

File Ref: SPA3c

# Use of Reasonable Force Guidance

## September 2015

Review date: September 2017

**This policy is intended to provide clarification on the use of force to help ACE staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of the headteacher and management committee in respect of this power.**

**This policy will be kept under review and updated as necessary.**



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## **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 pupil needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. We 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. ACE staff will 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 ACE staff have a legal power to use reasonable force.
- This power applies to any member of staff at ACE. It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

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

- Reasonable force might be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- At ACE, 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.
- The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

## **We can use reasonable force to:**

- remove disruptive pupils 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.

**We cannot use reasonable 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 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 other items banned under the school rules.

Separate guidance is available on the power to search without consent – see the ‘Further sources of information’ section for a link to this document.

**Communicating ACE’s approach to the use of force:**

- We are required to have a behaviour policy and to make this policy known to staff, parents and pupils. The management committee will notify the headteacher that it expects the school behaviour policy to include the power to use reasonable force.
- There is no requirement to have a policy on the use of force but we believe it is good practice to set out, in the behaviour policy, the circumstances in which force might be used. For example, it could say that teachers will physically separate pupils found fighting or that if a pupil refuses to leave a room when instructed to do so, they will be physically removed.
- This policy on the use of reasonable force should acknowledge their legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).
- We do not require parental consent to use force on a student.
- We do not have a ‘no contact’ policy because 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.
- By taking steps to ensure that staff, pupils and parents are clear about when force might be used, ACE will reduce the likelihood of complaints being made when force has been used properly.

### **Using force:**

We have adopted the findings from the “Physical Control in Care Medical Panel (2008)” who identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are 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;
- **‘double basket-hold’** - which involves holding a person’s arms across their chest;
- **‘nose distraction technique’** - which involves a sharp upward jab under the nose.

### **Staff training:**

- The headteacher will decide 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.
- We seek advice from the local authority in providing advice and guidance to help to develop an appropriate training programme.

### **Reporting to parents when force has been used on their child:**

- We consider it to be good practice to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is appropriate to report the use of force to parents
- In deciding what is a serious incident, staff will use their professional judgement and consider the:
  - a) pupil’s behaviour and level of risk presented at the time of the incident;
  - b) degree of force used;
  - c) effect on the pupil or member of staff
  - d) the child’s age.

### **Complaints when force is used – parents/pupils:**

- All complaints about the use of force will 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 will not be an automatic response when a member of staff has been accused of using excessive force. We will 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 it clear that a person must not be suspended automatically, or without careful thought.

- We 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.
- If a decision is taken to suspend a teacher, we will ensure that the teacher has access to a named contact who can provide support.
- The management committee will 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. ACE will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

### **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:

- 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.

### **Further sources of information:**

Guidance of interest:

1. 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 (2002)
2. Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)
3. Screening, searching and confiscation – advice for headteachers, staff and governing bodies.
4. Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools



## RECORD OF USE OF REASONABLE FORCE:

Date of incident:

Time of incident:

Pupil Name:

D.o.B:

Member(s) of staff involved:

Adult witnesses:

Pupil witnesses:

Outline of event leading to incident:

Outline of incident: (details/ method used):

Outcome of incident:

Description of any injury sustained and any subsequent treatment:

<p>Date /time parent/carer informed of incident:</p> <p>By whom informed:</p> <p>Outline of parent/carer response:</p>
<p>Signatures of staff completing report: .....</p> <p>.....</p> <p>.....</p>
<p><u>Brief description of any subsequent inquiry/complaint or action:</u></p>