



Use of Reasonable Force

Policy Change Control

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Policy Change Control

Committee Responsible	Trust Board
Board Trustee	
Nominated lead member of staff	
Approved:	
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Next review date:	

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July 23	4	CM	BET Policy changed to Academy Policy

Approval:

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SIGNED CHAIR OF RGB		PRINT NAME	Gavin Jones

1. Introduction

The DfE has issued guidance to teachers designed to clarify Section 550a of the Education Act 1996 and further strengthened that guidance through the Education and Inspections Act 2006, sections 88 – 96 and the Department for Education guidance Use of Reasonable Force, advice for headteachers, staff and governing bodies July 2013. The guidance is aimed to ensure all staff know their legal position when it comes to using “Reasonable Force” (a term in common law) to prevent anti-social behaviour.

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 PE lessons or sports coaching; and
- To give first aid.

In some schools there has been a tendency to think reasonable force is a license for physical contact with a pupil. It must be emphasised that “reasonable force” should only be used in exceptional circumstances, as outlined in this policy, and could result in a member of staff facing a disciplinary hearing and/or with a parent taking legal action. Parents and the legal profession are acutely aware of their rights regarding physical contact between teacher and pupil.

The academy encourages staff to look to de-escalate the situation. Any intervention should always be to calm the situation rather than to inflame it.

Where reasonable force is necessary, staff should have a colleague as a witness if the situation and time allows. Statements should be taken from all who witnessed the incident. Pupil statements should be taken with care and only under the guidance of a senior member of staff.

2. What is reasonable force?

1. The term ‘reasonable force’ covers the broad range of actions used by most teachers at some point in their career that involves a degree of physical contact with pupils.
2. 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.
3. ‘Reasonable in the circumstances’ means using no more force than is needed.
4. As mentioned above, schools may 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.
5. 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.
6. 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.

3. Who can use reasonable force?

- a. All members of school staff have a legal power to use reasonable force;

- b. 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 students on a school organised visit.

When can reasonable force be used?

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.

Staff should remember their legal duty to make reasonable adjustments for disabled children and children with special education needs (SEN).

Schools can use reasonable force to:

- a. prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- b. prevent a pupil leaving the classroom if allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- c. prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- d. restrain a pupil at risk of harming themselves through physical outbursts.

Points to consider before using reasonable force

- Every effort should be made to de-escalate the situation and calm those involved;
- Staff involved should consider whether the action taken to use reasonable force will exacerbate the situation and make things worse;
- Any force used should be the last resort, reasonable and proportional to the situation;
- Your personal safety should be paramount.

4. 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.

5. When reasonable force IS NOT permitted

In situations the Bay Education Trust **does not** condone the use of reasonable force in its academies. The following list is not exhaustive but provides some examples of situations where reasonable force cannot be used.

- If a pupil absconds from class or tries to leave the classroom or school grounds, **DO NOT** stand in their way or try to force them to stop unless they pose a risk to themselves or others; let them go and advise a senior member of staff or a member of the pastoral team.

- As a form of punishment – it is always unlawful to use force as a punishment.
- If a pupil refuses to obey clear and straightforward instructions from a member of academy staff (teaching or support staff) the pupil is in breach of the academy’s code of conduct and will be dealt with accordingly.
- If a member of staff decides to deal with the situation by using force which falls outside the remit of reasonable force this could trigger an investigation into the appropriateness of the behaviour of the member of staff. In these circumstances the incident is no longer one of dealing with poor pupil behaviour, but of investigating the appropriateness of the behaviour of a member of staff. The defence of ‘if the pupil had behaved properly in the first place none of this would have happened’ is not acceptable as the approach of a professional person is not comparable to the approach of a young person of school age.

Behaviour that would not be considered to be “reasonable force” includes:

- Tapping a pupil with a ruler or pencil;
- Turning their head round to face you while you speak to them;
- Very close physical contact;
- Aggressive shouting;
- Verbal abuse;
- Slapping with a book
- Manhandling them to leave a room;
- Holding onto them or their bag.

This list is not exhaustive.

6. Recording the incident when reasonable force has been used

The member of staff must record all incidents involving force, in writing, **AT THE TIME**, including:

- The names of everyone involved, the date time and place and names of any other witnesses;
- How the incident began and progressed, with details of behaviour;
- What everyone said, as accurately as possible;
- What steps were taken to defuse the situation;
- The degree of force used, how applied and for how long;
- The pupil’s response;
- The outcome;
- Details of any injury and of any damage to property.

ANY WITNESSES TO THE INCIDENT SHOULD ALSO BE ASKED TO WRITE AND SIGN A STATEMENT AS SOON AS POSSIBLE AFTER THE EVENT. THESE WITNESSES MAY BE PUPILS, STAFF OR VISITORS TO THE ACADEMY.

7. After the event

- The member of staff must report the incident to their line manager **AND** the academy safeguarding officer.
- The member of staff should seek advice from a senior colleague or member of a professional association.
- The member of staff should keep a copy of the report and **ANY SIGNED WITNESS STATEMENTS** and send copies to the safeguarding officer who keeps a register of reasonable force incidents.

- A member of the leadership team or year team should inform the parents immediately, preferably orally or in writing, and give them a chance to discuss the incident with a member of academy staff.

The Principal / Head of School and Designated Safeguarding Lead will inform the LADO where incidents involving significant restraint have occurred.