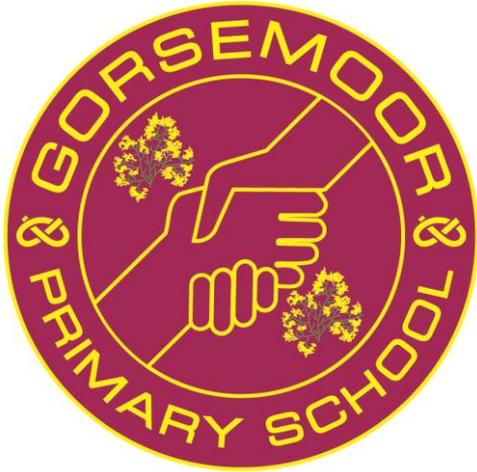


Use of Reasonable Force Policy



Date of Issue: May 2016

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Approved by the Full Governing Body
on 15th June 2016

<p>Audience: Staff/Governors/Public</p> <p>Frequency of Review: Every three years</p> <p>Postholder responsible for Review: Headteacher</p>
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<p>Recommended associated documents:</p> <p>Keeping Children Safe</p>
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Gorsemoor Primary School

'Safe and Happy as we Learn'

Statement of Policy

The Use of Reasonable Force

At Gorsemoor Primary School we strive 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 which is 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 policy.

Aims of the Policy

The aims of this Reasonable Force Policy 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
- To make clear the responsibilities of Headteachers, senior staff and governing bodies in respect of this power.

This policy is drawn from advice contained in the document 'Use of Reasonable Force – Advice for headteachers, staff and governing bodies' issued by the Department for Education.

Key Points

- School staff have a legal power to use force and lawful use of this 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 the Law says

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.

Who may use force?

The staff to which this lawful power is granted are defined in the Act. Through this policy, the headteacher expressly gives authority to:

- a) All staff members who work in school on a regular basis and are aware of the policy/procedures*.
- b) Visiting supply staff, but only when a colleague employed on a regular basis is unable to intervene on their behalf.

*Staff refers to those in control or charge of pupils (including teaching staff, teaching assistants, and lunchtime supervisors) who work at Gorsemoor Primary School.

The headteacher also gives authorisation to those who do not usually have such control or charge - for example catering staff, and unpaid volunteers such as parents or Governors accompanying pupils on school organised visits – in circumstances where the safety of the child or other children is affected. Authorisation is not given for the use of force to maintain good order.

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.

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 circumstance such as breaking up a fight or where a child 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, when necessary, generally use force to control pupils or 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.

Schools can use reasonable force:

- 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 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.

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, headteachers and other authorised staff (members of the school's leadership team if the Headteacher and the Deputy Headteacher are not available) can use such force as is reasonable given the circumstances to conduct a search for the following 'prohibited items' (Section 550ZD[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

Schools cannot:

- use force to search for items banned under the school's rules

A search at Gorsemoor Primary School will only be carried out as a 'last resort,' where other requests and methods (contact with parents etc.) have been unsuccessful or the severity of the particular circumstances dictate its necessity. Where a search is deemed necessary, it will be conducted in the presence of at least one other staff member with complete regard for the dignity and rights of the child concerned.

Deciding whether to use force

As a general rule staff should only use force when:

- 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.

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

Using 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 is 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, (e.g., forming a presence in between pupils, 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 EHCPs 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.

Training for Staff

Physical restraint is an available option which should only be used when all other means of dealing with the situation have failed. All staff are aware of this policy and are aware of their duties and the law.

Recording Incidents

Gorsemoor Primary School will keep a record of each significant incident of the use of force to control and restrain using the form appended. 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. Parents / carers will be informed of the incident.

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 appropriate counselling and support.
- As soon as possible after the incident, parents / carers should be informed and provided with a copy of this policy. 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 the 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 to avoid such crisis points in future.

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.

Complaints and allegations

If a complaint is made against a member of staff about the use of force the school will follow the guidance set out in Section Nine of the *Use of Reasonable Force: Advice for headteachers, staff and governing bodies* and in line with advice from the Local Authority Disciplinary Officer.

REPORT FORM FOR USE FOLLOWING AN INCIDENT INVOLVING USE OF PHYSICAL RESTRAINT

Pupil name

Date and time of incident

Location of incident

Names of other staff or pupils who witnessed the incident

.....

.....

The reason that use of force was necessary e.g. to prevent injury to another pupil

.....

.....

.....

Report of the incident (including how the incident began and progressed, details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse the situation, the degree of force used and how that was applied and for how long). Indicate the pupil's response and the outcome of the incident including details of any injury suffered by the pupil, another pupil or a member of staff and of any damage to property

Signature..... Printed name Date

Date & time of staff meeting

Date and time of pupil meeting

Model letter for informing a parent of an incident requiring restraint of their child.

Dear

I write to inform you that on(date) at(time) your son/daughter(name) was involved in an incident which occasioned the need for a member of my staff to restrain him/her.

.....
.....
.....(description of events)

As the school has a Duty of Care to prevent physical harm to pupils and staff and a remit to promote good discipline and behaviour, the action by the member of staff was fully compliant with Section 93 of the Education and Inspections Act 2006, guidance contained in 'Use of reasonable force: Advice for headteachers, staff and governing bodies' (July 2013) and the school's policy document governing the use of reasonable force to control or restrain pupils.. The Act lists occasions when 'authorised' persons may use force to control pupils as:

- Prevention of an offence.
- Prevention of personal injury or damage to property.
- Prevention of behaviour prejudicial to good order and discipline.

During the restraint (pupil name) was not at risk of harm, he/she was effectively removed from the situation and allowed to calm down.

I am sure that you would wish to support the school in its actions and I should be grateful if you would contact the school to make a mutually convenient appointment to discuss the situation.