


MARLFIELDS PRIMARY ACADEMY

Use of Reasonable Force Policy

Policy Author (s)	Mrs S Isherwood
Responsible Committee	Resources
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Chair of Governors Signature	
Frequency of Review	Review in the light of changes to legislation or operating experiences Or within two years of approved date from Full Governors Meeting
Review Month	November
Academy Website	Yes

Use of Unreasonable Force Policy

Objectives

- To protect pupils and staff
- To prevent serious breaches of school discipline
- To prevent serious damage to property

Marlfields Primary Academy is committed to safeguarding and promoting the welfare of children and expects all staff to share this commitment.

This policy is shared and communicated to all staff and parents.

Minimising the Need to Use Force

Use of force is only used as a last resort and procedures are in place at Marlfields Primary Academy to create a calm and orderly environment and supportive school climate that lessens the risk and threat of violence of any kind. Effective relationships are developed between staff and pupils and PSHE and Thrive activities that support pupils to manage conflict and cope with their feelings. Staff are also given guidance and training in how to manage pupil behaviour using positive strategies first and foremost.

Staff Authorised to Use Force

All staff are authorised to use force when the relevant thresholds for its use are met. The term staff include all teachers, support staff and other staff employed by the school. **Members of staff should not put themselves at risk.** An individual would not be seen to be failing in their duty of care by not using force to prevent injury, if doing so threatened their own safety.

The Governing Board of Marlfields Primary Academy has adopted the DfE guidance on 'The Use of Reasonable Force' 2013. Most of the guidance is non-statutory, though staff are strongly advised to follow all sections of the guidance, but the section on 'recording and reporting significant incidents' is statutory.

Temporary authorisation can also be granted in specified circumstances such as volunteer parents heling on a school trip, but this is under specific direction of a supervising member of staff.

Definitions

There is no statutory definition of 'reasonable force'. it depends on:-

- whether the force used is justified in the context in which the misbehaviour takes place
- whether the force used is proportionate to the consequences it is intended to prevent.

In schools force is generally used for two different purposes – to 'control' and to 'restrain' pupils.

Control means either passive contact (standing between pupils) or active physical contact (leading a pupil by hand or arm)

Restraint is when staff physically prevent a pupil from continuing what they were doing when told to stop, or when involved in a fight.

School staff should always avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring a pupil.

Who can use Reasonable Force

All members of staff have a legal power to use reasonable force. This can also apply to people whom the Principal has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on an organised visit.

Deciding Whether to Use Force

Staff should only use force when:

- the potential consequences of not intervening were sufficiently serious to justify considering use of force
- the chance of achieving the desired result by other means were low
- the risk associated with not using force outweighed those of using force

Staff in charge of pupils must ensure that clear guidance is given to volunteer helpers working with pupils who present particular risks to themselves or others, such as those with SEN or severe behavioural difficulties.

According to [Section 93 of the Education and Inspections Act 2006](#), **reasonable force can be used in the following circumstances:-**

- where a criminal offence is being committed
- self-defence or where pupils may injure themselves or others
- where the behaviour is prejudicial to maintaining good order and discipline at the school or among the pupils
- a risk of significant damage to property
- where the action occurs on the school premises or during an authorised activity off the premises
- when exercising the statutory power ([Section 45 – Violent Crime Reduction Act 2006](#)) to search pupils without their consent for weapons, alcohol, illegal drugs and stolen property.

NOTE: it is always unlawful to use force as a punishment.

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 trip
- prevent a pupil leaving the classroom where allowing them 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 on the playground
- restrain a pupil at risk of harming themselves through physical outbursts

Communicating the School's Approach to the Use of Force

This is done through the Behaviour and Discipline Policy and this policy. Schools do not require parental consent to use force on a student but makes policies available to parents.

Using Force

At all times the degree of force used should be the minimum needed to achieve the desired results and it cannot be used to prevent trivial misbehaviour. The judgement on whether to use force and what force to use should always depend on the circumstances of each case.

