

Carrdus School

Use of Reasonable Force Policy

Rationale

The use of force is an area of concern to all teachers. There is a common misconception that, since the Children Act 1989, any physical contact with a child is in some way unlawful. That is not true. Where necessary, reasonable force can be used to control or restrain children. Physical contact with children may also be appropriate or necessary in other circumstances. The Education and Inspections Act 2006 authorises the use of reasonable force in certain circumstances. This in conjunction with the DfE guidance "Use of Reasonable Force" which has guided the formulation of this policy.

Objectives

- To maintain the safety of pupils and staff
- To prevent serious breaches of school discipline
- To prevent serious damage to property
- To acknowledge that force is only to be used as a last resort when the risks in not using force outweigh the risks in using force

Success Criteria

- That the safety of the school community is maintained
- That staff are aware of the policy
- That any incidents where restraint or force are used follow the procedures below

Principles

This policy does not in any way authorise the use of corporal punishment. The law forbids a teacher to use any degree of physical contact which is deliberately intended to punish a child, or which is primarily intended to cause pain or injury or humiliation.

Staff authorised to use force are all teaching and pastoral staff. Staff will have this policy explained to them as part of the induction process.

The school is committed to minimising the need to use force and takes many actions to prevent this. All staff are aware that a calm, orderly and supportive environment is expected by the school. Good relationships between all members of the school community are encouraged. Staff are appropriately trained in handling difficult situations and are encouraged to plan the management of potentially difficult situations. Staff are expected to respond calmly and appropriately to challenging behaviour and to seek support from colleagues to prevent incidents escalating.

Defining 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.

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- 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 child 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.
- Force must only be used as a last resort when the risks involved in not using force outweighed those involved in using force, the potential consequences of not intervening were sufficiently serious to justify considering using force and the chances of achieving the desired outcome by other means were low.

Using reasonable force

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.

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;
- Restrain a pupil at risk of harming themselves through physical outbursts;
- Conduct a search without consent for a prohibited item if authorised by the Head to do so. See Appendix 1 for details.

There is no legal definition of when it is reasonable to use force, but any force used must be proportionate to the consequences it is intended to prevent. The degree of force used should be the minimum required to achieve its aims. The member of staff must take into account any specific educational needs and/or disability of the pupil concerned.

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When using force:

- Staff are advised wherever possible to give a clear oral warning to the pupil that force may have to be used;
- They should use as little force as possible to achieve the desired outcome;
- They may use passive force e.g. stand between two children or more active physical contact such as leading a pupil by the arm;
- If there is a risk of serious injury or death more force may be required e.g. to stop a pupil from stepping into a busy road;
- Staff should always try to avoid causing any injury to pupils;
- Staff should always avoid touching pupils in a way that could be interpreted as sexually inappropriate conduct;
- Ideally staff would never use force without another adult present;
- The member of staff should continue attempting to communicate with the child throughout the incident, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary;
- A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the child;
- Sometimes a teacher should not intervene in an incident without help (unless it is an emergency). For example, when dealing with an older child, or a physically large child, or more than one child, or if the teacher believes he or she may be at risk of injury. In those circumstances the teacher should remove other children who might be at risk, and summon assistance from a colleague or colleagues, or where necessary phone the police. The teacher should inform the child(s) that he or she has sent for help;

Reporting instances where force has been used

All instances where force is used must be reported and recorded by the Head. Immediately following any such incident, the member of staff concerned should tell the Head or a senior member of staff and complete an entry in the school's Physical Intervention Log.

- the name(s) of the child(s) involved, and when and where the incident took place;
- the names of any other staff who witnessed the incident;
- the reason that force was necessary (e.g. to prevent injury to the child, another child or member of staff);
- how the incident began and progressed, including details of the child's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied and for how long;
- the child's response and the outcome of the incident;

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- details of any injury suffered by the child, another child, or a member of staff and of any damage to property.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling the entry.

Reporting to parents

Incidents involving the use of force can cause the parents of the child/children involved great concern. Any such occasion must be reported to parents on the same day or as soon as reasonably practicable.

