

THOMAS GRAY PRIMARY SCHOOL

Use of Reasonable Force Policy

Introduction

This is Thomas Gray Primary School's Policy which is a response to DfEE circular 10/98 which states that all schools are obliged to have a policy on restraint. This is linked to our behaviour policy and takes account of other school policies. It is based on the guidance produced by Sefton LEA and Government guidance on *The Use of reasonable force, July 2013*.

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 Thomas Gray Primary School staff have a legal power to use reasonable force (Section 93, Education and Inspections Act 2006).

The Headteacher can also authorise any other person on a temporary basis such as students, volunteers, parents put in charge of pupils or accompanying them on a school organised visit. Such individuals should be given clear instruction and be familiar with school policy.

Everyone has the right to defend himself or herself against a physical attack providing they **do not** use a dispropriate degree of force to do so.

When can reasonable force be used?

There is no legal definition of 'reasonable force'. So it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

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.

There are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of **any** degree of force is unlawful if the particular circumstances do not warrant the use of physical force could not be justified to prevent a pupil from committing a trivial misdemeanor, or in a situation that clearly could be resolved without force.
- The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

As far as possible we do not use force unless or until another responsible adult is present to support, observe and call for assistance.

Reducing the possibility of force.

Restraint should be avoided wherever possible. It should never be used as part of, or a substitute for behaviour management.

Ways we strive to help to reduce the possibility of force needed:-

1. Create a calm, orderly and supportive school climate;
2. Develop positive relationships between staff and pupils;
3. Teach children about 'Bucket filling' and 'Character strengths'.
4. Provide circle time activities for managing strong feelings;
5. Staff development – All staff have been consulted about this policy and the Government Guidelines reviewed. - See CPD file for staff for recent CPD on behaviour management.

When an incident does arise, other methods of managing the incident must be tried first unless this would be impractical. Defusion, diversion and negotiation should always be employed first and foremost unless the need for action is immediate.

The main reason for using restraint is to keep people safe. Restraint may increase the risk of injury to both staff and pupils.

Reasonable force may only be used where:

- A criminal offence is being committed;
- In an Emergency; e.g. fire, flood or building collapse;
- Where action is necessary in self defence or imminent injury;
- Pupils are at risk of injuring themselves or others or damaging property;
- Pupil behaviour is prejudicial to maintaining good order and discipline.

Examples of when reasonable force can be used:

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; and

To restrain a pupil at risk of harming themselves through physical outbursts.

A pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property.

A pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects.

A pupil is running in a corridor in a way in which he or she might have or cause an accident likely to injure him or herself or others.

A pupil absconds from a class or tries to leave school if it is deemed that child could be at risk if not kept in the classroom or at school.

Force which can cause injury

Staff at Thomas Gray Primary School are not allowed to use force as a punishment or to intentionally cause pain, injury or humiliation – it is unlawful.

Force, which could cause injury, includes:

- holding round the neck or by the collar;

- any hold that might restrict breathing;
- kicking, slapping or punching;
- forcing limbs against joints;
- tripping;
- holding by the hair;
- holding the pupil face down on the ground.

Power to search without consent

Headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items” (Section 550ZB(5) of the Education Act 1996).

- 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.

8. Risk Assessment

Pupils assessed as being at greater risk of needing restrictive physical interventions.

Individual positive handling plans setting out the techniques that should be used should be developed in consultation with pupils and parents/carers. Risk assessments should also be carried out.

9. Recording Incidents – Post Incidents and Reporting

Immediately following all incidents of physical intervention an Incident Report form must be completed and discussed with a Senior Member of staff. (see Appendix 1)

The school will keep an up to date record of all such incidents.

Following an incident of physical restraint the Senior Leadership at Thomas Gray Primary School will ensure that those involved in the incident will be fully debriefed and supported. Parents and/or Carers will be fully informed and will have the opportunity to discuss the incident with Senior Leaders.

10. Complaints

Involving parents when an incident occurs with their child, plus a clear policy about physical contact with pupils that staff adhere to should help to avoid complaints from parents. It will not prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the police and social services department under child protection issues.

The possibility that a complaint might result in a disciplinary hearing, or in a criminal prosecution, or in a civil action brought by a pupil or parent, cannot be ruled out. In those circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances. In that event, however, the panel, or court, would have regard to the provisions of section 550A. It would also be likely to take account of this policy on restraint, whether it had been followed, and the need to prevent injury, damage, or disruption, in considering all the circumstances of the case.

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.

Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see the ‘Further sources of information’ section below) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought. Schools must 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. If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

As employers, schools and local authorities have a duty of care towards their employees. Pastoral care will be offered to any member of staff who is subject to a formal allegation following a use of force incident.

Other physical contact

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.

11. Review

The Governing Body reviews this policy every three years. The Governors may, however, review the policy earlier than this, if the Government introduces new regulations, or if the Governing Body receives recommendations on how the policy might be improved.

Signed: AP Taylor
Chair of Governors

Date: 13/07/16

Signed: [Signature]
Headteacher

Date: 13/07/16

Date to be reviewed: _____