



# The Market Weighton School

## Use of Reasonable Force Policy

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| Policy Author                             | Richard Harrison |
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| Reviewed By                               | Richard Harrison |
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## Aims

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### 1. Background

- 1.1. In general, the use of any physical force (or indeed any physical contact) by a member of staff on a pupil would be entirely inappropriate. However, there are rare circumstances where it is appropriate to use the minimum amount of restraint or force needed to prevent certain behaviours.

### 2. Objectives

- 2.1. Maintaining the safety of students and staff.
  
- 2.2. Preventing serious breaches of school discipline, eg, violence directed at another person.
  
- 2.3. Preventing serious damage to property.

## Content

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### 3. Minimising the need to use force

- 3.1. The use of reasonable force by staff to restrain or control students to maintain safety for all students will be an extremely rare event. The risk of such an event occurring is minimised by:
  - 3.1.1. creating a calm, positive environment in which rewards and sanctions are used in line with the school's behaviour policy;
  - 3.1.2. building supportive and constructive relationships;
  - 3.1.3. de-escalating incidents that arise by, for example, ensuring that non-threatening body language is used, encouraging students to see that there is a way out of the situation and sending for particular members of staff well known by the student;
  - 3.1.4. being familiar with the individual behaviour support plan (IBP) of students that staff come into contact with regularly;
  - 3.1.5. wherever practicable, warning a student that force may have to be used before using it.

### 4. What the law says

- 4.1. Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- 4.1.1. committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
  - 4.1.2. causing personal injury to, or damage to the property of, any person (including himself);
  - 4.1.3. prejudicing the maintenance of good order and discipline at the school or among pupils at the school, during a teaching session or otherwise.
- 4.2. Please note: there is no legal definition of when it is reasonable to use force; it depends upon the precise circumstances of each case, to this end:
- 4.2.1. reasonable force used needs to be in proportion to the consequences it is intended to prevent;
  - 4.2.2. the degree of force used should be the minimum needed to achieve the desired result;
  - 4.2.3. use of reasonable force could not be justified to prevent trivial misbehaviour.
- 4.3 Schools can use reasonable force to (*Latest DfE Advice for Headteachers, Staff and Governing Bodies – July 2013*):
- 4.3.1 remove disruptive children from the classroom where they have refused to follow an instruction to do so;
  - 4.3.2 prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
  - 4.3.3 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;
  - 4.3.4 prevent a pupil from attacking a member of staff or another pupil, or to stop a fight;
  - 4.3.5 restrain a pupil at risk of harming themselves through physical outbursts.

## **5. Staff authorised to use force**

5.1. All teaching staff and staff the Headteacher has authorised to have control/charge of pupils have the statutory power to use reasonable force.

## **6. Judgement**

6.1. The judgement on whether to use reasonable force and what reasonable force to use should always depend on the circumstances of each case and – crucially in the case of students with SEN and / or disabilities – information about the individual concerned. Decisions on whether the precise circumstances of an incident justify the use of force must be reasonable. Typically such decisions have to be made quickly, with little time for reflection. Nevertheless, staff need to make the clearest possible judgements about:

6.1.1. the seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used. The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified;

6.1.2. the chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified;

6.1.3. the relative risks associated with physical intervention compared with using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that force may be justified.

6.2. Situations where staff should not normally intervene without help:

6.2.1. There may be circumstances that a member of staff should not intervene in an incident without help, unless it is an emergency. In these circumstances the member of staff should take steps to remove other students who might be at risk and summon assistance from other staff by telephone or sending another student. Relevant examples here might include: a student acting aggressively/ shouting/ screaming or engaging in serious verbal abuse; a student who behaves aggressively towards property, for instance kicking a wall, pushing over a desk; a student who “kicks off” and runs away from the scene.

## **7. What is reasonable force? (Latest DfE Advice for Headteachers, Staff and Governing Bodies):**

7.1 The term ‘reasonable force’ covers a broad range of actions used by most teachers at some point in their career that involve a degree of physical contact.

7.2 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.

7.3 ‘Reasonable in the circumstances’ means using no more force than needed.

7.4 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.

## **8. Using Reasonable Force**

8.1. Before using reasonable force staff should, wherever practicable, tell the student to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not give the impression of acting out of anger or frustration, or to punish a student, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

8.2. The types of force used could be:

8.2.1. passive physical contact resulting from standing between students or blocking a student's path.

