



# Thomas Estley Community College

## Restraint & Use of Force Policy

Approved/reviewed by	
TECC Local Governing Committee 24.06.25 V3	
Date of next review	June 2027
Publication:	Website - operational

This policy is reviewed bi-annually to ensure compliance with current regulations.

Version	Date	Updated by	Summary of changes
V1	June 2021	Mandi Collins	Policy re-written to reflect the changes in the Reasonable Force Policy 2013
V2	June 2023		
V3	June 2025	Richard Wheller	Reviewed with no changes

## **A Avoiding the Need to Use Force**

**It should be a last resort to use force to restrain or control students.** It is important to try to avoid confrontation and de-escalate potential conflict. All college staff are referred to the college behaviour policy and encouraged to use approaches with individual children which promote positive behaviour and diminish the possibility of confrontational incidents. This includes the use of normal college incentives and sanctions and agreed approaches with individual students who have been involved in incidents causing concern, and the college recognises that it is important for all relevant staff to be aware of any specific arrangements for individual students. If subsequently justifying the use of force, staff may need to show that they first took reasonable steps to deal with a difficult situation without using force. Any force used should be reasonable and the minimum required for the shortest possible time to restore order.

## **B The Power to Use Force**

Section 550A of the Education Act 1996, under the heading **Power to Restrain Students**, allows a member of the staff of a school to use reasonable force to prevent a student from doing, or continuing to do, any of the following:

- (a) committing any offence;
- (b) injuring themselves or others;
- (c) causing damage to property;
- (d) engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its students, whether that behaviour occurs during a teaching session or otherwise.

For example, reasonable force can be used 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.**

The power to restrain students came into force on 1 September 1998. It applies on the school premises or elsewhere, e.g. on a field trip or other authorised out of school activity.

Under the common law, reasonable force can be exercised by any person to prevent someone committing an offence or causing injury or damage to property. This covers the situation where it appears necessary to restrain a student at the school or a person other than a student at the school.

Legislation does not make staff immune to complaints or charges that they have acted inappropriately, and staff should be aware that they may need to justify their actions if they have used physical intervention. Any complaint or allegation that staff or other adults have acted inappropriately towards children will be dealt with through the relevant procedure, e.g., local child protection procedures or the college disciplinary procedure.

## **C 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?**

All members of school staff have a legal power to use reasonable force. This power applies to any member of staff at the school. 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.

## **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.

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

## **D Using Force to Prevent Injury to the Student and/or Others, or Serious Damage to Property**

Staff have a duty of care both to themselves and to others. If restraint of a student appears necessary in an extreme case or whenever a member of staff feels unable to intervene effectively, he/she will need to seek urgent assistance (for example by shouting or sending a student for help) and may need to explain subsequently what action they took and why.

There may be rare occasions where it appears necessary to restrain a student. In such circumstances physical restraint is a form of control which is legally defensible, when other alternatives have been employed or considered, or when staff believe it is their duty of care and make the professional decision to intervene, or when the urgency of the situation does not allow for other methods to be employed.

As a general rule, such forms of intervention should be avoided. If physical restraint seems absolutely necessary, staff should follow the guidelines below in order to reduce their own vulnerability to complaint and to ensure the protection of students.

- Staff should have good grounds for believing that restraint is necessary.
- Such physical intervention should only be used after other less intrusive methods have been attempted or considered.
- If possible call for urgent assistance, at least to gain the presence of a credible adult witness.
- Tell the student that you are restraining him/her to avoid the student harming him/herself, others or property. Where other potential witnesses are present it is helpful if they hear you give this explanation.
- Such physical interventions should be acts of care and control, not punishment. Only reasonable force should be used. The duration of such intervention should be the minimum necessary.
- Where past experience indicates that such physical intervention will be needed with a particular student, for instance because of particular emotional or behavioural difficulties, the strategies to be used should be clearly specified and made known to relevant staff. They should be included in any form of management plan (e.g. a student's Education and Health Care Plan) if appropriate. The potential hazards should have been systematically

considered, for example through a risk assessment. In such cases it is also important that broader preventive strategies and forms of positive behaviour management are in operation. Such strategies or approaches should be discussed with parents/guardians, made clear in writing, and reviewed regularly.

- (g) Where action to restrain a student has been taken, this must be reported immediately to the Principal or in the Principal's absence a Vice Principal, and logged (see below).
- (h) Staff may need support and/or counselling after such an incident. It may also be equally important to offer the student(s) support and the opportunity to discuss the incident.

## **E Action Following an Incident**

- 11 Incidents where force has been used to restrain or control students are to be reported as soon as practicable to the (Principal) in writing with details of:

- student(s) involved;
- date/time/place;
- reason for force being used;
- how the incident occurred and progressed;
- the student's response;
- outcome;
- details of any injury or damage;
- identities of witnesses.

