

# Use of Reasonable Force Policy

## Portsmouth Primary School & Early Years



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### 1. Introduction

The vast majority of children will never experience any form of 'Reasonable Force' whilst they are at Portsdown Primary School and Early Years. However, on occasion, it will be necessary in supporting individual children to remain safe, to prevent injury, prevent damage to property or disorder. This policy is based on the guidance provided by the Department for Education and is available at:

[https://assets.publishing.service.gov.uk/media/5a819959ed915d74e6233224/Use\\_of\\_reasonable\\_force\\_advice\\_Reviewed\\_July\\_2015.pdf](https://assets.publishing.service.gov.uk/media/5a819959ed915d74e6233224/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf)

### 2. Definitions

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.

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.

### **3. 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 Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

### **4. 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.

### **5. Schools can use reasonable force to:**

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

- 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.

### **6. Schools cannot:**

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

7. Power to search pupils without consent.

Searching can play a critical role in ensuring that schools are safe environments for all pupils and staff. It is a vital measure to safeguard and promote staff and pupil welfare, and to maintain high standards of behaviour through which pupils can learn and thrive. Portsdown Primary School and Early Year's Relationships And Behaviour Regulation Policy provides further information and guidance on searching pupils and whether to do so without consent (where force may be necessary). This force will be reasonable and bound within the approaches of the Reasonable Force Policy.

## **8. The school's approach to the use of force**

Every school is required to have a behaviour policy (ours is called the Relationships And Behaviour Regulation Policy) and to make this policy known to staff, parents and pupils. The school's behaviour policy includes the power to use reasonable force when necessary. However, we have also taken the decision to write this Reasonable Force Policy to provide further information on this area of the school's practice and procedures.

When considering using reasonable force for disabled children and children with special educational needs (SEN), reasonable adjustments will need to be made. For example, giving additional time for the child to change their behaviour.

Schools do not require parental consent to use force on a pupil and Government guidelines state that they should not have a 'no contact' policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm. By taking steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

At Portsdown Primary School and Early Years, we pro-actively foster positive relationships and only use reasonable force when there is no realistic alternative. This means that we expect staff to conduct a risk assessment and choose the safest alternative. We expect staff to think creatively about any alternatives to physical intervention which may be effective.

N.B: The risk assessment is not written down. Rather it is the staff member considering the risks to the child and others and whether there are alternatives to the physical controls.

Steps to be taken before using physical controls

- Show care and concern by acknowledging unacceptable behaviour and requesting alternatives using negotiating and reasoning.
- Give clear directions for the pupil to stop
- Remind the pupil about rules and likely outcomes
- Remove an audience or take the vulnerable pupil to a safe place
- Make the environment safer by moving furniture and removing objects which could be used as weapons

- Use positive guidance to escort pupils to somewhere less pressured □ Ensure that colleagues know what is happening and call for help.

## 9. Using force

The Physical Control in Care Medical Panel – 2008 (as used by Team Teach)) identified that certain restraint techniques presented an unacceptable risk when used on children and young people.

The techniques in question are:

- 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.

## 10. Staff training

Government advice is that schools take their own decisions about staff training. The headteacher should consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so. Identified training will be completed by a recognised provider, such as Team Teach.

## 11. Telling parents when force has been used on their child

The School will inform parents as soon as possible about **serious incidents** involving the use of force and to consider how best to record such serious incidents.

In deciding what is a serious incident, teachers should use their professional judgement and consider the:

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

## 12. Recording and Evaluation

### Recording

- All incidents of unacceptable behaviour should be recorded electronically on CPOMS or in the behaviour log in the classroom (as per the Relationships And Behaviour Regulation Policy).

- All serious incidents (as defined by the Relationships And Behaviour Regulation Policy) and all incidents involving restraint will be recorded in the child's records on CPOMs.
- Within these recording strategies, all details must be recorded by witnesses within twenty-four hours.

The Head teacher must be informed and a Physical Intervention / Reasonable Force Record Form completed (available from the front office).

- If violence was used against a staff member, a violent incident form must also be completed as soon as possible (available from the front office)

#### **When recording on CPOMS include the following**

- Where and when the incident happened
- Description of what led up to behaviour
- Description of the incident
- Any witnesses (staff or pupils)
- Reason you decided to use physical force
- The de-escalation strategies you used
- If you used physical force, what was it and how long it was used for
- Any know injuries to yourself or the child or others

#### **Monitoring and Evaluation**

The Headteacher will ensure that each incident is reviewed and investigate further action as required.

### **13. What happens if a pupil complains when force is used on them?**

All complaints about the use of force should 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.

Where an allegation of using excessive force is made against a staff member, the Local Authority Designated Officer (LADO) will be informed and a referral made

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 must not be an automatic response when a member of staff has been accused of using excessive force. Schools must 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. If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

Governing bodies should 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 or member of staff. As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

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

#### **15. Being Proactive**

##### **Risk Assessment**

Risk assessments are required for pupils who exhibit extreme behaviour. Responsible staff should think ahead to anticipate what might go wrong.

When considering a pupil's behaviour, staff will think about the following questions:

- Can we anticipate a Health and Safety risk related to this pupil's behaviour?
- Have we got all the information we need to conduct a risk assessment?
- Have we provided a written plan as a result?
- What further steps can we take to prevent dangerous behaviour from developing?

##### **Positive Handling Plans**

Risk management is regarded as an integral part of behaviour management planning. All pupils who have been identified as presenting a risk should have a Positive Handling Plan. The plan details any strategies which have been found to be effective for that individual, along with any particular responses which are not recommended. Any particular physical techniques which have been found to be effective should be named,

along with any alerts to any which have proved to be ineffective or which caused problems in the past.

Positive Handling Plans should be considered along with the child's Educational Health Care Plan (EHCP) and any other planning document relevant to the pupil. They should take account of age, sex, level of physical, emotional and intellectual development, special needs and social context.

### **Post Incident Debrief**

Following a serious incident, it is the policy of our school to offer support to all involved. This is an opportunity for learning and time needs to be given for following up incidents so that pupils have an opportunity to express their feelings, suggest alternative courses of action for the future and appreciate other peoples' perspective.

It is difficult to devise a framework of support that meets the need of all staff. As individuals we all vary in how much support we need after an unpleasant incident. Generally, a member of the leadership team would expect to talk to staff and children involved (if appropriate) in any incidents involving violence. If members of staff need time to rest or compose themselves, then the Headteacher will make arrangements for the class group to be supported.

### **16. Frequently Asked Questions (These are from the department of education)**

**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.