



Grove School

# Policy on the Use of Reasonable Force

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Mission statement:

**“Enjoy, learn, achieve”**

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## **Policy on the Use of Reasonable Force**

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Key points (taken from 'Use of Reasonable Force' July 2013.)

- i) School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action
- ii) Suspension should not be an automatic response when a member of staff has been accused of using excessive force
- iii) Senior School leaders should support staff when they use this power

The policy is for the governing body, head teacher and all staff at Grove School

1) **Aims of the Policy**

- To provide guidance on the circumstances in which physical restraint may be appropriately used, procedures that should be in place and the techniques that are considered to be suitable. It is vitally important that staff, pupils and parents understand these procedures and the context in which they apply
- To ensure staff are clear about their role when they are working with children in order that both their own rights and those of children are protected
- To ensure that all staff understand that reasonable force or restraint is only used as a last resort
- To set out the framework for the use of physical restraints in a general sense while recognising that there are circumstances that will require more particular approaches.

2) **The Law regarding the use of reasonable force**

This policy was written using Department for Education 'Use of Reasonable Force, Advice for head teachers, staff and governing bodies. July 2013'

This policy relates to the Education Act 1996 and Education and Inspections act 2006.

3) **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.

- 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 force .
- This power applies to any member of staff at the school. It can also apply to people whom the head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organise 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.

### **School 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.

#### 4) **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”<sup>3</sup>:

- 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.

#### 5) **The Responsibility of the Headteacher**

The Headteacher should:

- Ensure all staff employed in the school understand and accept their role in the use of reasonable force to control or restrain pupils
- Monitor and record any use of physical restraint. Recording should be clear, comprehensive and prompt. Such documentation should be reviewed annually by the Headteacher and the Governing Body.
- Ensure there is access to a complaints system for pupils, parents or staff, with known procedures and identified senior member of staff to monitor the outcome, the involvement of an appropriate person outside the school should be considered. The complaints procedure must be consistent with safeguarding procedures. Once a complaint has been received, early inter-agency discussion between Education, Children’s Services and the police will take place
- Following an incident of restraint clear procedures should be established to support both the young person(s) and the member(s) of staff involved in the incident.

## 6) **Risk Assessment**

From time to time it may be necessary to carry out a risk assessment regarding a particular pupil/group of pupils or situation. In such cases a risk assessment should be carried out with senior Grove staff and appropriate external agencies involved.

The risk assessment should:

- Establish the likelihood of adverse outcomes for either children or adults
- Provide some estimate of the likely consequences if such outcomes were to occur
- Enable staff to take steps and seek assistance so as to avoid unreasonable risk to themselves
- Provide opportunities to discuss as a staff response to unforeseen situations

Identify the type of physical restraints, which are used or authorised for use.

For each type of restraint the following questions should be asked and itemised:

- Establish the likelihood of adverse outcomes for either children or adults
- What possible outcomes, positive and negative, could arise from this physical restraint?
- What are the likely outcomes if no action is taken?
- How are staff kept informed of pupils who may present a risk and for those whom there is an agreed protocol?
- Note that doing nothing (planned ignoring) is a realistic course of action if it is taken deliberately
- Who might be harmed and how e.g. the young person, the adult, bystanders, the property?
- Evaluate the risks. Look for the least restrictive physical restraint to respond effectively to foreseeable incidents
- Review and record the findings of such an evaluation regularly

## 7) **Employer's responsibility**

Staff are entitled to appropriate medical treatment and sick leave.

Staff involved in violent incidents or repeated physical restraint may become stressed. Procedures should be in place to monitor them.

Through supervision or appraisal, all staff should be allowed access to discussions of incidents involving physical restraint.

Different adults respond in different ways to psychological stress. Support following incidents of aggression should reflect the individual needs and strengths of each member of staff, including, where necessary.

To provide training and guidance for all staff and volunteers regarding the use of reasonable force.

All staff should be encouraged to ask for their use of physical restraint to be monitored or to report any incidents that give rise to concerns.

The school should have a procedure for monitoring the use of restraint.

Monitoring should promote good practice and reduce poor methods of restraint.

