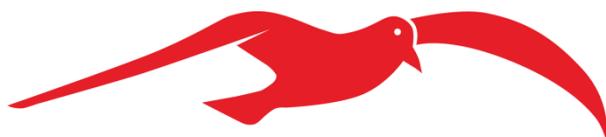


# *Policy on the Use of Reasonable Force*

*July 2021*



**THE JO RICHARDSON**

SUCCESS FOR ALL

COMMUNITY SCHOOL

ACHIEVE

*The school is committed to safeguarding and promoting the welfare of children and expects all staff to share this commitment.*

## 1. Objectives

- To maintain the safety of students and staff
- To prevent serious breaches of school discipline
- To prevent serious damage to property
- To provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary

### Key points

- Staff have a power and lawful use of power will provide a defence to any related criminal prosecution or other legal action
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force

### Statement of intent

We take our duty of care very seriously. We want student to come to school and feel safe and respected. We place our trust in them to do the right thing and we provide educational opportunities to help them make informed decisions. We fully support and actively participate in the principles behind being a trauma ready school. We never want our actions to add to the trauma that some students experience in their daily lives. We also acknowledge that a student's expectation of privacy increases as they get older. However, we also understand that students can make poor choices at times and that we must protect our school community. We will intervene through reasonable force to prevent students hurting themselves or others, from damaging property, or causing disorder. This decision will never be taken lightly and there will always be reasonable grounds for the intervention. We are committed to de-escalation wherever possible.

## 2. What force is reasonable?

### Reasonable = using no more force than is needed

- Force is usually used either to **control** or **restrain**. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or when a student needs to be restrained to prevent violence.
- Examples of **control** include standing between students, blocking a student's path or physical contact such as leading a student by the arm.
- Examples of **restraint** include to hold back physically or to bring a student under control

The following techniques should never be used because they present an unacceptable risk:

- The seated double embrace
- The double basket-hold
- The nose distraction technique

Please see the link below for more information

Use of reasonable force July 2013 (DfE)

## 3. When should force be used?

The following is not an exhaustive list, but it does provide some good examples:

- remove disruptive students from the classroom where they have refused to follow an instruction to do so
- prevent a student behaving in a way that disrupts a school event or trip
- prevent a student leaving the classroom where allowing them 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

## Advice for Staff

- Stay calm and keep repeating the request to calm down in a quiet voice. Try to de-escalate the situation. It may take several requests for the student to hear you if they have lost control
- Ensure that another adult witness is with you at all times. However, if this is not possible, immediately send a student for an appropriate adult to support you
- Remember: physical restraint is a last resort and try to ensure another adult is available if the situation requires it
- Never get involved physically with a child when you are angry – hand over to someone else
- Force that should **NOT** be used includes holding round the neck, kicking, slapping or punching, forcing limbs against joints, tripping or holding by hair or ear, holding face down on the ground
- Any form of force or restraint that is likely to injure a student (particularly anything that could constrict breathing) should only be used in extreme emergencies and where there is no viable alternative

## Students with SEN or Disabilities

- The Head of Student Development Department (SDD) is directly involved in reviewing the needs and management programme of students with SEN and behavioural difficulties. An individual risk assessment is drawn up where it is known that force is more likely to be used to restrain a particular student, such as with a student with SEN or poor behaviour. This gives clear guidance on 'positive handling plans' and takes into account issues identified on a student's statement/EHCP. Staff coming into contact with such vulnerable students need to be made aware of situations that may provoke difficult behaviour, preventative strategies and what de-escalation strategies are likely to work.
- Parents are made aware that such a risk assessment is in place for their child and the school seeks express written consent from the parent to inform staff about their child and acknowledging that physical restraint may at times be necessary.
- Students experiencing difficulties should also be given guidance/strategies to cope when faced with times of crisis.

**NOTE: It is always unlawful to use force as a punishment.**

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 or weapons;
- Alcohol;
- Illegal drugs (including vapes);
- Stolen items;
- Tobacco and cigarette papers;
- Fireworks;
- Pornographic images;
- Any article that the member of staff reasonably suspects 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 school rules which do not come under the heading of prohibited items.

Please refer to the Searching, Screening and Confiscation Policy for more details.

## 4. Who can use reasonable force?

The decision on whether to physically intervene is down to the professional judgement of the staff member concerned. It will be on a case-by-case basis.

There is a power, not a duty, to use force. However, teachers and other school staff have a duty of care towards their students and it might be argued that failing to take action may in some circumstances breach that duty.

- All members of 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 an organised school visit

### **Deciding whether to use reasonable force**

Staff should only use force when:

- the potential consequences of not intervening are sufficiently serious to justify considering use of force
- the chance of achieving the desired result by other means are low
- the risk associated with not using force outweigh those of using force

Staff in charge of students must ensure that clear guidance is given to volunteer helpers working with students who present particular risks to themselves or others, such as those with SEND or severe behavioural difficulties.

### **Training**

The Headteacher will decide about what training is required and who should attend it. They will follow LA guidance.

### **Communicating the school's approach to the use of force**

This is done through the Behaviour Management Policy and this policy. The Jo Richardson Community School does not require parental consent to use force on a student but makes policies available to parents via the website or on request.

## **5. Things to do after reasonable force has been used**

Every situation where reasonable force has been used will be logged in the school's bound book which is held centrally in the Student Services Department. The incident will also be recorded using Bromcom. SLT MUST be informed.

Parents, as soon as is practicable, are told when and where the incident took place, why force was used, what force was used, whether there were any injuries and what follow up action (support and/or disciplinary) was being taken in relation to their child. If reporting the incident to a parent may result in significant harm to the child, then the DSL must be informed.

If a child is subject to a care order, the Local Authority is also informed. If appropriate, other external agencies are informed such as the Safeguarding LA Officer, the Health and Safety Executive, etc.

The record forms part of the student's educational record.

### **Post incident support**

Care is taken after an incident to ensure both staff and students are supported, including meeting immediate medical needs, rebuilding relationships and reflecting on the incident so lessons can be learned.

## **6. Dealing with complaints**

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated
- Where a member of staff has acted within the law 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 must not be an automatic response

## **7. What about other physical contact with students?**

It is not illegal to touch a student. There are occasions when physical contact, other than reasonable force, with a student is proper and necessary.

Examples of where touching a student might be proper or necessary are:

- comforting a distressed student
- giving praise or congratulation
- demonstrating how to use a musical instrument
- demonstrating exercises or techniques during PE
- to give first aid

*This document should be read in conjunction with the school's Behaviour Management and Anti-Bullying Policies, the Safeguarding Policy and DfE– Use of Reasonable Force (2013).*