

USE OF REASONABLE FORCE AND POSITIVE HANDLING POLICY

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Person(s) Responsible for Review: SLT

USE OF REASONABLE FORCE

Much of the following is taken from the DfE *Use of reasonable force: Advice for Heads, staff and governing bodies*. July 2013

- Staff are expected to behave in accordance to the legal requirements of Child Protection legislation.
- The overriding guideline for best practice at The Manor, is that staff should mirror the family values which reflect the ethos of our school.
- Within the guidelines of the family values, members of staff are permitted to use what in their professional judgement is necessary physical restraint of a child or other adult, should they deem it so to be necessary in order to avoid harm or damage of any description (to a person or property) taking place. Examples of this must always be recorded, in writing, and reported without delay to the Head or, in their absence, a member of the Senior Executive Team. We would endeavour to inform parents on the same day or as soon as is reasonably practical should any incident take place. For disabled children or those with SEN staff should make reasonable adjustment if there is a need for the use of force.

Key points

- 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?

- 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.
- 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.

- 'Reasonable in the circumstances' means using no more force than is needed.
- 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.
- 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.
- Manor 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 The Manor 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 Head has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

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.

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.

Schools cannot:

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

POSITIVE HANDLING

The Manor does not sanction corporal punishment and it **must not** be used on a child. Staff must not threaten corporal punishment, and must not use or threaten any punishment which could adversely affect a child's well-being.

The Manor acknowledges that staff must only ever use physical intervention as a last resort, and that at all times it must be the minimal force necessary to prevent injury to themselves or others or damage to property. A person will not be taken to have used corporal punishment (and therefore will not have committed an offence), where physical intervention was taken for the purposes of averting immediate danger or personal injury to any person (including the child) or to manage a child's behaviour if absolutely necessary. A record must be kept of any occasion where physical intervention is used, and parents and/or carers must be informed on the same day or as soon as reasonably practicable.

Staff acknowledge that physical intervention of a nature that causes injury or distress to a child may be considered under safeguarding children or disciplinary procedures.

STAFF TRAINING

Training in this policy will be delivered every two years to the whole staff body by the Deputy Head Pastoral. For any member of staff beginning their employment at The Manor outside of these times, then this policy will be covered in the Induction process.