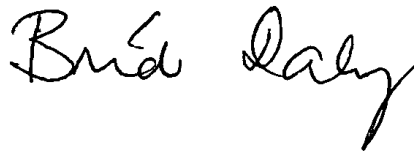




FEDERATION OF
St Peter's and St Gildas'
INFANT AND JUNIOR SCHOOLS



Use of Reasonable Force Policy

Updated by	Sinead O'Brien
Governor Responsible	Brid Daly
Last Reviewed	September 2020
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Review period	Annual
Signed	

At St Peter's and St Gildas' schools we strive to create an environment in which both children and adults feel happy, safe, secure and valued. We aim to ensure a whole school approach to positive behaviour known and understood by all staff, children, parents and outside agencies (see our Behaviour Policy). The use of force upon any pupil by a member of staff is a serious matter, and should only be considered as a last resort. However, the law is clear and the Governing Body has a responsibility to all concerned, to support any member of staff **who as a last resort** uses reasonable force in accordance with the law, and with this policy.

AIMS OF THE POLICY

The aims of this Reasonable Force Policy are to:

- Provide clarification on the use of reasonable force in our school
- To enable staff to feel more informed and confident about the use of reasonable force when they believe it to be necessary
- To make clear the responsibilities of the Head teacher, senior staff and governing bodies in respect of this power

The policy is drawn from advice contained in the document 'Use of Reasonable Force – Advice for head teachers, staff and governing bodies' issued 2013 by the Department for Education (DFE) and DFE Keeping Children Safe in Education September 2021.

The key points are:

- School staff have a legal power to use force and lawful use of this 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
- Senior school leaders should support their staff when they use this power

What the law says

Section 93 of the Education and Inspections Act 2006 enables all school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:

- Committing a criminal offence
- Causing personal injury to themselves or another
- Causing damage to property belonging to them or another, including the school
- Any behaviour prejudicing the maintenance of good order and discipline in the school.

What is reasonable force?

The term 'reasonable force' covers the broad range of actions that involve a degree of physical contact with pupils. 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. 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 child needs to be restrained to prevent violence or injury.

'Reasonable in the circumstances' means using no more force than is needed.

As mentioned above, force would generally be used to restrain and/or control a pupil. 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.

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.

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?

The staff to which this lawful power is granted are defined in the Act. Through this policy, the head teacher specifically gives authority to:

All staff who have control or charge of pupils (including teaching staff, teaching assistants, midday assistants and supply staff) who work at St Peter's and St Gildas' schools.

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.
- At St Peter's and St Gildas' schools reasonable force would be used for two main purposes- to control pupils or to restrain them, such as to remove a disruptive child from the classroom/situation where they have refused to follow an instruction to do so
 - To prevent a child leaving the classroom where allowing the child to leave would risk their safety or lead to behaviour that disrupts the behaviour of others
 - To avert a child from being aggressive towards a member of staff or another pupil, or to stop a fight in the playground
 - And to restrain a pupil at risk of harming themselves through physical outbursts. **We CANNOT use force as a punishment** – it is always unlawful to use force as a punishment. Deciding whether or not to intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstance. As a general rule staff should only use force when:
 - The potential consequences of not intervening are sufficiently serious to justify it
 - The chance of achieving the desired outcome by other non-physical means are low
 - And the risk associated with not using force outweighs the risk of using it
 - Staff do not require parental consent to apply reasonable force on a pupil.

Using Force

Before using force, staff should where practicable - tell the pupil to stop misbehaving.

Care should be taken to avoid giving the impression that the member of staff is angry or frustrated, or are acting to punish the child. It should be made clear with calm language that as soon as the need for force ceases, it will stop. Appropriate use of force will range from physical passive presence in between pupils, to blocking a pupil's path, ushering them by placing a hand in the centre of the back, leading them by the hand or arm, to in more extreme circumstances using appropriate restraining holds. Particular attention will be given to individuals' needs which arise from statements of SEN or disability.

Whilst it is highly desirable that staff should avoid acting in any way which might reasonably be expected to cause an injury, in truly exceptional circumstances it is recognised that it may not always be possible to avoid. Any such injury caused will be properly investigated by the school and will require justification.

Risk Assessments

If we become aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, we will plan how to respond if the situation arises. Such planning will address:

- Strategies to be used prior to intervention
- Ways of avoiding 'triggers' if these are known

- Involvement of parents to ensure that they are clear about the specific action the school might need to take
- Briefing of staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance)
- Identification of additional support that can be summoned if appropriate
- The school's duty of care to all pupils and staff

Training for Staff

Physical restraint is an available option, only to be used when other means of dealing with the situation have failed. Staff are made aware of this policy and have training on child protection and other training that will ensure they are aware of their duties and the law.

Recording Incidents

St Peter's and St Gildas' schools will keep a record of each significant incident of the use of force to control and restrain on My Concern. Whether or not an incident is significant will be a matter for the School to decide on a case by case basis.

Decisions will include the following considerations:

- The pupil's behaviour and the level of risk presented at the time
- The degree of force used and whether it was proportionate in relation to the behaviour, together with the effect on the pupil or member of staff
- The effect on the pupil or member of staff
- The child's age

The purpose of recording is to ensure that policy guidelines are followed, to inform parents / carers, to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry. Parents / carers will be informed of the incident.

Post-incident support

- If injuries result from the application of reasonable force, medical help should be sought straight away. It is also important to ensure that staff and pupils are given emotional support
- As soon as possible after the incident parents / carers should be informed and provided with a copy of this policy. If necessary details of the incident will be confirmed in writing
- When assessing the incident, consideration may be given to involving multi-agency partners to offer support or advice
- Where a pupil is responsible for injury to another, as well as holding him/her to account and issuing appropriate sanction, the pupil will be given the opportunity to repair the relationships with pupils and staff affected by the incident. The pupil will be offered appropriate support to help develop strategies for avoiding such crisis points in future.

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:

- 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
- to give first aid.

Complaints and allegations

A clear policy, adhered to by all staff and shared with parents, should help to avoid complaints. It is unlikely to prevent all complaints, however, if a complaint is made against a member of staff about the use of force it might lead to an investigation, under complaints or safeguarding procedures.

This policy will be reviewed annually.

Other policies/documents linked to this:

Behaviour Policy 2021

Staff Code of Conduct 2021

St Peter's and St Gildas' schools Child Protection and Safeguarding Policy 2021

Guidance for Safer Working Practice (October 2015)

Keeping Children Safe in Education 2021

