



Use of Reasonable Force Procedure

Our aim at Bryony School is to provide a welcoming, secure and safe environment. In doing so, the use of force in relation to a pupil is unlikely. However, we still need a policy which makes clear the responsibilities of School Principal and school staff in respect of the use of force which follows the guidance from the Department for Education on the Use of Reasonable Force (July 2013) and on Behaviour and Discipline in Schools (January 2016).

All school staff members have a legal power to use reasonable force to prevent pupils committing a criminal offence, injuring themselves or others, or damaging property; and to maintain good order and discipline amongst pupils. This relates to our duty of care towards pupils. We do not need to wait for damage or injury. A responsible approach is to anticipate what could go wrong and try to prevent it. A breach of duty of care may involve either taking unreasonable action or failing to take reasonable action to prevent harm to another person.

1. What is reasonable force?

'Reasonable force' is usually used either to control or restrain.

- i. 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. 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.
- ii. 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.

'Reasonable in the circumstances' means using no more force than is needed. Any force must be the minimum needed to achieve the desired result. 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. The use of force to prevent trivial behaviour is not justified.

2 Who can use reasonable force?

All members of school 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 School Principal has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit

3 When can reasonable force be used?

Before using force, staff should wherever practicable, tell the pupil to stop misbehaving and what will happen if they do not. The member of staff should communicate in a calm and measured manner

throughout the incident. Staff are advised that as far as possible, they should not use force unless- or until -another responsible adult is present to support, observe and call for assistance. There are some situations where it is better to remove the rest of the pupils from the class if a child is a danger to them. The child causing the problem can then be dealt with.

Judgement on whether or not to use force and what force to use depends upon the circumstances of each case:

- the seriousness of the incident, assessed by the effect of injury, damage or disorder which is likely to result if force is not used;
- the chances of achieving the desired result by other means; and
- the relative risks associated with physical intervention compared with using other strategies.

Wherever possible these judgements should take account of the particular characteristics of the pupil, including age, SEN or disability the pupil might have. Any force used must always be minimum needed to achieve desired result.

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder. Examples include:

- removing disruptive children from the classroom where they have refused to follow an instruction to do so;
- preventing a pupil behaving in a way that disrupts a school event or a school trip or visit;
- preventing 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;
- preventing a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- restraining a pupil at risk of harming themselves through physical outbursts.

Types of force used could include:

- Standing between pupils or blocking a pupils path
- Leading a pupil by the hand or arm
- Ushering a pupil away by placing a hand in the centre of the back

Bryony School staff cannot:

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

4. Power to search pupils without consent

In addition to the general power to use reasonable force described above, the School Principals and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”¹:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images

¹ Section 550ZB(5) of the Education Act 1996

- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

5. Recording incidents

If a teacher has used force on a pupil an incident report must be completed immediately (except minor or trivial incidents). In deciding what is 'recordable' the following will be taken into account:

- the pupil's behaviour and level of risk presented at the time of the incident;
- the degree of force used;
- the effect on the pupil or member of staff; and
- the child's age.

An Incident report should be completed. All injuries will also be recorded in accordance with the School's First Aid Policy.

6. Communicating the school's approach to the use of force

This policy should be read in conjunction with Bryony School's Behaviour Policy. This policy is on the school website; in both the Infants and Junior school staff rooms; and in the school office.

In line with Government guidance, Bryony School does not require parental consent to use force on a student.

7. What happens if a pupil complains when force is used on them?

- All complaints about the use of force will be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – 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 will not be an automatic response when a member of staff has been accused of using excessive force. The School Principals will refer to the "*Dealing with Allegations of Abuse against Teachers and Other Staff*" guidance (see link on page 6 below).
- Bryony School Principals will consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- The School Principals will always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

8. 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 (e.g. at the front/back of the line when going to assembly, when walking together around the school or when initiated in the child in the playground);
- When comforting a distressed pupil;

- When a nursery child wants to sit on a teacher’s lap for reassurance;
- 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.

Frequently Asked Questions

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.

How do I know whether using a physical intervention is ‘reasonable’?

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 the School Principals when they have used force.

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.

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.

I’m a female teacher with a Junior class of strong pupils - there’s no way I’d want to restrain or try to control my pupils. Am I expected to do so?

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.

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.

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