

# USE OF REASONABLE FORCE POLICY

THIS POLICY IS REVIEWED ON AN ANNUAL BASIS

Policy reviewed by: Robert Bannon - Headmaster

Policy approved by: Robert Berry – Director of Operations

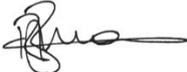
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Approver's Signature



Please note: 'School' refers to Chatsworth Schools; 'parents' refers to parents, guardians and carers.

This is a whole school policy, which also applies to the Early Years Foundation Stage.

At Hall School Wimbledon we strive to create an environment in which both children and adults feel happy, safe, secure and valued. The use of force upon any pupil by a member of staff is a serious matter, and should only be considered as a last resort. However, the law is clear and Senior Leaders have a responsibility to support any member of staff who, as a last resort, uses reasonable force in accordance with the law, and with this policy.

HSW is fully aware of and is fully committed to its legal duty to make reasonable adjustments for pupils with special educational needs and/or disabilities.

This policy takes full account of the most recent DfE non-statutory guidance entitled Use of Reasonable Force (DFE, July 2013) and Searching, Screening and Confiscation (DFE, Feb 2014).

### Use of Reasonable Force

- All members of staff (and other people whom the Head has temporarily put in charge of pupils, such as volunteers or parents accompanying pupils on a school organised visit) are legally entitled to use reasonable force to control or restrain pupils. This entitlement applies not only whilst on school premises but also whenever the teacher (or other person with the Head's permission) has lawful control or charge of pupils. It is unlawful to use force as punishment.

What is '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.
- Force is usually used to control or restrain:
  - o 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.
  - o Restrain 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.
- 'Reasonable' means using no more force than is needed
- 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. The DfE list the following as restraint techniques that present an "unacceptable risk when used on children and young people":

When can reasonable force be used?

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- 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 be used:

- To prevent immediate danger/injury to the pupil concerned, any other pupils, staff, or volunteers
- To prevent serious damage to property
- To prevent serious breaches of school discipline
- To prevent a pupil behaving in a way that disrupts a school event or a school trip/visit
- To remove disruptive children from the classroom where they have refused to follow an instruction to do so
- To 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

Safe methods of reasonable force must be used for the *shortest period* of time necessary and with the *minimum amount of force necessary to achieve the desired result*.

The use of inappropriate or excessive force may result in disciplinary action or criminal charges.

### Preventative strategies

HSW actively promotes positive behaviour management strategies and seeks to develop good relationships at all levels thus reducing the need for the use of any form of physical intervention except in an emergency situation. All staff will seek to follow strategies likely to reduce the need for force in dealing with difficult pupils, based on the age and individual needs of the pupil and context in which they are applied.

### Deciding whether to use force

As a general rule staff should only use force when:

- The potential consequences of not intervening are sufficiently serious to justify the use of force
- The chance of achieving the desired outcome by other non-physical means are low
- The risk associated with not using force outweighs the risk of using it
- Staff do not require parental consent to apply reasonable force on a pupil.

## Using force

Appropriate use of force will range from physical passive presence in between pupils, to blocking a pupil's path, ushering them by placing a hand in the centre of the back, leading them by the hand or arm, to in more extreme circumstances using appropriate restraining holds. Staff should never give the impression that they have lost their temper or are acting from anger or frustration.

- Inappropriate use of force is using force as a punishment or when the situation could have been resolved without using force or degrading the pupil;
- Excessive force is using too much force and / or using force for too long a period of time.

It should be made clear with calm language that as soon as the need for force ceases, it will stop.

## Power to search and confiscate from pupils

Staff can search a pupil for any item if the pupil agrees e.g. by asking them to turn out their pockets or by asking them if the teacher can look in their bag or locker. Senior leaders and authorised staff also have powers to search pupils or their possessions without consent where there is good reason to do so, but will always seek to gain consent from the pupil. If a search without prior consent is necessary, Senior leaders and authorised staff have the power to "use such force as is reasonable in the circumstances to conduct a search for prohibited items", such as, knives or weapons, alcohol, illegal drugs and stolen items, tobacco and cigarette papers, fireworks and pornographic images. Force cannot be used to search for items banned under school rules.

Any prohibited item found as a result of a search can be confiscated, as well as any items, however found, which they consider harmful or detrimental to school discipline.

Searching without consent can only be used if the member of staff is the same sex as the pupil being searched and in the presence of a witness staff member. Only outer clothing that is not worn next to the skin or immediately over underwear can be requested to be removed. No intimate search is permitted by any member of staff.

Controlled drugs and stolen items must be delivered to the police as soon as is reasonably practical. Alcohol, tobacco, cigarette papers and fireworks can be retained or disposed of. Pornographic images may be disposed of unless the possession as such constitutes a specified offence (i.e. extreme or child pornography), in which case it must be delivered to the police as soon as reasonably practical. Images found on a mobile phone or other electronic device can be deleted, unless being passed to the police.

## Corporal Punishment

All staff, including volunteers, must be aware that corporal punishment is illegal and must not be used in HSW schools for any reason, whether or not on school premises. Teachers



may use physical intervention to avert an immediate danger of personal injury to, or an immediate danger to the property of, a person or child.

#### Recording the use of reasonable force

All incidents involving use of reasonable force must be recorded using the Incident Record Form (Use of Reasonable Force), in Appendix A, and reported to the Designated Safeguarding Lead as soon as possible after an incident.

Parents must be informed of the incident by the Designated Safeguarding Lead, on the same day.

#### Support for Staff

Senior leaders are aware of the need to support all individuals involved in an incident that has involved the use of reasonable force. This may involve referral for medical or emotional help. In extreme circumstances, appropriate referrals may need to be made to the Police.



APPENDIX A

Hall School Wimbledon

Incident Record Form (The Use of Reasonable Force)

Name of member(s) of staff involved:		
Name of pupil(s) involved:		
Date & location of incident:		
Name(s) of any witnesses:		
<p>Details of how the incident began and progressed</p> <p><i>(Please continue on the back of this form if necessary. As far as possible, include details of the pupil's behaviour, what was said by each of the parties, steps taken to defuse or calm the situation down, the degree of force used, how that was applied, and for how long).</i></p>		
<p>The reason that force was considered necessary <i>(please tick box)</i>:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Child injured him/herself, or was at risk of injuring him/herself</li> <li><input type="checkbox"/> Child injured another child/adult, or was at risk of injuring another child/adult</li> <li><input type="checkbox"/> Child caused damage to property</li> <li><input type="checkbox"/> Child trying to abscond, or at risk of absconding</li> </ul>		
Pupil's reaction to the force used:		
Was the pupil injured as a result of force used?	Yes	No
Was the adult injured as a result of using force?	Yes	No
If yes, please give details of the injury and treatment given below:		
Was any property damaged during the incident?	Yes	No
If yes, please give details below:		
Parents informed	DSL informed	

Signed:

Date: