

Lancastrian Infant School Use of Reasonable Force Policy



Approved February 2019 TBR February 2022

This Policy should be read in conjunction with:
The Positive Behaviour and anti-bullying Policy
The Child Protection Policy
The SEND Policy and Local Offer
The Government Document on the Use of Reasonable Force 2013

Rationale

At Lancastrian Infant School 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 behaviour known and understood by all staff, children, parents and outside agencies. 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.

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school. It is recognised that the majority of pupils in our school respond positively to the discipline and control practised by staff. This ensures the well-being and safety of all pupils and staff in school. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required.

Every effort will be made to ensure that all staff in this school:

- clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where reasonable force is necessary and
- are provided with appropriate training to deal with these difficult situations.

This policy is drawn from advice contained in the 2013 Department for Education document - Use of Reasonable Force – Advice for Headteachers, Staff and Governing Bodies.

Aims

- To provide clarification on the use of reasonable force in 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 Head teachers, Senior staff and Governors in respect of this power;

Underpinning Values

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Everyone attending or working in this school has a right to:

- recognition of their unique identity.
- be treated with respect and dignity.
- learn and work in a safe environment.
- be protected from harm, violence, assault and acts of verbal abuse.

Pupils attending this school and their parents have a right to:

- individual consideration of pupil needs by the staff who have responsibility for their care and protection;
- expect staff to undertake their duties and responsibilities in accordance with the school's policies.
- be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school.
- be informed about the school's complaints procedure.

The school will ensure that pupils understand the need for and respond to clearly defined limits which govern behaviour in the school.

Parents should have committed themselves through the Home/School Agreement to ensure the good behaviour of their child, and that they understand and follows the School's Behaviour Policy.

Key points regarding reasonable force

- School staff have a power to use force and lawful use of the 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 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 force.

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.

Examples where reasonable force might be used

- As a last resort when other actions (ie removing the rest of the class) are not practicable to remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- to prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- to 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;
- to prevent a pupil from attacking 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.

Schools cannot:

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

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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”:
 - 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.

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:

- 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 hold a pencil or use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.

Before using force

Before using force, staff should - follow the school's agreed behaviour policy and any individual behaviour plan or behaviour Risk Assessment. Due 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, to guiding them with appropriate arm holds, 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.

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. Where possible there will be staff on the premises that have specific training in physical restraint e.g. Team Teach

Recording incidents

A record will be kept of each significant incident of the use of force to control and restrain (see Appendix 1). 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 inquiry.

- Parents will be informed of any incident regarding the use of Reasonable Force.

Complaints and allegations

If a complaint is made against a member of staff about the use of force the school will follow the guidance set out in Section Eight of the Use of Reasonable Force: Advice for head teachers, staff and governing bodies DfE Ref: DFE-00341-2014

Frequently asked questions

The following FAQ's have been taken from the 2013 Department for Education document "Use of Reasonable Force – Advice for Headteachers, Staff and Governing Bodies."

Q: I'm worried that if I use force a pupil or parent could make a complaint against me. Am I protected?

Yes, if you have acted lawfully. If the force used is reasonable all staff will have a robust defence against any accusations.

Q: How do I know whether using a physical intervention is 'reasonable'?

A: The decision on whether to physically intervene is down to the professional judgement of the member of staff concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. School staff should expect the full backing of their senior leadership team when they have used force.

Q: What about school trips?

The power may be used where the member of staff is lawfully in charge of the pupils, and this includes while on school trips.

Q: Can force be used on pupils with SEN or disabilities?

Yes, but the judgement on whether to use force should not only depend on the circumstances of the case but also on information and understanding of the needs of the pupil concerned.

Q: Are there any circumstances in which a teacher can use physical force to punish a pupil?

No. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.

Appendix 1- Record of Reasonable Force

Lancastrian Infant School Record of Reasonable Force Incident

Date:

Time:

Incident:

Action Taken:

Signed:

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