Complaints

Involving parents when an incident occurs with their child, plus a clear policy about physical contact with children that staff adhere to, should help to avoid complaints from parents. It will not prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police or local safeguarding board under safeguarding procedures. In the event of a complaint, the school's complaints policy will be adhered to. Suspension will not be the automatic response to a complaint, but would be a decision taken after careful thought.

Touching 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. Teachers will use their own professional judgement when they feel a child needs this kind of support.

Examples of where touching a pupil might be proper or necessary:

- 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.

There may be some children for whom touching is particularly unwelcome. For example, some children may be particularly sensitive to physical contact because of their cultural background, or because they have been abused. It is important that all relevant staff receive appropriate information on these children.

Physical contact with children becomes increasingly open to question as children reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

Monitoring and review

The Head is responsible for ensuring the policy is followed, that staff receive briefing at induction and for reviewing its effectiveness annually.

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Appendix 1: Searching without consent

Background

Guidance on searching without consent is drawn from “Screening, searching and confiscation - advice for head teachers, staff and governing bodies “ DfE.

The Head, and staff authorised by the Head, have a statutory power to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that the pupil may have a prohibited item. We recognise that it is less likely, but not impossible, for children in our ‘primary age’ school to be in possession of prohibited items, but we will nevertheless search possessions without consent if we have any grounds to believe that a child is in possession of one/any of the following:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be, used
 - i) to commit an offence,
 - ii) to cause personal injury to, or damage to the property of, any person (including the pupil)
- head teachers and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Member of school staff means any teacher who works at the school, and any other person who with the authority of the Headteacher has lawful control or charge of pupils for whom education is being provided at the school.

Under what circumstances?

You must be the same sex as the pupil being searched, there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the pupil being searched.

There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and without a witness present, but **only** where you reasonably believe that there is a risk that **serious harm** will be caused to a person if you do not conduct the search immediately and where it is **not reasonably practicable** to summon another member of staff.

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When can you search?

If you have reasonable grounds for suspecting that a pupil is in possession of a prohibited item.

Authorising Staff

The Head will decide who to authorise to use these powers. There is no requirement to provide authorisation in writing. This will normally be the Deputy.

The law states that Heads may not require anyone other than a member of the school security staff to undertake a search. Staff can be authorised to search for some items but not others; for example, a member of staff could be authorised to search for stolen property, but not for weapons or knives.

Establishing grounds for a search

Teachers can only undertake a search without consent if they have reasonable grounds for suspecting that a pupil may have in his or her possession a prohibited item. The teacher must decide in each particular case what constitutes reasonable grounds for suspicion. For example, they may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to be suspicious.

In the exceptional circumstances when it is necessary to conduct a search of a pupil of the opposite sex or in the absence of a witness, the member of staff conducting the search should bear in mind that a pupil's expectation of privacy increases as they get older. The powers allow school staff to search regardless of whether the pupil is found after the search to have that item. This includes circumstances where staff suspect a pupil of having items such as illegal drugs or stolen property which are later found not to be illegal or stolen.

Location of a search

Searches without consent can only be carried out on the school premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on school trips in England or in training settings.

The powers only apply in England.

During the search

Extent of the search – clothes, possessions, desks and lockers.

What the law says:

- The person conducting the search may not require the pupil to remove any clothing other than outer clothing.
- 'Outer clothing' means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but 'outer clothing' includes hats; shoes; boots; gloves and scarves.

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- ‘Possessions’ means any goods over which the pupil has or appears to have control – this includes desks, lockers and bags.
- A pupil’s possessions can only be searched in the presence of the pupil and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

The power to search without consent enables a personal search, involving removal of outer clothing and searching of pockets; but not an intimate search going further than that, which only a person with more extensive powers (e.g. a police officer) can do.

Lockers and desks

Under common law powers, schools are able to search lockers and desks for any item, provided the pupil agrees. Schools can also make it a condition of having a locker or desk that the pupil consents to have these searched for any item whether or not the pupil is present.

If a pupil does not consent to a search (or withdraws consent having signed a consent form) then it is possible to conduct a search without consent but only for the “prohibited items” listed above.

Use of force

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules.