

Harlow Inspirational Learning Trust



Use of Reasonable Force Policy

This Policy should be read in conjunction with the Department for Education guidance published in July 2013, “Use of Reasonable Force: Advice for Head Teachers, staff and governing bodies”.

Aims

- To create a learning environment in which young people and adults feel safe.
- To protect every person in the school community from harm.
- To protect all pupils against any form of physical intervention that is unnecessary, inappropriate, excessive or harmful.
- To put in place guidance for staff so that they are clear about the circumstances in which they might use reasonable force to control or restrain pupils and how such reasonable force might be applied and for stakeholders to be fully aware.

Legal Framework

What is ‘reasonable force?’

1. The term ‘reasonable force’ covers a broad range of actions that involve a degree of physical contact with pupils.
2. ‘Force’ is usually used either to control or restrain.
 - ‘Control’ means either passive physical contact (e.g. standing between pupils or blocking a pupil’s path) or active physical contact (e.g. leading a pupil by the arm out of the classroom).
 - ‘Restraint’ means to hold back physically or to bring a pupil under control. Used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
3. ‘Reasonable in the circumstances’ means using no more force than is needed.
4. School staff will 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 as an act of care (Section 93 of the Education and Inspections Act 2006);
- This power also applies to people whom the Head Teacher has temporarily put in charge of pupils, such as unpaid volunteers or parents accompanying pupils on school-organised visits;
- **This does not include any pupils (including those in positions of authority).**

The power may be used where the pupil (including a pupil from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (e.g. on a school trip).

Judging whether to use force and what force to use

This policy and related use of 'reasonable force' guidance is intended to help staff feel more confident about using force when they think it is right and necessary.

The judgement on whether to use force and what force to use will always depend on the circumstances of each case and – crucially in the case of pupils with SEN or disabilities – information about the individual concerned.

HILT will develop an individual risk assessment where it is known that force is more likely to be necessary to restrain a particular pupil, such as a pupil whose SEN and/or disability is associated with extreme behaviour.

Based on this legal framework, our school's 'working' definition of 'reasonable force' is the minimum force necessary to prevent a pupil from physically harming him/herself or others, or seriously damaging property, but used in a manner which attempts to preserve the dignity of all concerned. The use of reasonable force will always depend on the circumstances of the case and staff will take the following into consideration:

- whether it is reasonable to use force, and the degree of force that could reasonably be employed, given the age, gender, physical strength, size, understanding, medical conditions and any special educational needs or disabilities of the child;
- the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. Therefore, physical force should not be used in a situation that could clearly be resolved without force;
- the degree of force employed should be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to diffuse the situation.

When can reasonable force be used?

Because the use of force should only be a last resort, staff and volunteers at HILT recognise the importance of minimising the possibility of force being needed by creating a calm, orderly and supportive climate that lessens the risk and threat of violence of any kind.

(Please refer to our Behaviour Policy).

HILT staff will always act in the best interest of each and every child. Prevention will always be the primary consideration and steps to avoid using force will be taken. All staff need to be aware of de-escalation strategies and positive behaviour support techniques which they can take to diffuse and calm a situation. The strategies listed below are examples and will be influenced by the age of the pupil(s) and the context in which they are applied:

1. Move calmly and confidently;
2. Make clear, simple statements;
3. Intervene early;
4. Try to maintain eye contact;
5. If necessary, summon help before the problem escalates;

Action steps:

1. Tell the pupil who is misbehaving to stop and tell him/her the possible consequences of failure to do so;
2. Summon another adult
3. Continue to communicate with the pupil throughout the incident;
4. Make it clear that physical intervention will cease as soon as it is no longer necessary;
5. Appropriate follow-up action should be taken, which may include:
 - a. providing medical support;
 - b. providing respite for those involved;
 - c. accessing external advice/support.

A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper or are acting out of anger or frustration when handling a problem.

The following will also be applied:

- Staff should delay if at all possible. However, in some circumstances (e.g. a child running out onto the road) it might be deemed negligible if a member of staff does not intervene immediately.
- An 'on the spot' risk assessment is made for each occasion where we feel reasonable force may be necessary.
- Consideration should be given to the environment, any medical circumstances and the clothing.
- Action being taken should always be for the good of the child, trying to keep them safe.
- Reasonable force should be witnessed by another responsible adult if possible. Staff should call for another adult if reasonable force is needed and another adult is not available in the area.

