



# Use of Reasonable Force Policy

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This Policy should be read in conjunction with the latest guidance issued by [the Department of Education](#).

### 1. Powers of members of staff to use force

Reasonable force may be used to prevent a pupil doing, or continuing to:

- Commit any offence.
- Cause personal injury to, or damage to the property of, any person (including the pupil himself/herself).
- Prejudice the maintenance of good order and discipline at the schools or among any pupils receiving education at the schools, whether during a teaching session or otherwise.

This applies both on site and off school premises where the member of staff has lawful control or charge of the pupil. This does not authorise corporal punishment (Section 548, EA 1996).

### 2. Policy and procedures

This guidance covers both the use of force to restrain a pupil (for example, to prevent them injuring somebody), and the use of force to compel a pupil to comply with a reasonable instruction (for example, to leave the classroom).

All staff, authorised and unauthorised, must clearly understand their powers and the options open to them. They must know what is acceptable and what is not.

This policy on the use of force covers:

- a) prevention and de-escalation;
- b) who is authorised to use force (see clauses 93(2) and 95 of the Act);
- c) assessment of the need for staff training;
- d) where force can be used (see clause 93(3)(a) and (b) of the Act);
- e) what types of incident might require the use of force;

- f) what constitutes reasonable force;
- g) special considerations for pupils with special educational needs and disabilities;
- h) reporting and recording incidents;
- i) post-incident support;
- j) dealing with complaints.

### 3. Prevention and de-escalation

Where the behaviour of a pupil appears to be escalating towards a crisis that may require physical intervention it is important that de-escalation strategies are considered. These might include:

- Structuring the environment  
*Where we choose to speak to the child, whether we sit or stand, can communicate the nature of the discussion, eg. warm and friendly or cold and business like may help the child to modify their own behaviour.*
- Planned ignoring  
*By not giving the attention to minor, harmless attention seeking behaviour; these behaviours are likely to die out. It is equally important to praise appropriate behaviour.*
- Prompting  
*Gentle reminders to a child of what they need to stop doing or to prepare for, can help a child to adjust to a change. This can be verbal or sensory input. Be careful to avoid nagging the child.*
- Active listening  
*Sometimes listening to what the child has to say and exploring and acknowledging their feelings through the use of reflective responses can help a young person to feel that someone else acknowledges the reality of their feelings, they are not alone and that someone cares.*
- Backing away  
*This is not the same as backing down; you are not giving in but simply giving the young person time to calm down before you discuss the situation with them. Staying and continuing to challenge someone who is already aroused is likely to exacerbate the situation. Alternatively, allow the child to back away through offering them a verbal or physical way out.*
- Affection  
*If a child's behaviour is motivated by fear, anxiety or uncertainty, a big injection of affection, verbal or physical, can help to head off a crisis. Children do not always appreciate the care that is provided for them on a daily basis and need additional affection to understand that the adults really care for them.*
- Non-verbal interventions  
*Nods or looks to signal a change of behaviour is needed. Proximity control is using an adult's physical presence to help the child modify their own behaviour.*
- Redirecting  
*Trying to focus the child away from what they are doing now, onto something else as a way of avoiding trouble.*

**These last two strategies can be used when none of the above are making a difference and the young person is still agitated**

- Directive statement  
*A clear instruction to the child to stop a certain behaviour or start something else.*
- Time out  
*Requiring children to move away to another or quieter area to calm down.*

### 4. Who is authorised to use force?

The legislation gives statutory power to use force to any person who, in relation to a pupil, is over 18 and a member of the staff of any school at which education is provided for the pupil. 'Member of staff' in relation to a school means any teacher who works at the school. It also means any other person who, with the

authority of the Head Teacher, has lawful control or charge of pupils for whom education is being provided at the schools. The other persons who have lawful control or charge of pupils include:

- any paid member of staff whose job involves supervising pupils. This could cover a wide range of support staff including teaching assistants, learning support assistants, emotional literacy support assistants, learning mentors and lunchtime supervisors; and
- people whom the head Teacher have temporarily authorised to have control or charge of pupils.

This could include paid members of staff whose job does not normally involve supervising pupils (such as catering or premises-related staff) and unpaid volunteers (such as parents accompanying pupils on school-organised visits).

