



**FEVERSHAM**  
EDUCATION TRUST

# Feversham Education Trust

*TRANSFORMING LIVES, TRANSFORMING COMMUNITIES*

## USE OF REASONABLE FORCE POLICY

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## **Introduction**

We aim to ensure a whole school approach to behaviour which is known and understood by all staff, children, parents and outside agencies (please refer to our Relationships and Behaviour Policy). The use of force upon any pupil by a member of staff is a serious matter, and the DFE guidance in this policy sets out the circumstances under which it may be used. The law is clear and the Governing Body has a responsibility to all concerned, to support any member of staff who uses reasonable force in accordance with the law, and with this policy.

Feversham Education Trust places great value on developing positive relationships between pupils and staff and we strive to create an environment in which both pupils and staff feel happy, safe, secure and valued.

We aim to ensure a whole school approach to behaviour which is known and understood by all staff, pupils, parents/carers and outside agencies (please refer to our Behaviour Policy).

The use of force upon any pupil by a member of staff is a serious matter, and the DFE guidance in this policy sets out the circumstances under which it may be used. The law is clear and the Governing Body has a responsibility to all concerned, to support any member of staff who uses reasonable force in accordance with the law, and with this policy.

## **Aims**

- To make clear the responsibility of the Principal and Governing Body in respect of this power.
- To provide clarification to all staff, volunteers and visitors to the school on the use of force.
- To help all feel confident about using this power when they feel it is necessary.

## **Policy Ownership**

The Trust has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory or Trust framework.

The Trust has delegated day-to-day responsibility for operating the policy to the Trust Central Team, Local Governing Body and Principal of each Trust school.

The Local Governing Body and Senior Leadership Team at each Trust school has a specific responsibility to ensure the fair application of this policy and all members of staff are responsible for supporting colleagues and ensuring its success.

## **Definition of 'Reasonable Force'**

The term 'reasonable force' covers the broad range of actions that involve a degree of physical contact with pupils.

- The key point to always remember is that 'reasonable in the circumstances' means using no more force than is needed for that situation.
- Staff must remember that 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 separating a fight or where a pupil needs to be restrained to prevent violence or injury.
- The use of force to control pupils and to restrain them should not be a common occurrence. 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.

- When using physical contact, staff should always try to avoid acting in a way that might cause injury, but in the most extreme cases (which are very rare) it may not always be possible to avoid injuring a pupil.

### **When Can Reasonable Force be Used?**

The School does not encourage a 'no contact' policy as there is a real risk that such a policy might place a member of its staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm.

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. If an alternative method of control and restraint is possible, then these methods should be used first. If physical contact is the only suitable method, then this is permitted.

The following list is not exhaustive but provides some examples of situations where reasonable force can be used:

- to remove disruptive pupils from the classroom where they have refused to follow an instruction to do so
- to prevent a pupil behaving in a way that disrupts a school event or a school trip or visit
- 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
- to prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground
- to restrain a pupil at risk of harming themselves through physical outbursts
- when conducting a search *without* consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm (whilst a search can be conducted without consent for items banned in the school rules, force **cannot** be used to search for these items).
- Staff should also remember that the judgement on whether to use force will not only depend on the circumstances of the case but also on the information and understanding of the pupil concerned (for example, when dealing with disabled children or children with special educational needs).
- **Under no circumstances should staff use force as a punishment.**

### **Who Can Use Reasonable Force?**

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

### **Other Physical Contact with Pupils**

There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. There are many examples and the following is by no means an exhaustive list:

- when comforting a distressed pupil
- when a pupil is being congratulated or praised
- to demonstrate how to use certain equipment e.g. a musical instrument
- to demonstrate exercises or techniques during PE lessons or sports coaching
- when administering first aid.

### **Reporting**

Serious incidents involving the use of force will be recorded and reported to parents/carers.

In deciding what constitutes a serious incident, staff should use their professional judgement and consider the:

- pupil's behaviour and level of risk presented at the time of the incident
- degree of force used
- effect on the pupil or member of staff
- the pupil's age.

### **Investigating Complaints**

All complaints about use of force will be investigated thoroughly and speedily. 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.

If a decision is taken to suspend a member of staff, the School will ensure that the member of staff has access to a named contact that can provide support.

The Local Governing Body will consider whether a member of staff has acted within the law when reaching a decision on whether or not to take disciplinary action.

As an employer, Feversham Education Trust has a duty of care towards its employees. Appropriate pastoral care will be provided to any member of staff who is subject to a formal allegation following a use of force incident. Support offered will be in line with that outlined in the Safeguarding (Child Protection) Policy.

### **Key Points**

Key points relating to the advice that all staff should remember:

- school staff have the power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action that may arise.
- suspension will not be an automatic response when a member of staff has been accused of using excessive force.
- senior school leaders will support their staff when they exercise this power.

**Guidance**

- This policy is written in conjunction with the DfE document “Use of reasonable force – Advice for head teachers, staff and governing bodies” (DfE, 2013, revised 2015)

**Monitoring, Evaluation and Review**

The Trust will review this policy every two years in consultation with each Trust school.

The Trust will monitor the operation and effectiveness of arrangements referred to in this policy at each Trust school.

The policy will be promoted and implemented throughout all Trust schools.

# Use of Force Record



<b>Name(s) of staff involved</b>	
<b>Pupil(s) involved</b>	
<b>Date of incident</b>	
<b>Details of incident</b>  <i>Include:</i> <ul style="list-style-type: none"><li>– <i>Witnesses</i></li><li>– <i>Reason for intervention</i></li><li>– <i>Physical controls used</i></li><li>– <i>Medical intervention required (if applicable)</i></li><li>– <i>Follow up actions</i></li></ul>	
<b>Completed by</b>	
<b>Signature</b>	
<b>Date</b>	



