

# Use of Reasonable Force Guidance

## Document history

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This guidance note has been developed to replace the policy on the use of reasonable force to control or restrain pupils (1998).

## 1. Introduction

This guidance has been developed to complement and reinforce the principles and practice contained within the behaviour and discipline policies that have been adopted by this school and has been drawn from the following Department of Education (DfE) advice:

- [Use of Reasonable Force – Advice for head teachers, staff and governing bodies](#) and;
- [Keeping Children Safe in Education](#)

This school strives to create an environment in which both children and adults feel happy, safe, secure and valued. We aim to ensure a whole school approach to behaviour known and understood by all staff, children, parents and outside agencies. The use of force upon any pupil by a member of staff is a serious matter, and should only be considered as a last resort. However, the law is clear and the Governing Body has a responsibility to all concerned, to support any member of staff who as a last resort uses reasonable force in accordance with the law, and with this guidance.

[Section 93 of the Education and Inspections Act 2006](#) enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:

- Committing a criminal offence;
- Causing personal injury to themselves or another;
- Causing damage to property belonging to them or another, including the school;
- Any behaviour prejudicing the maintenance of good order and discipline in the school.

## 2. Aims

The aims of this reasonable force guidance are to:

- Provide clarification on the use of reasonable force in school;
- To enable staff to feel more informed and confident about the use of reasonable force when they believe it to be necessary;

- Reduce the likelihood of complaints being made when force has been used properly;
- To make clear the responsibilities of Head teachers, senior staff and governing bodies in respect of this power;
- Acknowledge the legal duty to make reasonable adjustments for disabled children and children with special needs (SEN).

### 3. Scope

All members of school staff within this school have the legal power to use reasonable force defined within the [Education and Inspections Act \(2006\)](#). School staff have a legal power to use reasonable force and lawful use of this power will provide a defence to any related criminal prosecution or other legal action.

Throughout this guidance, the head teacher expressly gives authority to:

- Any member of staff who works at this school (including teaching staff, teaching assistants, special needs assistants, midday assistants and supply staff) and who has been trained in the use of appropriate techniques.

Staff do **not** require parental consent to apply reasonable force on a pupil.

Suspension should not be an automatic response when a member of staff has been accused of using excessive force.

The Governing body will consider whether a member of staff has acted within the law when using reasonable force when reaching a decision on whether or not to take disciplinary action.

### 4. What is reasonable force?

- The term 'reasonable force' covers the broad range of actions used by most school staff at some point in their career that involve a degree of physical contact with pupils. 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;
- 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, without causing injury;

- 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 to a pupil.

#### **4.1 Deciding whether to use force**

Before using force, staff should - where practicable - tell the pupil to stop misbehaving. Care should be taken to avoid giving the impression that the member of staff is angry or frustrated, or are acting to punish the child. It should be made clear with calm language that as soon as the need for force ceases, it will stop.

Appropriate use of force will range from physical passive presence in between pupils, to blocking a pupil's path, ushering them by placing a hand in the centre of the back, leading them by the hand or arm, to in more extreme circumstances using appropriate restraining holds. Particular attention will be given to individuals' needs which arise from statements of SEN or disability.

Whilst it is highly desirable that staff should avoid acting in any way which might reasonably be expected to cause an injury, in truly exceptional circumstances it is recognised that it may not always be possible to avoid. Any such injury caused will be properly investigated by the school and will require justification.

#### **4.2 When can reasonable force be used?**

As a general rule staff should only use force when:

- Used as a last resort when other behaviour management strategies have failed or when pupils or staff are at risk;
- The potential consequences of not intervening are sufficiently serious to justify it;
- The chance of achieving the desired outcome by other non-physical means are low;
- And the risk associated with not using force outweighs the risk of using it;

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

- To control pupils or to restrain them;
- to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder;
- to remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- to prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- to 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;
- to prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;
- in situations where a pupil (including one from another school) is on school premises or elsewhere in the lawful control or charge of a staff member – for example on a school visit;
- to restrain a pupil at risk of harming themselves through physical outbursts.

### 4.3 Schools Cannot

Use force as a punishment – **it is always unlawful to use force as a punishment.**

Staff should clearly **never** act in a way that might reasonably be expected to cause injury and must **always** avoid touching or holding a pupil in a way that might be considered as indecent.

Certain restraint techniques have been presented as an unacceptable risk when used on children and young people. Therefore must be avoided.

The techniques include:

- 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; and

- the 'nose distraction technique' which involves a sharp upward jab under the nose.

