

Use of Reasonable Force Policy



Dartmoor
MULTI ACADEMY TRUST

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| V1.0 | 28/11/2019 | Addition of Section 11 Physical Contact in other circumstances; Section 13 reworded – additional guidance and Trust form; section 14 relating to complaints. | |

1 Introduction

The Dartmoor Multi Academy Trust (the 'Trust') aims to provide the highest possible quality of education for all local children, in order to ensure that pupils from all backgrounds are able to success. The aim informs our policies.

Guidance concerning the use of reasonable force to restrain pupils can be found in 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.

This policy should be read in conjunction with the [Use of Reasonable Force](#) (July 2013) DfE Guidance document for headteachers, staff and governing bodies.

2 Other Policies

Other policies to be read in conjunction with this policy:

- Behaviour for Learning
- Health & Safety
- Looked after Children
- Safeguarding (Child Protection)
- Special Educational Needs

3 Rationale

3.1 The Education Act 1996 forbids corporal punishment, but allows all teachers to use reasonable force to prevent a pupil 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

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

- 3.3 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.
- 3.4 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.

4 What is reasonable force?

- 4.1 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.
- 4.2 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.
- 4.3 'Reasonable in the circumstances' means using no more force than is needed.
- 4.4 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.
- 4.5 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.
- 4.6 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.

5 Minimising the need to use reasonable force

- 5.1 Staff should always try to deal with the situation using other agreed strategies to calm a situation before considering using force.
- 5.2 Although the MAT recognises that preventative measures will not always work, there are numerous steps that will be taken in order to help reduce the likelihood of situations arising where the power to use force may need to be exercised. We endeavour to:
- Create a calm, orderly and supportive MAT environment that minimises the risk of violence of any kind
 - Develop effective relationships between students and staff that are central to good order
 - Adopt a whole-school approach to developing social and emotional skills
 - Take a structured approach to staff 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
 - Effectively manage individual incidents while understanding the importance of communicating calmly with the student, using non-threatening verbal body language and ensuring that the student can see a way out of a situation. 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 pupil

- Wherever practical, warning a student that force may have to be used before using force.

6 Staff authorised to use reasonable force

The staff to which this power applies are defined in Section 93 of the Education and Inspections Act 2006. These are:

- 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 pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

7 When can reasonable force be used?

7.1 Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

7.2 In a school, force is used for two main purposes – to control pupils or to restrain them.

7.3 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.

7.4 The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

7.5 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.

7.6 Schools cannot:

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

7.7 In these examples use of force would be reasonable (and therefore lawful) if it was clear that the behaviour was sufficiently dangerous or disruptive to warrant physical intervention of the degree applied and could not be realistically dealt with by any other means.

8 Deciding whether to use reasonable force

8.1 Staff should only use force when the risk of not using force significantly outweighs those of using force. Then the judgement whether to use force and what force to use should always depend

on the circumstances of each case. Students with SEN and/or disabilities should be handled according to information about the individual student concerned (see section on 'Staff Training')

8.2 Decisions on whether the precise circumstances of an incident justify the use of significant force must be reasonable. Typically, such decisions have to be made quickly, with little time for reflection. Nevertheless, staff need to make the clearest possible judgements about:

- The seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used.
- The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified
- The chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means the more likely it is that using force can be justified.
- The relative risks associated with the physical intervention compared to the risks of using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force can be justified

9 Using reasonable force

9.1 Staff, as far as possible, should not use force unless or until another responsible adult is present to support, observe and call for assistance. Staff should always only use the minimum amount of force to achieve the desired effect.

9.2 Before using reasonable force staff should, wherever practical tell the pupil to stop misbehaving and communicate 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 pupil, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

9.3 Types of reasonable force used could include:

- Passive physical contact resulting from standing between students or staff and students
- Active physical contact such as leading a pupil by the arm or hand or ushering a pupil away by placing a hand in the centre of the back
- In more extreme circumstances, using appropriate restrictive holds

9.4 Where there is a high and immediate risk of death or of 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.

9.5 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.

