

# **POLICY FOR THE USE OF CONTROL & REASONABLE FORCE**

**Policy Updated: January 2020**

**Review Date: November 2021**

**Review led by: L. Lloyd**

**This policy should be read in conjunction with the Trust's Behaviour Policy and Child Safeguarding Policy.**

## Objectives

The key objectives are:

- To maintain the safety of pupils and staff
- To prevent serious breaches of school discipline
- To prevent serious damage to property

## What is reasonable force?

- The term 'reasonable force' covers a broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
- 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 to restraining a student to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed.
- 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.
- 'Reasonable force' 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.

## Who can use reasonable force?

- All members of school staff have a legal power to use reasonable force (Section 93, Education and Inspections Act 2006).
- This power applies to any member of staff at the school. 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.

\* see later notes

## When can reasonable force be used?

- 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 about 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 is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

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

- direct disruptive children from the classroom. Should they refuse to follow the instruction to do so, send for a member of Leadership and remove all other members of the group to line up outside the classroom;\*
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving a 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;
- 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.**

## Minimising the need to use reasonable force

Staff within the Trust aim to:

- create a calm environment that minimises the risk of incidents that might require using reasonable force;
- establish clear routines and expectations;
- teach pupils how to manage disagreements, conflict and strong feelings;
- de-escalate incidents as they arise using a variety of strategies;
- **only use reasonable force when the risks involved in doing so are outweighed by the risks involved in not using it;**
- have as a prime consideration “Are these actions in the best interests of the child?”

## Deciding whether to use reasonable force

Staff should only use reasonable force when

- the potential consequences of not intervening are sufficiently serious to justify considering use of reasonable force;
- the chances of achieving the desired result by other means were low;
- the risk associated with not using reasonable force outweighed those of using it;

However for the highest risks, e.g. if a pupil is suspected of having a weapon or of carrying drugs, the police would be called.

## Using reasonable force

Staff are instructed to:

- use the minimum force for the shortest time necessary, in order to achieve the desired result;
- give clear oral warning to the pupil that reasonable force may have to be used;
- avoid using reasonable force, as far as possible, unless or until another responsible adult is present to support, observe and call for assistance.
- be mindful of children who are above average size and do not use excessive force due to this.
- be mindful of children with Special Educational Needs, disabled pupils and those pupils on a Care Plan.

## Staff guidance

- Staff are trained in the ‘Team Teach’ approach to positive handling.
- Teaching staff and LSAs will receive guidance on the use and consideration of de-escalation, risk reduction and some physical intervention strategies, whilst understanding their role.

## Recording incidents

- All incidents necessitating the use of reasonable force are recorded on a Headteacher’s ‘Physical Restraint’ Log.
- Serious incidents are recorded in detail separately.
- It is best practice to ensure all incidents of physical intervention are reported to parents in writing or by phone as early as possible unless it is felt that the pupil involved will be ‘at risk’ as a result of the communication, this should then be referred to the Designated Safeguarding Lead.

## Post-incident support

- Meeting immediate physical and emotional needs of both children and adults is a priority following an incident.

- Attempts are made to rebuild relationships once all parties have calmed.
- It is general practice to talk through serious incidents, when appropriate, in an attempt to ensure that lessons are learned and strategies are suggested to avoid reoccurrence. This applies to both children and staff.

## Complaints and allegations

- Complaints and allegations of misconduct arising from incidents are dealt with following school policy.
- The Governance Advisory Board is responsible for monitoring the impact of this policy on the use of reasonable force.

## De-escalation techniques

- Verbal advice and support
- Calm talking
- Distraction
- Step away
- Negotiation
- Warning
- Reassurance
- Humour
- Options offered
- Non-threatening body language

## What happens if a pupil complains when force is used on them?

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated following school policy.
- 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 DfE "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance 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.
- Governing bodies should always consider whether a teacher has acted within the law when reaching a decision about whether or not to take disciplinary action against the teacher.

## What about 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 appropriate 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.

Note: this list is not exhaustive.

## Related legislation

Education and Inspections Act 2006

### **Designated Safeguarding Leads for Trust Schools are:**

Barr Beacon School	Mrs M Sorensen
Bloxwich Academy (Secondary)	Mrs U Simpson
Bloxwich Academy (Primary)	Mrs S Davies
Etone College	Ms A Heilbronn
Dame Elizabeth Cadbury	Mr C Walton

### **Trust staff trained in Team Teach are:**

Barr Beacon School	Mrs V Aswat
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