If at all possible, prior to physical intervention, pupils should be warned that force may have to be used.

Physical intervention can take a number of forms, for example:

- physically interposing between pupils
- standing in the way of a pupil
- holding, pushing or pulling
- leading a pupil away from an incident by the hand
- holding the tops of both arms or both hands
- sitting the child on your lap with a 'hug' to restrict movement and calm the child down (keep your chin away from the head.)
- going for a walk so that the child is doing the holding – 'which finger will you hold?' – trying to negotiate
- taking shoes off if there is a chance you will get kicked
- using techniques advised by the team

Advice for Staff

1. Stay calm and keep repeating the request to calm down in a quiet voice. Try to de-escalate the situation
2. Get down to the child's level if possible
3. Remember physical restraint is a last resort and try to ensure another adult is available if the situation requires it.
4. Never get involved physically with a child when you are angry – hand over to someone else
5. Force that should NOT be used includes holding round the neck, kicking, slapping or punching, forcing limbs against joints, tripping or holding by hair or ear, holding face down on the ground.
6. any form of force or restraint that is likely to injure a pupil (particularly anything that could constrict breathing) should only be used in extreme emergencies and where this is no viable alternative.

Pupils with SEN or Disabilities

The SENCO is directly involved in reviewing the needs and management programme of pupils with SEN and behavioural difficulties. An individual risk assessment is drawn up where it is known that force is more likely to be used to restrain a particular pupil, such as with a pupil with SEN or poor behaviour. This gives clear guidance on 'positive handling plans' and takes into account issues identified on a pupil's statement. Staff coming into contact with such vulnerable pupils need to be made aware of situations that may provoke difficult behaviour, preventative strategies and what de-escalation strategies are likely to work.

Parents are made aware that such a risk assessment is in place for their child and the school seeks express written consent from the parent to inform staff about their child and acknowledging that physical restraint may at times be necessary.

Staff Training

The school will decide whether a member of staff requires specialised training in the use of force.

Recording and Reporting Significant Incidents

This part of the guidance is statutory

The Governing Body must ensure appropriate procedures are in place for recording and reporting significant incidents where a member of staff has used force on a pupil.

An incident is significant and requires a written record when the answer is 'yes' to any of the following questions:

- did the incident cause injury or distress to a pupil or member of staff?
- even though there was no apparent injury or distress, was the incident sufficiently serious in its own right to require a written record? (i.e. involved restrictive holds)
- is a written record needed to justify use of force? (especially when judgement is finely balanced)
- is a record needed to help identify and analyse patterns of pupil behaviour or staff training needs?
- were other agencies involved, such as the police?

The members of the school team involved should record the incident onto CPOMS, as soon as possible, and this should be shared with the Principal, Senior Leadership Team and other Teacher in charge as appropriate. They will ask (on CPOMS) for any further detail or clarification needed, checking the details included on the Written Incident Form (see Appendix 1 for example) are recorded onto the school's CPOMS system. If several staff members have been involved CPOMS allows for independent accounts to be recorded. All members of staff (including students on teaching placements) have access to the CPOMS system.

All injuries are also recorded in line with other school procedures using the CPOMS system (e.g. First Aid Policy etc.) and the necessary accident forms.

If a person involved is not a member of staff and they do not have access to CPOMS, a written record (as Appendix 1), should be compiled by the individual involved with the Principal, Senior Leadership Team member and other Senior Teacher in charge. This should then be uploaded to CPOMS as soon as possible to provide continuity in the behaviour/incident log.

Parents, as soon as is practicable, are told when and where the incident took place, why force was used, what force was used, whether there were any injuries and what follow-up action (support and/or disciplinary) was being taken in relation to their child. If a child is subject to a care order, the local authority is also informed. (if reporting the incident to a parent may result in significant harm to the child then the LA is informed.) if appropriate other external agencies are informed such as the CE Safeguarding Officer, the Health and Safety Executive etc.