(A sample pro-forma is attached as Annex 1)

The Principal will keep such written information securely and monitor the use of restraint.

- 12 The (Principal) may need to be the first to exercise judgement on whether the restraint used was reasonable, having made initial enquiries, although other procedures will apply if queries or complaints arise.
- 13 The parent/carer/guardian will be advised of an incident involving their child, either immediately or at the end of the day, according to the seriousness of the incident. If there is the possibility of a claim for compensation, the complainant must be referred to the appropriate legal service without delay.
- 14 Debriefing staff and students may help in identifying ways of preventing the need to use force in the future.
- 15 Where a member of staff is assaulted or suffers injury as a consequence of using reasonable force or restraint, the member of staff is advised to contact their professional organisation or trade union. Assaults on staff which result in physical

injury will be reported without delay by the Principal to the LA and the Health & Safety Executive if appropriate.

## **F Training**

Positive Handling/ Restraint training will be included in the College professional development programme as appropriate for staff who are more likely to need to use restraint/ positive handling techniques due to their roles and responsibilities (e.g. working closely with students with Education Health Care Plans mentioning social and emotional needs likely to result in physical aggression or confrontation).

## **Equality Monitoring**

Thomas Estley Community College's commitment to equality and diversity means that this policy, via an Equality Impact Assessment, has been screened in relation to the use of gender-neutral language, recognition of the needs of disabled people, promotion of the positive duty in relation to race, age, disability and avoidance of stereotypes.

Based on the Equality Impact Assessment findings, this policy is judged to be of low impact against the equality strands of Race, Gender, Religion, Disability Sexual Orientation and Age. A copy of the Equality Impact Assessment of this policy is available from the Principal's PA.

This Policy is available in alternative formats on request. If you think we can improve the fairness of this Policy, please contact the individual who has responsibility for its update.

## ANNEX 1

### LEICESTERSHIRE LOCAL EDUCATION AUTHORITY

#### RESTRAINT OF STUDENTS – INCIDENT REPORT

DATE OF INCIDENT:	TIME OF INCIDENT:
NAME(S) OF STAFF INVOLVED:	
NAME(S) OF STUDENT(S) INVOLVED:	
NAME(S) OF OTHER STAFF/STUDENTS WHO WITNESSED INCIDENT:	
<b>BRIEF DESCRIPTION OF INCIDENT:</b> <i>(Please be objective and factual, outlining how incident began and progressed, details of student's behaviour, what was said by each of the parties, steps taken to defuse/calm situation, degree of force used, how applied, and for how long). Please continue on a separate sheet if necessary.</i>	

REASON THAT RESTRAINT WAS NECESSARY:

STUDENT'S RESPONSE & OUTCOME OF INCIDENT:

DETAILS OF ANY INJURY SUFFERED BY THE STUDENT, ANOTHER STUDENT, OR MEMBER OF STAFF, OR ANY DAMAGE TO PROPERTY:

SIGNED: ..... DATE: .....

# THOMAS ESTLEY COMMUNITY COLLEGE

## Initial Equality Impact Assessment

Name/s of policy, procedure, or practice:	SAFEGUARDING POLICY
Date of impact assessment:	22/02/2020
Is this a proposed or existing policy, procedure or practice?	EXISTING
Is this model LA policy, procedure or practice for local adoption?	Yes / In Part / No / Don't Know
What are the overall aim/s or purpose of the policy, procedure or practice?	To ensure a fair implementation of the safeguarding process
Who is intended to benefit from the policy, procedure or practice?	All students

Equality Strand	Does the policy/procedure/provision (including access to facilities) or proposed plan have an adverse or positive impact on people from these key equality groups?	If adverse impact, are there any changes or reasonable adjustments which could be made to the policy/procedure/provision or proposals which would minimise any adverse impact identified? Please describe.	Areas for review/actions taken (with timescales and name of person responsible)
Race	No		
Gender	No		
Religion/Belief	No		
Disability	No		
Sexual Orientation	No		
Age	No		
Social Inclusion	No		
Community Cohesion	No		

Based on the impact assessment findings, and the reasonable adjustments in place, this policy is judged to be of **high/medium/low** impact against the above equality strands. (Delete as appropriate).

Initial Assessment undertaken by: Mandi Collins (Signed)

Copies circulated to P Bates for impact assessment file to include any actions in appropriate plans.

If high or medium judgement made, the monitoring sub-committee must consult appropriate equality group to gather appropriate monitoring data/consult on redrafting/consult on additional appropriate reasonable adjustments.