#### **5. The Head Teacher should:**

- explicitly inform the people concerned of their responsibilities and ensure that they understand what authorisation entails, and
- keep an up-to-date record of these people and ensure that permanently authorised staff (ie. staff whose job involves supervising pupils) know who these people are.

In this guidance the terms 'authorised staff' and 'authorised member of staff' include all staff on the school payroll. Paid staff and volunteers who are not authorised to have control or charge of pupils (either by the nature of their job or temporary authorisation) do not have statutory power to use force. However, section 93 of the Education and Inspections Act 2006 does not remove the common law right of any citizen, in an emergency, to use reasonable force in self-defence, to prevent another person from being injured or his property from being damaged. Any member of staff or volunteer has this right.

#### **6. Searching pupils**

The Violent Crime Reduction Act 2006 authorises the Head Teacher and staff authorised by them to search a pupil for a weapon without the pupil's consent, if they have reasonable suspicion that there is a weapon with the pupil or in his/her possession. Persons authorised by the Head Teacher to search for weapons may use such force as is reasonable in the circumstances for exercising that power.

#### **7. Where force can be used**

Authorised staff may only exercise the statutory power to use force where:

- they and the pupil are on the premises of a school at which education is provided for the pupil. The pupil need not necessarily be a registered pupil at that school. The power also applies to pupils from other schools who are on the premises; or
- they are off school premises but are in lawful control or charge of the pupil (for example on a school visit).

Other than in these circumstances, staff only have common law rights to use force to defend themselves, persons or property. Employers providing work experience placements for school pupils only have common law rights to use force.

#### **8. What types of incident might require the use of force?**

There is no legal definition of when it is reasonable to use force. That will always depend on all the circumstances of the case. Any degree of force is unlawful if the circumstances do not warrant the use of force.

#### **Decisions on whether to use force must depend on judgements about:**

- the seriousness of the incident, as judged by the effect of the injury, damage or disorder which is

- likely to result if force is not used;
- the chances of achieving the desired result by other means; and
- the relative risks associated with physical intervention compared with using other strategies.

Wherever possible, these judgements should take account of the particular characteristics of the pupil, including his or her age and any special educational needs or disability he or she may have. Sometimes an authorised member of staff should not intervene in an incident without help (unless it is an emergency). For example, help is likely to be needed in dealing with an older pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils who might be at risk and summon assistance from other authorised staff.

**Section 93 of the Education and Inspections Act 2006 authorises the use of reasonable force to prevent a pupil:**

1. Committing a criminal offence, or what would have been a criminal offence if the pupil had been above the age of criminal responsibility (10 years or older)
2. Causing injury or damage to property
3. Prejudicing the maintenance of good order and discipline at the schools

**Examples of situations that fall within one of the first two categories are:**

- a pupil attacks a member of staff or another pupil;
- pupils are fighting;
- a pupil is committing, or on the verge of committing, deliberate and serious damage to property;
- a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- a pupil is running in a corridor or on a stairway in a way in which he or she might have, or cause, an accident likely to injure him or herself or others; and
- a pupil absconds from a class or tries to leave the schools other than at an authorised time. The judgement on whether to use force in this situation would depend on an assessment of the degree of risk to the pupil if he or she is not kept in the classroom or school (age and understanding would be critical factors).

**Examples of situations that fall into the third category are where a pupil:**

- refuses to obey an order to leave a classroom;
- is behaving in a way that is seriously disrupting a lesson;
- blocks a door to prevent others from leaving;
- is using a mobile phone to disrupt a lesson (an authorised member of staff could forcibly confiscate the phone by removing it from a hand or desk but could not lawfully search the pupil for the phone); and
- resists attempts to search him or her for a weapon.

In all these cases use of force would only be reasonable (and therefore lawful) if it was clear that the behaviour was sufficiently dangerous or disruptive to warrant physical intervention of the degree applied and could not realistically be dealt with by any other means.

## 9. What constitutes reasonable force?

There can be no legal definition of what degree of force is reasonable. That will always depend on the precise circumstances of individual cases, but the degree of force used should always be:

- in proportion to the consequences it is intended to prevent; and
- the minimum needed to achieve the desired result.

The types of force used could include:

- standing between pupils or blocking a pupil's path;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of their back;
- pushing/pulling; and
- in more extreme circumstances, using restrictive holds (which may require specific expertise or training).