The record forms part of the child's educational record. Further detail on what information should and should not be disclosed is available in DfE guidance.

Post Incident Support

Care is taken after an incident to ensure both staff and pupils are supported including meeting immediate medical needs, rebuilding relationships and reflecting on the incident so lessons can be learned.

The Principal can report incidents to the Governing Board and they can monitor incidents where force has been used.

Complaints and Allegations

if a complaint is made, reference is made to the school's complaints procedure and guidance on dealing with allegations of abuse by staff. Further guidance is available in '[Use of Reasonable Force – Advice for Headteachers, Governing Bodies and staff 2013](#) Reviewed 2015'

What about other physical contact with 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.

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

- Holding a hand
- Comforting a distressed pupil
- Giving praise or congratulation
- Demonstrating how to use a musical instrument
- Demonstrating exercises or techniques during PE
- To give first aid

Links and Linking Policies

Behaviour and Discipline Policy

Safeguarding and Child Protection Policy

[Use of Reasonable Force – Advice for Headteachers, Governing Bodies and staff 2013](#) Reviewed 2015'

[Section 93 of the Education and Inspections Act 2006](#)

[Section 45 – Violent Crime Reduction Act 2006](#)

Appendix 1: Example Form

RISK ASSESSMENT AND SIGNIFICANT INCIDENT / RESTRAINT / RESTRICTION RECORD

For Additional Details Refer To Supporting Documentation

Name of the child or young person concerned: _____ Age: _____

Name of the person using the measure: _____

Names of any other people present: _____

Name of person completing this record: _____

Date: _____ Time: _____ Location: _____

Details of the behaviour leading to the use of the measure (what the child or young person was doing or saying):

Details of any methods used to avoid the need to use that measure (what you did - what you said - what you tried):

- ☐ Humour ☐ Verbal advice and support ☐ Firm clear directions ☐ Negotiation ☐ Limited Choices ☐ Distraction ☐ Diversion
- ☐ Reassurance ☐ Planned Ignoring ☐ Contingent Touch ☐ Calm talking ☐ Calm Stance ☐ Patience ☐ Withdrawal Offered ☐ Withdrawal Directed ☐ Swap Adult ☐ Reminders about Consequences ☐ Success Reminders

Why Was The Measure Necessary? - (describe your dynamic risk assessment and why you honestly believed that the measure you chose was in the best interests of the child or young person)

- ☐ Risk to Self ☐ Risk to Others ☐ Risk to Safe Physical Environment ☐ Risk to Safe Psychological Environment ☐ Prevention of Psychological Distress ☐ Prevention of Physical Harm ☐ Prevention of Criminal offence ☐ Temporary Loss of Competence or Capacity

A description of the measure used (what you did and what you said):

The effectiveness of the measure:

Duration of any measure of physical restraint or restriction in minutes and any time intervals between provision of active support:

Any consequences of the use of the measure:

A description of any injury to the child concerned or any other person:

A description of any medical treatment ☐ offered or ☐ administered:

External Agencies Informed and supporting records:

- ☐ Medical Referral _____ (Date and/or log number)
- ☐ Social Worker _____ (Date and/or log number)
- ☐ Health & Safety Report (RIDDOR) _____ (Date and/or log number)
- ☐ LADO _____ (Date and/or log number)
- ☐ Safer Schools Partnership Support Officer _____ (Date and/or log number)
- ☐ Placing Authority _____ (Date and/or log number)
- ☐ Responsible Parent _____ (Date and/or log number)

☐ Confirmation that the person authorised to make the official record has spoken to the child or young person concerned and the person using the measure about the use of the measure and the feelings of both of them.

Views of the young person and any additional comments:

Name and signature of the person authorised to make this record: _____

Name, signature and designation of person monitoring the records: _____ Date Checked: _____