



Use of Reasonable Force Policy

Provisions concerning the use of force to restrain students can be found section 550(A) of the **Education Act 1996**, as inserted by section 4 of the **Education Act 1997**. This provision was extended to include all schools by section 131 of the **School Standards and Framework Act 1998**.

RATIONALE

The **Education Act 1996** forbids corporal punishment, but allows all teachers to use reasonable force to prevent a student from:

- committing a criminal offence
- injuring themselves or others
- damaging property
- acting in a way that is counter to maintaining good order and discipline at the school

This power may be used where the student (including students from other schools) is on school premises or elsewhere in the lawful control or in the charge of a staff member.

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should always be the minimum needed to achieve the desired result. The Act does not cover more extreme situations, such as action in self-defence or in an emergency, when it might be reasonable for someone to use a degree of force.

Preventative measures will not always work, but a school culture that enables students to effectively self-manage their behaviours help reduce the likelihood of situations arising where the power to use force may need to be exercised.

At Tor Bridge High we:

- Create a calm, orderly and supportive school environment that minimises the risk of violence of any kind
- Develop positive relationships between students and staff
- Take a structured approach to continuing professional development that helps staff to develop the skills of positive behaviour management; managing conflict and also support each other during and after an incident
- Recognise that challenging behaviours are often foreseeable and take preventative action

In addition to the general power to use reasonable force described above, the Headteacher 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.

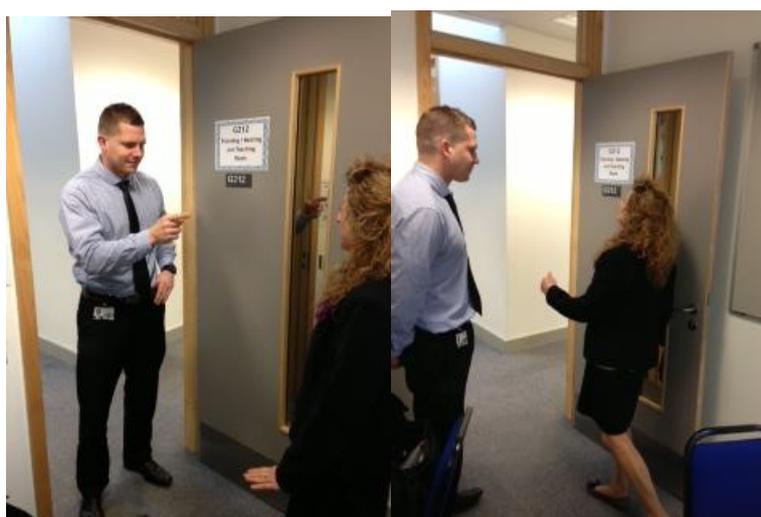
Force cannot be used to search for items banned under the school rules to conform with current Government legislation.

Minimising the need to use force - staff should always try to deal with the situation using other agreed strategies to calm a situation before using force

For example, students should always be given an option of going to a quiet space with the staff member away from bystanders and other students, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the student

Staff should apply the following techniques if a confrontational situation should occur:

- Adopt a relaxed open body posture
- Talk in a calm quiet voice
- Diffuse the situation by becoming silent
- Stand away from any doorways or exits - do not attempt to block the door unless the student leaving would cause more harm -this can cause a rush of adrenalin to a student in flight or fight response and therefore escalate a situation.



Bad Practice

Good Practice

Where it is practical staff should warn a student that force may have to be used before using force.

Staff authorised to use force

- All members of school staff have a legal power to use reasonable force.
- 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 students such as unpaid volunteers or parents accompanying students on a school organised visit.

Staff authorised by the Headteacher can use such force as is reasonable when searching a student without consent for prohibited items except where the search is for an item banned by the school rules.

Deciding whether to use force

- Reasonable force can be used to prevent students from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes - to control students 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 cannot:

- use force as a punishment - it is always unlawful to use force as a punishment.