## 5. Power to search pupils without consent

In addition to the general power to use reasonable force described above, the Headteacher 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 other than the above which may also be banned under the school rules (for example make-up, which pupils may not be permitted to bring into school)**

Separate guidance is available on the power to search without consent from the [Department of Education \(DfE\) in relation to Searching, screening and confiscation](#).

## 6. Other Physical Contact with Pupils

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;
- To give first aid.

## 7. Staff Training

All existing members of staff will be given appropriate training on the application of the use of force as soon as is reasonably practicable after the adoption of the guidance by this school. All new staff will be given this training as soon as is reasonably practicable following appointment.

This school will consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so.

**(SCHOOL TO INSERT THEIR OWN DECISIONS ON STAFF TRAINING)**

*[For example*

*Physical restraint is an available option, only to be used when other means of dealing with the situation have failed. Staff are made aware of this policy and have undergone training on child protection and other training that will ensure they are aware of their duties and the law].*

## 8. Recording Incidents

As soon as is reasonably practicable following an incident in which physical force has been used, the member of staff or authorised person will inform the Headteacher or other designated member of staff and follow this with a written report of the incident. Refer to the flowchart following use of physical intervention in Schools/Education located in [appendix 1](#).

This school will keep a record of each significant incident of the use of force to control and restrain using the form located in [appendix 2](#) or the school's serious incident log, e.g. "Bound and Numbered Book". Whether or not an incident is significant will be a matter for the school to decide on a case by case basis.

Decisions will include the following considerations:

- The pupil's behaviour and the level of risk presented at the time;
- The degree of force used and whether it was proportionate in relation to the behaviour, together with the effect on the pupil or member of staff;
- The effect on the pupil or member of staff;
- The child's age.

The purpose of recording is to ensure that policy guidelines are followed, to inform parents/carers, to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

Where an injury is sustained by a member of staff and/or a pupil, the [Council's E-incident report form](#) which must be completed as soon as possible and submitted on-line.

## **9. Post-Incident Support**

- If injuries result from the application of reasonable force, medical help should be sought straight away. It is also important to ensure that staff and pupils are given emotional support;
- Other than in very minor, non-controversial circumstances, parents/carers of a pupil involved in an incident in which force has been used to restrain or control a pupil, will be informed by the Headteacher or senior member of staff as soon as is reasonably practicable after the incident has occurred. The parents/carers will also be requested or given the opportunity to discuss the incident and issues relating to it further and will be provided with a copy of this guidance. If necessary details of the incident will be confirmed in writing;
- When assessing the incident, consideration may be given to involving multi-agency partners to offer support or advice;
- Where a pupil is responsible for injury to another, as well as holding him/her to account and issuing appropriate sanction, the pupil will be given the opportunity to repair the relationships with pupils and staff affected by the incident. The pupil will be offered appropriate support to help develop strategies for avoiding such crisis points in future.

## 10. Complaints and Allegations

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 part four of the DfE [Keeping children safe in education - Statutory guidance for schools](#) in relation to dealing with allegations of abuse made against teachers and other staff.

This 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.

**This school will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.**

## 11. Further Sources of Information

This guidance has been developed to complement and reinforce the principles and practice of the following policies/procedures adopted by this school, together with any associated statutory guidance produced by the DfE:

The following list is not exhaustive:

- [Wigan Physical Intervention Policy;](#)
- [Wigan Safeguarding Children's Board \(WSCB\) Model Safeguarding & Child Protection Policy;](#)
- Schools Use of Force – Physical Restraint Recording and Monitoring Book

