

## 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 children with special educational needs or disabilities (SEND), mental health or medical conditions, The Manor will consider risks carefully and recognise the additional vulnerability of these groups if there is a need for the use of force. The Manor also considers our duties under the Equality Act 2010 in relation to making reasonable adjustments, non-discrimination and our Public Sector Equality Duty. By planning positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children, and agreeing them with parents and carers, The Manor can reduce the occurrence of challenging behaviour and the need to use reasonable 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.

## **POWER TO SEARCH PUPILS WITHOUT CONSENT**

In addition to the general power to use reasonable force described above, the Head and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items” (Section 550ZB(5) of the Education Act 1996):

- 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.

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

Separate guidance is available on the power to search without consent within the ‘Further Sources of Information’ section of the non-statutory Government guidance document: ‘Use of reasonable force: Advice for headteachers, staff and governing bodies’ (2013).

## **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.

## **USING FORCE**

The non-statutory Government guidance document, ‘Use of reasonable force: Advice

for headteachers, staff and governing bodies' (2013), identifies certain restraint techniques which present an unacceptable risk when used on children and young people. Staff must not use the following techniques when using reasonable force:

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing
- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

## **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.

## **ANNEX A: Frequently Asked Questions (Taken from non-statutory Government guidance document: 'Use of reasonable force: Advice for headteachers, staff and governing bodies' (2013))**

### **Frequently Asked Questions**

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

A: 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 teacher 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?

A: 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?

A: 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: I'm a female teacher with a Year 10 class - there's no way I'd want to restrain or try to control my pupils. Am I expected to do so?

A: There is a power, not a duty, to use force so members of staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their pupils and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

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

A: 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.