

Use of Reasonable Force Policy



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All staff in Byker Primary School recognise that the use of reasonable force is only one of the strategies available to secure pupil safety/well-being.

Our policy on the use of reasonable force is part of our overall pastoral care procedures.

This policy should be read in conjunction with associated policies: (please amend as appropriate)

- Behaviour policy
- Safeguarding and child protection policy
- DFE use of reasonable force July 2013

Legal Framework

The DfE Use of reasonable force in schools (July 2013) allows all staff at a school to use reasonable force to keep children safe. It also allows other adults in the school to use physical interventions, where reasonable, proportionate and necessary to ensure the safety of children. This might include:

- classroom assistants
- care workers
- midday supervisors
- specialist support assistants
- escorts
- caretakers
- people whom the head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents/carers accompanying students on a school organised visit

The right for school staff to use reasonable force is further set out in the DfE document Behaviour in Schools which states that members of staff have the power to use reasonable force to:

- prevent pupils committing an offence
- injuring themselves or others
- damaging property
- maintaining good order and discipline at the school or among pupils

Positive Handling should only be used when all other strategies which do not employ force have been tried and found unsuccessful or in an emergency situation.

There is no legal definition of reasonable force. The Criminal Law Act (1967) allows any person to use such force as is reasonable in the circumstances to prevent an offence (e.g. physical assault) being committed.

Reasonable minimal force must be a matter of personal judgement. All teachers have a professional 'duty of care' within their job description which is underwritten by the Department of Education Teacher Standards.

Communicating the school's approach to the use of force

- Schools do not require parental consent to use force on a student.
- 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.

What is reasonable force?

- The term 'reasonable force' covers a broad range of actions that can involve a degree of physical contact with pupils.
- 'Reasonable in the circumstances' means using **no more force than is needed** and applied for the shortest period of time necessary.
- 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.
- 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.
- 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.
- 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

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
- any article that is listed as a prohibited item in the school behavior policy

The power to search without consent may also apply to prevent a pupil from:

- committing an offence
- causing personal injury to, or damage to the property of, any person (including the pupil himself)
- engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among its pupils, whether during a teaching session or otherwise

Risk assessment/support plan

Pupils who require reasonable force regularly may require an individual risk assessment/support plan. This will be communicated with parents/carers and reviewed and updated accordingly. We will attempt to reduce risk by managing:

- the environment
- body language
- communication

The risk assessment/support plan may also include:

- highlighting reactive strategies to de-escalate a conflict or to diffuse a situation and holds to be used if necessary
- briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance)
- ensuring that additional support can be summoned if appropriate
- how support can be summoned if needed; any medical factors to be considered
- involving the parents/carers to ensure that they are clear about the specific action the school might need to take

Please note: There may be circumstances where use of reasonable force may be required in an emergency situation such as stopping a child from falling or running in front of traffic.

Contacting parents/carers

We will contact parents/carers to share incidents as appropriate. Parents/carers should be contacted as soon as possible following a significant incident and the incident explained to them. This action should also be recorded.

In deciding what is a serious incident, school leaders will use their professional judgment 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

Recording

Staff should record (Appendix 2 or electronic recording system as appropriate) all incidents of reasonable force in accordance with school policy and report these to the Head teacher.

Details should include:

- Name of pupil(s)
- Staff member(s) involved
- Factors necessitating physical intervention
- The strategies which were employed prior to using physical intervention
- Where possible use body maps to record body areas that may have come into contact
- Outcome of restraint
- Any other action taken in the management of the incident

COMPLAINTS

Please refer to the school complaints policy

By taking steps to ensure that staff, pupils and parents/carers are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

Appendix 1

When might it be appropriate to use reasonable force? Examples include where a pupil is;

- Committing an offence;
- Causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- Engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or amongst its pupils, whether during a teaching session or otherwise.

Examples of situations that fall into one of the first two categories are

- A pupil attacks a member of staff, or another pupil;
- Pupils fighting;
- A pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects;
- A pupil is running in a corridor or on a stairway in a way in which he/she might have or cause an accident likely to injure her/himself or others;
- A pupil absconds from a class or tries to leave school (NB. This will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations that fall into the third category are:

- A pupil persistently refuses to obey an order to leave a classroom.
- A pupil is behaving in such a way that is seriously disrupting a lesson.

Appendix 2: Reporting and Recording Pro-forma

Byker Primary School– Record of physical intervention

Date of incident: Time of incident:

Pupil Name:

D.O.B:

Member(s) of staff involved:

Adult witnesses to restraint:

Pupil witnesses to restraint:

Outline of event leading to restraint – including other strategies tried and reasons for using Positive Handling rather than another strategy:

Outline of incident of physical intervention (including physical intervention method used):

Outcome of restraint:

Description of any injury(ies) sustained by injured pupil and any subsequent treatment:

Date parent/carer informed of incident:	Time:
By whom informed:	
Outline of parent/carer response:	
Signature of staff completing report:	Date:
Signature of Teacher-in-charge:	Date:
Signature of Head/SLT member	Date:
Brief description of any subsequent inquiry/complaint or action:	