

Woodchurch High School

A Church of England Academy



USE OF REASONABLE FORCE POLICY DOCUMENT

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Principles

Woodchurch High School's underlying philosophy is to work with pupils, staff and parents to create a calm, compassionate, safe and secure working environment in which all our pupils can achieve their maximum potential.

However, we recognise that sometimes individuals act in a way which prevents this from happening. In certain circumstances it may then become necessary to use reasonable force to control or restrain pupils.

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 school staff have a legal power to use reasonable force².
- 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.

² Section 93, Education and Inspections Act 2006

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 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.

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, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”³:

- 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, e.g. fizzy drinks.

³ Section 550ZB(5) of the Education Act 1996

Advice to Staff

At Woodchurch all staff are advised that the use of any form of physical restraint or the use of force is seen as a last resort. It should only be used when

- i) the potential consequences of not intervening are sufficiently serious to justify considering use of force
- ii) the chances of achieving the desired result by any other means are low and
- iii) the risk associated with not using force outweighs those of using force. In addition whenever practicable force should not be used unless or until another responsible adult is present to support and call for assistance.

Every effort must be made to employ other behavioural strategies and school procedures to deal with the situation i.e.

- Creating a calm, orderly and supportive climate that minimises the risk and threat of incidence of any kind.
- Developing trusting, effective relationships between staff and pupils.
- Recognising that challenging behaviours are often foreseeable.
- Effectively managing individual incidents. It is important to communicate calmly with the pupil using non threatening verbal and body language and ensuring that the pupil can see a way out of a situation. Strategies may include sending the pupil outside away from bystanders or other pupils so that they can be listened to quietly or by sending for a member of the Senior Management Team and
- Wherever practicable, warning a pupil that force may have to be used before using it.
- Use the positive behaviour system to develop skills of positive behaviour management and managing conflict.

At all times it is important that staff maintain a calm and measured approach to all situations and in an extreme situation where the use of reasonable force or restraint becomes necessary, staff should never give the impression that they have lost their temper or are acting out of anger or frustration or to punish the pupil.

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.

Types of Incidents

It is impossible to cover all situations in which it might be necessary for the use of a reasonable degree of force.

However, they fall into three broad categories:

- a) where action is necessary in self-defence or because there is imminent risk of injury.
- b) Where there is a developing risk of injury or significant damage to property.
- c) Where a pupil is behaving in a way that is compromising good order and discipline.

The first and second categories could include incidents where

- a) a pupil attacks a member of staff, or another pupil.
- b) Pupils are fighting/causing risk of injury to themselves or others.
- c) A pupil is engaged in, or is on the verge of committing, deliberate damage to property.
- d) A pupil is causing, or at risk of causing, injury or damage by accident, by rough play or by misuse of dangerous materials or object.
- e) A pupil absconds from a class or tries to leave school other than at an authorised time. Reasonable force would only be justified in this case when allowing a pupil to leave would
 - i) entail serious risk to the pupil's safety, to the safety of other pupils or staff, or of damage to property or
 - ii) lead to behaviour that prejudices good order and discipline, such as disrupting other classes.

Under the third category where:

- a pupil persistently refuses to follow an instruction to leave a classroom.
- A pupil is behaving in a way that seriously disrupts a lesson; or
- A pupils behaving in a way that seriously disrupts a school sporting event or school visit.

A Senior Member of staff must be called. Staff should not themselves try to remove the pupil.

The member of staff summoned will appraise the situation and determine whether reasonable force should be used to remove the pupil. The main consideration will be to prevent an escalation of the situation where the pupil may become violent.

Application of Force

Physical intervention can take several forms. It might involve staff

- physically interposing between pupils
- blocking a pupil's path
- leading a pupil by the hand or arm
- shepherding a pupil away by placing a hand in the centre of the back - or
- (in extreme circumstances) using more restrictive holds.

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force'; for example to prevent a young pupil running off a pavement onto a busy road, or to prevent a pupil hitting someone or throwing something.

In other circumstances staff should **not** act in way that might reasonably be expected to cause injury, for example by -

- holding a pupil around the neck or by the collar, or in any other way that might restrict the pupil's ability to breathe
- slapping, punching or kicking a pupil
- twisting or forcing limbs against a joint
- tripping up a pupil
- holding or pulling a pupil by the hair or ear
- holding a pupil face down on the ground
- 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;
- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

Staff should always avoid touching or holding a pupil in a way that might be considered indecent.