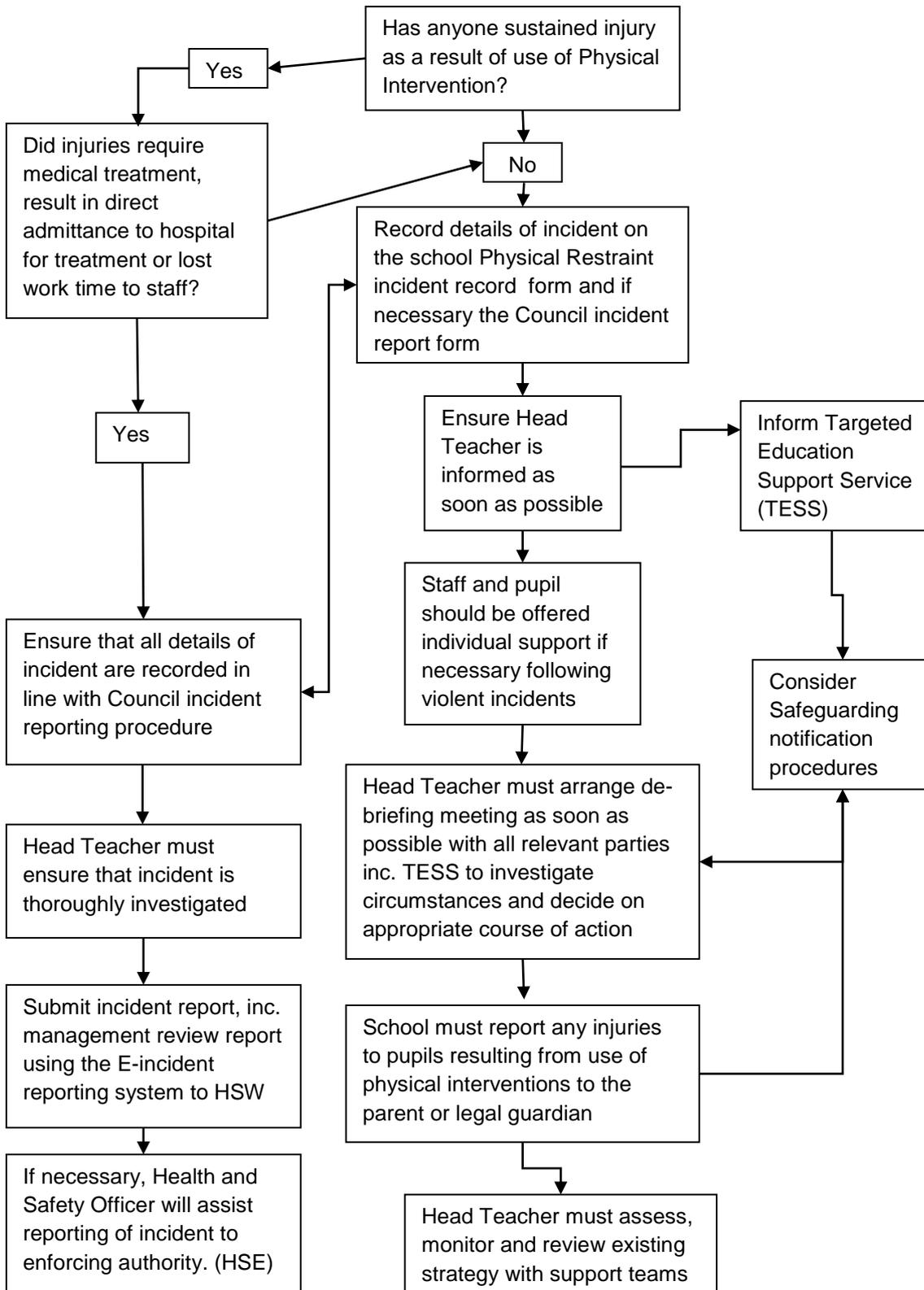
Department for Education (DfE) advice and guidance you may be interested in the following documents/links:

- [Keeping children safe in education:](#)
- [Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders;](#)
- [Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties;](#)
- [Screening, searching and confiscation – advice for headteachers, staff and governing bodies;](#)
- [Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools;](#)
- [Behaviour and Discipline in Schools Advice;](#)
- [Mental health and behaviour in schools;](#)
- [NICE:Challenging behaviour and learning disabilities: prevention and interventions for people with learning disabilities whose behaviour challenges](#)

Associated resources (external links)

- [Police and Criminal Evidence Act 1984 \(PACE\) Code G: Revised Code of Practice for the Statutory Power of Arrest by Police Officers](#)

Flowchart following use of Physical Intervention in Schools



## Incident Record Form (The Use of Reasonable Force)

1.	Name of member(s) of staff:	
2.	Names of pupil(s): involved:	
3.	Date and location of Incident:	
4.	Name(s) of staff and/or pupil(s) who witnessed incident and their locations in relation to the incident:	
5.	Details of how the incident began and progressed: (Please attach a continuation sheet if necessary. As far as possible, include details of the pupil's behaviour, what was said by each of the parties, steps taken to defuse or calm the situation down, the degree of force used, how that was applied, and for how long).	
6.	The reason that force was considered necessary:	
7.	The pupil(s) reaction to the force used:	
8.	(a) Where injury occurred, details of any injury suffered by the pupil, another pupil, or a member of staff:	
	(b) Details of any treatment given:	
9.	Details of any damage to property:	
10.	Senior member of staff incident verbally reported to, and when:	
	<b>Signature:</b>	<b>Date:</b>

(to be retained in the schools' confidential record file)