Schools can use reasonable force to:

- Remove disruptive children from the classroom where they have refused an instruction to do so
- Prevent a student behaving in a way that disrupts a school event or a school trip or visit
- Prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others
- Prevent a student from attacking a member of staff or another student, or to stop a fight
- Restrain a student at risk of harming themselves through physical outbursts

Staff should only use force when the risks against using force significantly outweigh those of not using force. The judgement as to whether to use force will depend on the circumstances of the situation. Decisions will need to be made quickly but using clear judgement that has taken the following into account:

- The seriousness of the incident
- Is the student likely to harm themselves or other people?
- Whether or not the incident can be dealt with by alternative means such as talking or negotiation
- Using force is more likely to be justified when the risks associated with the physical intervention are smaller.
- **Using force, staff, as far as possible, should not use force unless or until another responsible adult preferably a member of SALT is present to support, observe and call for assistance. Then staff should always only use the minimum amount of force to achieve the desired effect.**

Before using force staff should, wherever practical tell the student to stop and communicate to them that if the behaviour continues force will be used. Staff should continue to speak in a calm measured manner throughout the incident. Staff should not give the impression of acting out of anger or frustration, or to punish a student, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary

Types of force include

- Standing between students
- Leading a student by the arm or hand
- Ushering a student away by placing a hand in the centre of the back
- In more extreme circumstances, using appropriate restrictive holds - this would require at least 3 members of staff to hold arms and elbows to bring the student to a seated or lying position until they calm down.

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a student running off the pavement onto a busy road or preventing a student hitting someone with a dangerous object such as a glass bottle or hammer. Staff should always make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a student. Staff should always avoid touching or restraining a student in a way that could be interpreted as sexually inappropriate.

Recording/Reporting Incidents

Any incidents where force has been used will be recorded in accordance with our safeguarding and child protection procedures, Records will be held in the filing cabinet which holds all the child protection records. Providing an accurate record of a use of force ensures that policies and procedures are carried out correctly, to inform parents/carers, to monitor and evaluate processes and also to prevent the situation be misinterpreted or misunderstood in the future.

If any level of force has been used a 'Use of Force' form (available in school offices) needs to be completed by members of staff involved in the incident. This also includes any member of SALT that has been called in to provide support. This information needs to be passed to the Senior Designated Person after it has been read by the Headteacher.

A Head of School, Assistant Headteacher, Deputy Headteacher or Headteacher will contact Parents/Carers if force has been used to control or restrain a student by a member of staff.

We recognise that this policy will be used in conjunction with:

- Behaviour for Learning
- Child Protection
- Children Looked After and previously looked after
- Inclusion
- Health & Safety

The SENCO will:

Use of Force to Control or Restrain Students

Carry out a risk assessment where it is known that force is more likely to be necessary to restrain a particular student, such as a student whose SEN and/or disability is associated with extreme behaviour and inform school staff of this

The Headteacher and SALT will:

- Ensure this policy and any other safeguarding policies are followed by staff
- Authorise individual support staff as appropriate to student needs
- Enable staff access to training through accredited trainers
- Provide a termly report to Governors on the incidents of restraint.

All staff will

- Follow the principles of the policy via the guidance provided, in conjunction with the appropriate training
- Endeavour to ensure that any intervention or restraint does not exacerbate the situation nor put a student or adult's health and safety in jeopardy
- Complete an incident report when necessary

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 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; and
- To give first aid.

Complaints and Allegations

Complaints and allegations that arise from force being used should be dealt with by following the procedures in Tor Bridge High Compliments, Comments and Complaints Policy.

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.

Tor Bridge High is committed to ensuring the General Data Protection Regulation GDPR is adhered to at all times within the schools. We will ensure that all data we are given is processed in line with our organisations Data Protection Policies and in line with your rights under the Data Protection Act 2018 and the EU General Data Protection Regulations.

Owner:	Head of Inclusion
Date:	September 2020
Review Due:	September 2021

Details of student or students on whom force was used by a member of staff (Name & TG)	
Date, time and location of the incident	
Details of other students involved (directly or as witnesses) including whether any of the students involved were vulnerable for SEN, disability, medical or social reasons	
Description of the incident by the staff involved, including any attempts to de-escalate and warnings given that force might be used	
Reason for using force and description of the force used	
Any injury suffered by staff or students and any first aid/medical attention required	
Follow-up, including any post incident support and disciplinary action against students	
Any information about the incident shared with staff not involved in it and external agencies	
When and how those with parental responsibility were informed about the incident and any views they have expressed	
Has any complaint be lodged (details should not be recorded here)	
Report compiled by: Name and Role: Signature: Date:	Report Countersigned by: Name and Role: Signature: Date:

Headteacher → Senior Designated Person → Safeguarding Filing Cabinet