

Inspired.

Facilitating Personal Development

Use of Reasonable Force

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This policy should be read in conjunction with the school's Relational and Behaviour policy. It is common to see a school's Policy on the Use of Reasonable Force to be contained within its Behaviour Policy, but we have chosen to adopt a distinct Policy governing our approach.

Using force to restrain children will be extremely rare at InspirED PD. There are, however a number of scenarios when it is important to do so in the interests of all children and staff at the school. The department for education has issued (July 2013) helpful guidance: "Use of Reasonable Force: Advice for Head Teachers, Staff and Governing Bodies". That guidance is used to provide a framework for our Policy.

As this area of school life is often misunderstood, it is important to make the legal position quite clear.

Key points

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

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 involve 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 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.

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.

Who can use reasonable force?

- All members of school staff have a legal power to use reasonable force.
- This power applies to any member of staff at the school. It can also apply to people whom the Executive Principal 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?

- 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 (see Section 93, Education and Inspections Act 2006).

The DfE guidance makes it clear that 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 pupils from causing harm to themselves or others

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; and
- 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.

Power to search pupils without consent.

In addition to the general power to use reasonable force described above, Head Teachers 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 (e.g chewing gum, mobile phones etc.).

Disabled children or those with special educational needs

We acknowledge our legal duty to make reasonable adjustments in applying this Policy for disabled children and children with special educational needs (SEN).

Communication with parents

Where we believe it is appropriate for us to inform parents about serious incidents involving the use of force, we will do so. In deciding what is a serious incident, we will take into account a number of factors, including:

- The pupil’s behaviour and level of risk presented at the time of the incident
- The degree of force used
- Its effect on the pupil or member of staff; and

- The child's age.

We are not required to obtain parental consent to use force on a student.

What about other physical contact with pupils?

It is not illegal to touch a pupil. There are occasions when physical contact with a pupil other than reasonable force 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
- When applying sun cream (e.g. at school Sports Day)
- To demonstrate how to use a musical instrument
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.

Staff Training

Where the school believes it to be necessary, staff will be given training on the application of this Policy.

Staff should know that where they have acted reasonably, they will receive the full support of senior staff, including the School Board, in the event of any complaint or allegation being made against them.

Conclusion

At InspirED, we will always try to deescalate any potential conflict or dysregulation through a calm approach and rely on words and relationship with young people in our care. We have highly trained staff and high ratios of support so hold early identification as the key factor in preventing incidents of a serious nature.