Recording Incidents

In the event of reasonable force having to be used staff must first inform the Headteacher or Deputy immediately following the incident, and provide a detailed written report as soon as possible afterwards.

The report should include

- the name(s) of the pupil(s) involved, and when and where the incident took place
- the names of any other staff or pupils who witnessed the incident
- the reason that force was necessary (eg to prevent injury to the pupil, another pupil or member of staff)
- how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse

- or calm the situation, the degree of force used, how that was applied and for how long
- the pupil's response and the outcome of the incident
- details of any injury suffered by the pupil, another pupil or a member of staff and of any damage to property
- See appendix A for incident proforma

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

Parents will be informed of the incident and asked to attend school. As the use of reasonable force will only take place in extreme circumstances it is likely that the child will be excluded from school. In most circumstances in addition to punishing the pupil we will also give them the opportunity to repair the relationships with staff and pupils affected by the incident and/or to develop their social and emotional skills. We will help the pupil and staff to develop strategies to avoid such crisis points in future and inform relevant staff about these strategies and their roles.

In deciding what is a serious incident, teachers should use their professional judgement 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; and
- the child's age.

We will ensure that staff and pupils affected by the incident have continued support for as long as necessary in respect of:

- 1) physical consequences;
- 2) support to deal in any emotional stress or loss of confidence; and
- 3) opportunity to analyse, reflect or learn from the incident.

However, in the event of the Headteacher not being satisfied that the use of restraint or reasonable force was warranted in the circumstances disciplinary procedures may ensue as at present.

If a pupil/parent complains when force is used (as they are likely to do) the following should be noted:

- 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 acted reasonably.

- Suspension will not be an automatic response when a member of staff has been accused of using excessive force. School will refer to “Dealing with Allegations of Abuse against Teachers” and other staff guidance.
- School will consider carefully whether the circumstances warrant being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is made to suspend a member of staff the school will ensure that the member of staff has access to a named contact for 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. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

However, staff need to be aware that an allegation could lead to investigation by the police and the social services department under Child Protection procedures and ultimately prosecution.

Preventing Incidents from Occurring

Staff will receive regular training on classroom management techniques and be constantly reminded of the need to avoid confrontation with pupils. The aim of the Positive Behaviour Scheme is to stress the positives. To reward pupils for good behaviour and for displaying a consistent attitude towards their studies. Those not abiding by the classroom Code of Conduct should be warned and told that their behaviour will not be tolerated and eventually they will be excluded from the lesson. School acknowledges our legal duty to make reasonable adjustments for disabled pupils and pupils with Special Educational Needs.

Staff will be made aware via the SEN procedures of any pupils likely to behave in a way that may require physical control ie Asperger pupils. Parents will be involved and their advice sought as to appropriate strategies for dealing with any outbursts.

Authorised Staff

All staff, teaching, non-teaching, caretakers, midday supervisor and support staff are authorised to use reasonable force to control or restrain a pupil **in the event of an emergency** ie if there is a risk of injury to persons or property. This authorisation may be used when a pupil is on school premises or elsewhere in the lawful control of the staff member (eg school visit).

In all other situations a senior member of staff **must** be summoned.



APPENDIX A – Incident Log

Woodchurch High School Incident Log:

General Information:

Member of staff	
Pupil	
Form	
Date of incident	
Time of incident	
Location of incident	

Incident Details:

What happened before the incident?
Why did the incident escalate?
What action did you take to try to de-escalate the situation before using reasonable force?
What behaviour was the child presenting that warranted physical intervention? <ul style="list-style-type: none">• At risk of injury to self of others• Compromising good order and offence discipline• At risk of significant damage to property• At risk of committing a criminal act Please elaborate
What do you believe would have happened if there had been no physical intervention?

Please provide details of the physical intervention:

- Was the pupil restrained? If so, how long for

Please elaborate on the details of the physical intervention

Was anybody injured? YES/NO

If so, please elaborate

If so, which member of staff administered first aid?

Did the parent/carer need to be contacted as a consequence of the restraint?

If so, please give details of subsequent action taken

Following the incident, were any other agencies need to be informed/involved?

If so, please elaborate and note actions taken

Following the incident:

When were parents/carers contacted and by whom?

If administered, was First Aid treatment noted in the relevant place?

Signed by:

Member of staff _____ PRINT NAME _____

Member of safeguarding team _____ PRINT NAME _____

Head teacher _____ PRINT NAME _____

Date of form completion _____