9.6 Staff should always avoid touching or restraining a student in a way that could be interpreted as sexually inappropriate.

10 Power to search pupils without consent

10.1 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.

10.2 Force cannot be used to search for items banned under the school rules.

11 Physical Contact with Pupils in other Circumstances

11.1 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. For example:

- to demonstrate exercises or techniques during PE lessons or sports coaching.
- in DT.
- giving first aid.
- cleaning a young child after an accident/wetting or soiling.
- young children and pupils with SEN can need staff to provide physical prompts or help.
- when a pupil is in distress and needs comforting.
- when a pupil is being congratulated or praised.
- to demonstrate how to use a musical instrument.
- holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school.

11.2 Staff should use their own professional judgement to decide if a pupil needs this kind of support.

11.3 Some children find touching particularly unwelcome; for example, children sensitive to physical contact because of their cultural background or because they have been abused.

11.4 Physical contact with pupils becomes increasingly open to question as pupils get older. Staff should bear in mind that even innocent and well-intentioned physical contact can, sometimes, be misconstrued.

12 Staff Training

12.1 Staff training will occur in accordance with the Trust’s continuing professional development practices and policies.

12.2 The Special Educational Needs Co-ordinator (SENDco) will also make individual risk assessments available to staff 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. Appropriate training will be given to the necessary staff working with these students on a regular basis, and College staff will be notified about procedures in place.

- 12.3 Some key members of Inclusion staff and at least one member of SLT within each school and College will be trained and regularly updated in the use of positive handling. Usually the staff are those most likely to find themselves in a situation that may require the use of reasonable force and are therefore trained to do this correctly and in a lawful manner.

13 Recording/reporting Incidents

- 13.1 It is vital that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where force is used.
- 13.2 Immediately after any incident, the member of staff concerned should inform the Head of school, or a senior member of staff, and provide a written report as soon as possible using the report form (attached).
- 13.3 Staff might find it helpful to seek advice from a senior colleague or a representative of their Professional Association when compiling a report. Staff should keep a copy of the report.
- 13.4 The use of any force can cause the parents of the pupil involved great concern. Parents should be informed as soon as possible and given an opportunity to discuss the incident with the Head of School. This can be after school, by telephone or by letter.
- 13.5 In deciding what a serious incident is, 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.
 - The child's age.

14 COMPLAINTS

- 14.1 If staff follow the clear guidelines and parents are notified, most complaints should be avoided. However, this might not prevent all complaints and use of reasonable force could still lead to some form of investigation.
- 14.2 The possibility cannot be ruled out that a complaint might result in a disciplinary hearing, a criminal prosecution, or a civil action brought by a pupil or parent. In these circumstances, it would be for the disciplinary panel or court to decide whether the degree of force was reasonable in the circumstances.
- 14.3 If a formal complaint from a pupil or parent is received:
- 14.3.1 All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- 14.3.2 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.

- 14.3.3 Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “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.
- 14.3.4 The Trust 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.
- 14.3.5 If a decision is taken to suspend a teacher, the Trust will ensure that the teacher has access to a named contact who can provide support.
- 14.3.6 The Local Academy 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.

USE OF REASONABLE FORCE INCIDENT REPORT FORM

| | | |
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| School Name: | | |
| Name(s) of pupil(s) involved: | | |
| Name(s) of adult(s) involved: | | |
| Summary of the incident: | | |
| Date: | Time: | Location: |
| Circumstances leading to incident: | | |
| Specific details of restraint: | | |
| Further action: | | |
| Names of any pupils who witnessed the incident: | | |

USE OF REASONABLE FORCE INCIDENT REPORT FORM CONTINUED

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| Reasons the force was necessary: e.g. to prevent injury to a pupil: | | |
| How the incident began and progressed, including details of the pupil's behaviour, what was said, steps taken to diffuse the situation, the degree of force used, how it 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 any damage to property: | | |
| Follow-up action taken e.g. LADO: | | |
| Outcomes e.g. need for training: | | |
| Signature(s) of teacher/staff(s) involved: | | HoS: |
| Date: | Date: | Date: |