

Ullesthorpe C of E Primary School
Use of Reasonable Force Policy M9

Signed by the Governing Body:

Agreed by the Governing body: September 2015

Review date: Autumn 2018 or earlier if required.

The 2006 Education and Inspections Act permits the use of reasonable force to restrain a pupil. Non-statutory guidance from the Department for Education was distributed in autumn 2012 to provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of school leaders and governing bodies in respect of this power.

What is reasonable force?

- The term 'reasonable force' covers the broad range of actions used that involve a degree of physical contact with children.
- Force is usually used to control or restrain. This can range from guiding a child to safety by the arm through to more extreme circumstances such as breaking up a fight, preventing violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed.
- Control means either passive physical contact, such as standing between children or blocking a child'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 child under control. It is typically used in more extreme circumstances, for example when two children 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 child.

Who can use reasonable force?

- All members of staff have a legal power to use reasonable force.
- This power can also apply to unpaid volunteers or parents accompanying / in charge of children in school or on a school organised visit.

When can reasonable force be used?

- Reasonable force can be used to prevent children from hurting themselves or others, from damaging property or from causing disorder.
- The decision 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:
Reasonable force can be used to:
 - remove disruptive children from the classroom where they have refused to follow an instruction to do so;
 - prevent a child behaving in a way that disrupts a school event or a school trip or visit;
 - prevent a child leaving the classroom where allowing the child to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
 - prevent a child from attacking a member of staff or another child, or to stop a fight in the playground.

FORCE CANNOT BE USED AS A PUNISHMENT – IT IS ALWAYS UNLAWFUL TO DO SO.

Staff training

All staff will be given the opportunity to be involved in whole staff positive handling training. Staff who have been trained to an appropriate level are authorised to use restrictive physical interventions. However, in an emergency the use of physical intervention by other people can be justified if it is the only way to prevent injury or to prevent an offence being committed. The use of physical intervention should be reasonable and proportionate.

Recording and reporting incidents

Serious incidents involving the use of force will be recorded and reported to parents / carers. In deciding what is a serious incident involving the use of force, staff should use their professional judgement and consider:

- the child's behaviour and level of risk presented at the time

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- the degree of force used
- the effect on the child or member of staff
- the child's age

What happens if a child complains when force is used?

- All complaints about the use of force will be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law i.e. 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 their allegation is true, it is not for the member of staff to show that he/she has acted reasonably.
- Where an allegation of using excessive force is made, we will refer to the guidance on 'dealing with allegations of abuse against teachers and other staff.'
- We have a duty of care towards staff and will provide appropriate pastoral care for any member of staff who is subject to a formal allegation following a use of force incident.