#### 8) **Review Procedures**

A review process for incidents of physical restraint should include the following:

- What steps are taken to ensure that minimum reasonable force is used if physical restraint is needed?
- Have the incidents needing physical restraint increased/decreased?
- Are incidents monitored to ensure that the length of time physical restraint is used and is kept to a minimum?
- Are practices reviewed and alternative methods not using physical restraint explored as a possible outcome in each case?
- What steps are taken to ensure that physical restraint used causes a minimum of pain or distress?
- Where physical restraint is used, what method is there for checking medical advice?
- What steps are taken following physical restraint for the young person and the adults involved?
- Are there separate debriefing sessions for both pupil and members of staff who have been involved in a restraint? Does the review explore antecedents, consequences and alternative courses of action?
- A regular and planned review of these issues is an essential part of their management

## 9) **Types of restraint**

The following types of restraint are acceptable for the staff listed in Section 9:

- Any holding tactic in which a young adult is restrained without injury until the young adult calms down
- Physical contact with a young person designed to control the young person's movements that pose a danger (e.g. holding by the arms against the side of the body). Standing by the side of the young person is likely to minimise the risk to adult and young person
- The holding of a young person's arms or legs to prevent/restrict striking/kicking
- The use of sufficient physical force – without causing injury – to remove a weapon/dangerous object from a young person's grasp
- Physically preventing a young person from exposing themselves to possible danger by leaving the premises.

Where restraint takes place the member of staff should advise the child calmly and repeatedly that he/she could stop the restraint by applying self-control. The child should be released as soon as is safely possible.

### **Using force**

- A panel of experts 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) **Reporting procedures when reasonable force has been used**

School will inform parents about serious incidents involving the use of force.

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

- The pupils 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
- The child's age

When reasonable force has been used a 'Serious Incident Report Form' will be completed. See Appendix A.

The incident will be logged in a bound and numbered book retained in the head teacher's office.

## **11) 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.
- 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 should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see the ‘Further sources of information’ section below) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- 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.
- 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.

## **12) What physical contact can staff make with children?**

It is not illegal to touch a pupil. The following are examples of where it is appropriate to make physical contact.

- holding the hand of a child when in a line going to assembly, walking around school
- when comforting a distressed pupil
- when a child is being congratulated or praised
- to demonstrate how to hold a musical instrument
- to demonstrate exercises or techniques during PE or sports coaching
- to give first aid



## Grove School

### Serious Incident Report Form

Serious incident book log number \_\_\_\_\_

Name of Pupil \_\_\_\_\_ Year/Group \_\_\_\_\_

Date of incident \_\_\_\_\_ Time of Incident \_\_\_\_\_ Place \_\_\_\_\_

How was the actions taken in the best interests of the child? \_\_\_\_\_

What risk assessments were taken prior to or during the Physical Intervention \_\_\_\_\_

Reasons for restrictive physical intervention	
Prevent a person from causing pain or injury to themselves or others	
Prevent person from damaging property or committing a criminal offence	
Move a person who is actively resisting to a safer place	
Prevent a person who is actively resisting to a safer place	
Prevent a person who is actively resisting from moving to a less safe place	
Good order prejudiced	

**1.1 Concise details of how the incident began and nature of pupil behaviour**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

**1.2 De-escalation techniques used prior to restrictive physical intervention**

Verbal advice and support		Reassurance	
Calm talking		Humour	
Distraction		Options offered	
Step away		Support systems	
Negotiation		Non-threatening body language	
Physical Intervention (excluding restraint)		Instruction	
Warning		Other (please specify)	

**1.3 Restrictive physical intervention technique (s).**

Technique	Standing		Sitting/Chairs		Kneeling/Sitting on floor	
Steering away						
Friendly hold						
Single elbow hold						
Figure of four						
Double elbow						
Wrap						
Fight separation						

Length of time of restrictive physical intervention \_\_\_\_\_

Brief description of the physical intervention \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**1.4 Details of any injury**

Staff			Pupils		
Body map completed	Yes	No	Medical Treatment	Yes	No
Accident form completed	Yes	No			

Give brief details of injury and treatment \_\_\_\_\_

**1.5 Damage to Property**      **Yes**            **No**     

**1.6 Incident report of Name** \_\_\_\_\_ **Time** \_\_\_\_\_ **Date** \_\_\_\_\_

**1.7 Signature of Report compiler** \_\_\_\_\_ **Time** \_\_\_\_\_ **Date** \_\_\_\_\_

**1.8 Parents/Carer informed? How? When? By whom?** \_\_\_\_\_

**1.9 Positive listening offered Yes/No, If No why not?** \_\_\_\_\_

**Name of other staff involved**

\_\_\_\_\_ **Date** \_\_\_\_\_

\_\_\_\_\_ **Date** \_\_\_\_\_