8.2.2. active physical contact such as:

8.2.2.1. leading a student by the hand or arm;

8.2.2.2. ushering a student away by placing a hand in the centre of the back;

8.2.2.3. in more extreme circumstances, using appropriate restrictive holds, but in these cases only staff trained and authorised to use such holds should do so.

8.3. Where there is a high risk of immediate death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a student from running off the pavement onto a busy road or preventing a student from hitting someone.

8.4. Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a student.

8.5. Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

8.6. Where the risk is not so urgent the staff member should consider carefully whether, and if so when, physical intervention is right. For example, in situations where the aim is to maintain good order and discipline and there is no direct risk to people or property any action which could exacerbate the situation needs to be avoided. Staff should always try to deal with a situation through other strategies before using reasonable force. All staff need developed strategies and techniques for dealing with difficult pupils and situations which they should use to defuse and calm a situation.

8.7. The age and level of understanding of the pupil is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older pupils. It should never be used as a substitute for good behavioural management.

## **9. Staff training in the use of force**

9.1. As the frequency of situations where the need to use force is extremely low and is unlikely to involve the need to deploy restrictive holds, staff training for this issue will be kept at a level commensurate with the need for these skills. All staff will be made aware of this policy and if there is an incident where force is used, colleagues working with that student will be informed and training revised accordingly.

9.2. Staff training with regard to behaviour management is ongoing at the school and is aimed at supporting the development of respectful, trusting relationships.

## **10. Recording and reporting incidents**

10.1. As well as immediately informing a senior member of staff about any such incident, it is important that there is a detailed written report of any significant occasion where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint; the report should include the following:

10.1.1. name of the student(s) involved and the time and location of the incident;

10.1.2. the names of other staff/ students who witnessed the incident;

10.1.3. the reason why force was necessary;

10.1.4. how the incident progressed, including as much detail as possible about attempts to defuse the situation, student behaviour, etc;

10.1.5. the degree of force used, how applied and length of time;

10.1.6. the outcome of the incident;

10.1.7. details of any known injuries suffered by any party.

10.2. The following questions are helpful in deciding whether an incident requires a written record. If the answer to any of the following questions is 'yes' the incident should be recorded:

10.2.1. did the incident cause injury or distress to a student or a member of staff?

10.2.2. even though there was no apparent injury or distress, was the incident sufficiently serious in its own right to require a written record? Any use of restrictive holds would, for example, fall into this category;

10.2.3. is a written record needed to be able to justify the use of reasonable force? This is particularly relevant where the judgement was finely balanced;

10.2.4. is a written record needed to help identify and analyse patterns of student's behaviour or staff training needs?

10.2.5. were other agencies involved, such as the police?

10.3. Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

10.4. After any recordable incident, parents should be informed. Incidents involving the use of force can cause the parents of the pupil involved great concern. It is always advisable to inform parents of an incident involving their child, and give them an opportunity to discuss it. The Headteacher, or member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing.

## **11. Post incident support**

11.1 Serious incidents involving the use of force will be extremely rare and if they do occur they will be upsetting to all concerned. As well as appropriate and immediate medical support, ongoing emotional support will be in place for both students and staff who witnessed or were part of any violent event. Staff will be offered time to compose themselves following an incident. For students whose behaviour is associated with SEN and/or disabilities, a behaviour plan will be put in place. These plans will be designed to prevent and deal with any further recurrence of behaviour that could lead to the use of force.

11.2 As part of this process of garnering additional support, an assessment will be made about whether to involve multi-agency partners. At The Market Weighton School students involved in aggression, either verbal or physical, face clear and immediate sanctions. If the use of reasonable force has been necessary it will generally be the case that a serious incident of poor behaviour has escalated out of control. The student responsible for this serious incident can expect a firm and clear response from the school, if the incident involves any kind of assault exclusion is likely to follow. Students involved in such poor behaviour will be held responsible and expected to make efforts to repair any harm they have caused.

## **12. Complaints**

12.1. Parents and students have the right to complain about actions taken by school staff. This conceivably could include an incident where the use of reasonable force has been

deployed. In almost all circumstances the school's complaints procedure is the process which parents and students should follow. If a specific allegation of abuse is made against a member of staff then the school will follow set guidance.

- 12.2.** Open and speedy communication with parents following any incident where reasonable force has been used, along with a clear use of force policy, should help to minimise the chances of a complaint about use of force. If there is an investigation then the school's policy and the degree to which it has been adhered to will be important factors.