



# Archbishop Tenison's

CHURCH OF ENGLAND HIGH SCHOOL

## School Policy 09 - Use of reasonable force to control or restrain pupils

This policy was last reviewed by Governors on 25th January 2017.

The Governors' Committee responsible for this is the Ethos and Pastoral Care Committee.

It will next be reviewed in February 2020.

The person responsible for this policy in the school is the Headteacher. It should be read in **conjunction** with the school's Discipline Policy.

### Introduction

This policy is based on non-statutory guidance from the Department for Education, intended 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.

### Rationale

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. Suspension should not be an automatic response when a member of staff has been accused of using excessive force. Senior school leaders should support their staff when they use this power.

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.

All members of school staff have a legal power to use reasonable force (Section 93, Education and Inspections Act 2006). 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 organised visit.

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; and
  - prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground.
- Schools cannot:
  - use force as a punishment – **it is always unlawful to use force as a punishment.**

### Responsibilities

- The Governors set this policy in the context of the school's Discipline Policy. They also have the responsibility to notify the head teacher that it expects the school behaviour policy to include the power to use reasonable force. In accordance with the practice of others schools they have agreed that teachers will physically separate pupils found fighting or that if a pupil refuses to leave a room when instructed to do so, they will be physically removed. They do not expect this reasonable force to be used except very rarely, but they have made provision for it to be used, if and when necessary. They also recognise that not making this provision might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm. This is also designed to reduce the likelihood of complaints being made when force has been used properly. The Governors also recognise that certain restraint techniques presented an unacceptable risk when used on children and young people. Training is given to senior and pastoral staff who may be called on to exercise restraint on pupils to ensure that any technique used is safe.
- The Headteacher is responsible for ensuring that it is clear which staff may be asked to exercise physical restraint in accordance with this policy and that they are properly trained for such an eventuality. In the event of a serious incidents involving the use of force, it is the Headteacher or Deputy Headteacher who will inform parents of what has happened. A record will be made and placed in the child's file.

### Principles

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

- 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
- The child's age

If a complaint is made about the use of force, it will 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. (Note 1)

### **Monitoring, review and evaluation**

The Headteacher will inform the relevant Governor when any form of physical restraint has had to be exercised. The Governors' Ethos and Pastoral Care Committee will review this policy regularly and will be informed if it is being applied more than rarely.

#### **Note 1**

Guidance to schools on "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance makes clear that a person must not be suspended automatically, or without careful thought, where such an allegation has been made. The school has to 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. The Governing body has always to consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher. The school and local authority have a duty of care towards their employees. It is important that the school provides appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

#### **Note 2: General points about 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 include: 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.

#### **Note 3: Frequently Asked Questions from DfE Guidance**

**Q. I'm worried that if I use force a pupil or parent could make a complaint against me. Am I protected?**

A. Yes, if you have acted lawfully. If the force used is reasonable all staff will have a robust defence against any accusations.

**Q. How do I know whether using a physical intervention is 'reasonable'?**

A. The decision on whether to physically intervene is down to the professional judgement of the teacher concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. School staff should expect the full backing of their senior leadership team when they have used force.

**Q. What about school trips?**

A. The power may be used where the member of staff is lawfully in charge of the pupils, and this includes while on school trips.

**Q. Can force be used on pupils with SEN or disabilities?**

A. Yes, but the judgement on whether to use force should not only depend on the circumstances of the case but also on information about the pupil concerned.

**Q. I'm a female teacher with a Year 10 class - there's no way I'd want to restrain or try to control my pupils. Am I expected to do so?**

A. There is a power, not a duty, to use force so members of staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their pupils and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

**Q. Are there any circumstances in which a teacher can use physical force to punish a pupil?**

A. No. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.