However, there are occasions when physical intervention is deemed unavoidable. Therefore, reasonable force may be used to prevent a pupil from:

- a) Committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil); or
- b) Causing personal injury or injury to others; or
- c) Causing damage to property; or
- d) Prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

Reasonable force might also be used in self-defence, where risk of injury is imminent.

Some examples of when HILT staff may use reasonable force: (which are not exhaustive)

- To remove a disruptive child from the classroom where they have persistently refused to follow an instruction to do so;
- To prevent a pupil causing deliberate damage to property;
- To prevent a pupil behaving in a way that seriously disrupts a lesson; or
- To prevent a pupil behaving in a way that seriously disrupts a school event or a school trip;
- To prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or the safety of others;
- To prevent a pupil from attacking another pupil or a member of staff, or to stop a fight between two or more pupils;
- To restrain a pupil at risk of harming themselves through physical outbursts;
- To conduct a search for a set list of prohibited items

HILT acknowledges its legal duty to make reasonable adjustments for children with special educational needs and disabilities (SEND).

In addition, the Head Teacher and senior teachers can use force as is reasonable given the circumstances to conduct a search for the following “prohibited items” (Section 550ZB(5) of the Education Act 1996):

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers, e-cigarettes or vapes
- 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.

Schools do not require parental consent to use reasonable force on a pupil.

Forms of ‘reasonable force’

Physical intervention in any of the circumstances above may take several forms, (which are not exhaustive) for example:

- physically interposing between pupils
- blocking a pupil’s path;
- holding;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back; or
- (in extreme circumstances) using more restrictive holds.

HILT staff will never use force as a punishment – this would fall into the definition of corporal punishment which is illegal.

Staff are also made aware that the use of force to intentionally cause pain, injury or humiliation, such as the examples below (which are not exhaustive) are not permitted under any circumstances:

- holding around the neck;
- any hold that might restrict breathing;
- kicking, slapping or punching;
- forcing limbs against joints;
- tripping;
- holding by the hair; and
- holding the pupil face down on the ground.

Staff must always avoid touching or holding a pupil in a way that might be considered indecent.

Roles and responsibilities

HILT will endeavour to ensure that all staff know and understand their roles and responsibilities in relation to the management of pupils as laid out in this policy.

There is no statutory requirement for every member of staff to be trained, however, it is expected that the Head Teacher 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. “It is advisable that at least one member of staff in every school has received recent training by expert accredited providers in physical intervention and restraint techniques”

HILT endeavors to ensure that an appropriate number of staff are up to date with training.

All staff have access to this policy.

The SENCO will keep staff informed about pupils with special educational needs and disabilities who may require special attention with regard to their physical management. Staff will in turn consult the SENCO regarding any concerns that they have about the physical management of pupils with special educational needs and disabilities.

Senior leaders will ensure that staff are made aware of individual pupils who are considered likely to pose serious behavioural problems or violence.

Recording serious incidents

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

- the pupil's 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; and
- the child's age.

HILT has a procedure in place following a 'serious incident' in which a member of staff uses force with a pupil. The Head Teacher and SLT will take all reasonable steps to ensure that staff follow the procedure:

- The member of staff concerned should inform the Head Teacher or senior leader;
- Parents/carers should be informed by telephone as soon as is practicable after the incident and a meeting arranged if appropriate;
- The member of staff concerned must complete an Incident Report form and upload to CPOMS alerting the SLT.
- A follow up session will be arranged with the pupil, parents/carers, class teacher, senior leader and possibly but not necessarily the member of staff who carried out the physical intervention. This meeting is to review events leading up to the use of physical intervention; identify appropriate support arrangements and strategies to prevent and deal with any recurrence of behaviour that could lead to the use of force; and to maintain positive relationships between pupils, parents and staff.

Dealing with complaints and allegations regarding the use of force

Parents and pupils have a right to complain about actions taken by school staff, including any use of force.

If a specific allegation is made against a member of staff then the school will follow procedures set out in

- the school's Complaints Policy
- DfE guidance on "Dealing with allegations of abuse against teachers and other staff".

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.

ME/MD/SC
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