

Use of Reasonable Force Restraint Policy

Date approved by the Board of Directors

September 2018

Date adopted by Local Governing Body

October 2018

Reviewed

September 2019

Date for next review

September 2020

Use of Reasonable Force

Government Guidelines. Key points:

Under Government guidelines ('Use of reasonable force in schools' July 2013) all members of staff have a legal power to use reasonable force. Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder. It is no longer acceptable for schools to have a 'no contact policy'.

The guidelines also make it clear that:

- All staff have the 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 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 force².
- This power applies to any member of staff at the school. It can also apply to people whom the headteacher 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.

² Section 93, Education and Inspections Act 2006

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, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”³:

- 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.

At ESSA Academy and Primary we have worked hard to place support structures in place to help create a calm, orderly and supportive climate. As a result, instances of physical restraint are very rare.

Staff should generally avoid blocking doors/ pathways of students and adopt the ethos of: 'Let them go, get them later'. However, in some situations it might be entirely appropriate to block a door or to prevent a student from leaving the room/ area should this be in order to prevent a student from hurting themselves or others, from damaging property or causing disorder. If a student leaves your room without permission for any reason the Pastoral Team should be informed immediately for safeguarding reasons.

SEND should also be taken into consideration. Some students with SEND may require 'time out' or be allowed 'escape routes' to diffuse situations. However, this should be highlighted to staff and sanctioned by the SEND Team.

Physical intervention should always be a last resort and clear directions to stop the dangerous/ unacceptable behaviour should be given first.

In the very rare instance of physical restraint being necessary please contact the Pastoral Team immediately. In the Academy Mr C Airey-Assistant Principal PDBW should be the key person/ first responder. In the Primary it is Mrs J Atherton-Principal. Team-Teach make it clear that:

"Team-Teach techniques seek to avoid injury to the service user, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but as a regrettable and infrequent side effect of ensuring that the service user remains safe"

Any incident involving restraint should be reported to C Airey/ J Atherton as soon as possible and recorded in CPOMs.

Members of staff should not put themselves at risk and so would not be seen as failing in their duty of care by not using force to prevent injury, if by doing so threatened their own safety.

It is unlawful to use any form of physical force as a punishment.

Appendix

Secondary Staff Team Teach Trained

Name	Date of Training/ Refresher Course	Refresher
C Airey	April 2018	April 2020
J Sidebottom	September 2018	September 2020
L Yeomans	September 2018	September 2020
S O'Connor	September 2018	September 2020
J Milburn	September 2018	September 2020
D Carney	September 2018	September 2020
N Squire	September 2018	September 2020
I Khaliq	September 2018	September 2020
N Sharples	September 2018	September 2020
L Adamson	September 2018	September 2020
J Partington	September 2018	September 2020
S Curtis	September 2017	September 2019

At a glance:

- All staff have the power to use reasonable force
- Reasonable means no more force than is needed
- Force cannot be used as a punishment
- Staff should adopt the ethos of 'let them go, get them later'
- There may be times when it is entirely appropriate to not let students go in order to prevent them: harming themselves or others, damaging property or causing disorder.
- 13 staff are Team Teach Trained in the Academy.
- The majority of Primary are Team Teach Trained.
- Members of staff do not have intervene physically if their own safety is threatened.