates
- If necessary, remove the 'audience' from the immediate location

Staff should never give the impression that they have lost their temper or are acting from anger or frustration.

When the school is aware that an individual child is likely to behave in a disruptive way that may require the use of reasonable force, the school will draw up an individual Risk Assessment, consult parents and plan proactive and reactive measures appropriately.

What is Reasonable Force?

- 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.

Who can use Reasonable Force?

- Members of staff have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom.
- Head teachers and authorised school staff may also use such force as is reasonable given the circumstances when conducting a search without consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Schools can also identify additional items in their school rules which may be searched for without consent. Force cannot be used to search for these items.
- This power applies to any member of staff at the school. It can also apply to people whom the Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying children on a school organised visit.

When can Reasonable Force be used?

Calm and measured responses will be considered before any force is applied in any situation. It is often inappropriate for a member of staff to intervene in an incident without help if he/she may be at risk of injury. In this event, he/she will remove other pupils who may be at risk and summon help from a colleague.

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- The decision on 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.

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'School staff will always try to avoid acting in a way that might cause injury, but in extreme cases it may not be possible to avoid ...' (DfE Guidance July 2013).

Using Reasonable Force

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

Schools can use reasonable force to:

- Remove 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.
- 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.
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground.
- 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.

Staff should never act in a way that might reasonably be expected to cause injury.

Staff should not intervene without help when dealing with a pupil where there is serious risk of injury. Instead, they should remove other pupils who might be at risk, summon assistance from colleagues, inform pupils that this is being done and continue to defuse the situation orally.

In situations where pupils refuse to leave a classroom and are prejudicing good order and discipline, staff should send for assistance from senior staff. If necessary, reasonable force will be used to remove a disruptive child, if they refuse to follow an instruction to do so by senior staff.

In keeping with the ethos of the school, reasonable force will only be applied as a last resort and in a way that preserves the dignity and respect of all concerned.

Power to Search Pupils without Consent

In addition to the general power to use reasonable force described above, Headteachers and 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 items banned under the school rules, for example mobile phones.

Communicating the School's Approach to the Use of Force

At Woodstock Primary we follow the government guidance on the use of force and are compliant with the following principles:

- Every school is required to have a Behaviour Policy and to make this policy known to staff, parents and pupils. The governing body should notify the Headteacher that it expects the school Behaviour Policy to include the power to use reasonable force.
- There is no requirement to have a policy on the use of force but it is good 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.
- Any policy on the use of reasonable force should acknowledge their legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).
- Schools do not require parental consent to use force on a pupil.
- 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.
- By taking steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

Using Force

We follow the principles of a panel of experts who identified that certain restraint techniques presented an unacceptable risk when used on children 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.
- The 'nose distraction technique' which involves a sharp upward jab under the nose.

Managing an Incident

Staff and pupils will be given any necessary emotional support or medical aid required. Members of staff trained in first aid will check for any injuries where appropriate.

Parents will be contacted as soon as possible after any incident and any complaints by parents dealt with in accordance with the school's Complaints Policy. Bearing in mind the following key points:

- **School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.**
- **Suspension will not be an automatic response when a member of staff has been accused of using excessive force.**

- **Senior school leaders will support their staff when they use this power.**

A member of staff who is subjected to physical violence or assault will be supported in taking any necessary action against an assailant.

All staff will have regular awareness-raising sessions on the issues in this Policy.

Recording the Use of Reasonable Force

An entry in the school's 'Bound and Numbered Book' must be made following any occasion on which reasonable force is used to restrain a pupil and must be passed to a member of the Leadership Team by the end of the day. The member of staff concerned must tell the Headteacher or a member of the Leadership Team and provide a short factual account as soon as possible. The written entry must include:

- Name(s) of pupil(s) concerned and when/where incident occurred
- Names of witnesses
- Reason why force was necessary
- The degree of force used and for how long
- How effective was the intervention
- How was the intervention in the best interest of the young person
- The pupils' response and outcome of the incident
- Details of any apparent injury to the pupil or damage to the property

A member of the Leadership Team will inform parents of the incident as soon as possible and offer them an opportunity to discuss it.

Any incident will be reported to the Chair of Governors.

Staff Training

- Our Headteacher will consider whether members of staff require any additional training to enable them to carry out their responsibilities and will consider the needs of the pupils when doing so.
- Local Authority advice and guidance will be sought if needed to access appropriate training.

Telling Parents when Force has been Used on their Child

The Headteacher or a member of the Leadership Team will speak to parents about serious incidents involving the use of force and ensure the event is recorded in 'Bound and Numbered Book'. 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
- The child's age

What Happens if a Pupil Complains when Force is Used on them?

- 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 (see the 'Further sources of information' section below) 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.

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

This Policy was reviewed and revised: Autumn 2018

Future Review: Autumn 2020