Such holds include:

- a staff member holding a pupil's arms at his/her sides;
- two staff members, one either side of a standing pupil, holding his/her crossed arms;
- two staff members holding a pupil's crossed arms in a seated position. (Crossing a pupil's arms can affect breathing. Such holds should only be used for the shortest possible time.)

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of using the minimum force required to achieve the desired result). Such situations could include preventing a pupil running off the pavement onto a busy road, or hitting someone with a dangerous object such as a glass bottle or hammer. Except in the most extreme circumstances, staff should always avoid actions that might reasonably be expected to cause injury, for example:

- holding a pupil round the neck, or by the collar, or in any other way that might restrict ability to breathe;
- slapping, punching, kicking or tripping up a pupil;
- twisting or forcing limbs against a joint;
- holding or pulling a pupil by the hair or ear;
- applying pressure to the neck, chest, abdomen or groin areas;
- forcing a pupil onto the floor or holding them face down on the floor; and
- using clothing or belts to restrict movement.

Staff should always avoid touching/restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

Under no circumstances should force be threatened or used as a punishment.

## 10. Special considerations for pupils with special educational needs, disabilities or specific medical conditions

The DfE provides additional guidance on physical intervention with pupils who display extreme behaviour associated with learning disability and/or autistic spectrum disorders and pupils with severe behavioural difficulties. This is relevant to special and mainstream schools with such pupils. It is available at on the DfE website.

Our policy and practice on use of force takes proper account of the particular special educational needs and disabilities of the pupil. Under the Disability Discrimination Act 1995 the responsible body for a school has a

duty to take reasonable steps to ensure that disabled pupils are not placed at a substantial disadvantage in comparison with pupils who are not disabled in their access to education and associated services (sometimes referred to as the duty to make reasonable adjustments); this duty should not mean overcompensation. The general principles underlying the schools' policy should apply to all pupils.

When reaching a decision about using force in a particular situation, staff will need to take into account relevant factors related to any special educational needs or disabilities of the particular pupil.

The examples below are of situations in which staff would have to question the use of force and determine its suitability and degree.

- A class group waiting for a lesson is physically rowdy. This makes a pupil with an autistic spectrum disorder very anxious. He does not understand the motives or feelings of others and so he starts to hit out at other pupils.
- A pupil takes medication for Attention Deficit and Hyperactivity Disorder. Late one day the effect of the medication is wearing off. A teacher sees him very agitated and jumping up near a third floor window. The pupil has a history of physical abuse in early childhood and reacts badly to any physical contact.
- A pupil with severe learning disabilities understands only single, concrete instructions. A lunchtime supervisor sees her in the dinner queue lashing out at other children who have been taunting her about her family.

Even for such examples there are no automatic right answers. The judgement on whether to use force and what force to use should always depend on the precise circumstances of each case and, crucially in the case of such pupils, information about the individual concerned.

After an incident it may be sensible to involve parents in agreeing to an individual pastoral support or a behaviour or special educational needs plan that includes strategies to deal with a recurrence of behaviour that could lead to the use of force.

## **11. Reporting and recording incidents**

We keep systematic records of incidents where staff have used force. This does not mean we keep a written record of trivial incidents involving physical contact between staff and pupils. However, where appropriate, incidents requiring use of reasonable force are recorded on CPOMS. We find the following questions helpful in deciding whether a written record is needed:

- 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? Any use of restrictive holds would, for example, fall into this category.
- Can it justify the use of force? This is particularly relevant where the judgement was very finely balanced.
- Does it help to identify and analyse patterns of pupil behaviour?

If the answer to any of these questions is 'yes', then a record on CPOMS should be made.

Such records should provide evidence of defensible decision making in case there is a subsequent complaint or investigation. A record should cover:

- personal data about the pupil on whom force was used (name, class group etc);
- context data (day, date, time, location);
- staff involved (directly and as witnesses) and other pupils involved;
- nature of the incident;
- events leading to the use of force;

- any de-escalation or other strategies used to minimise need for the use of force;
- reason for using force and description of force used (type, duration);
- subsequent actions, including those related to the welfare of the pupil and staff involved;
- information given to other staff, parents and external agencies.

All injuries should be reported and recorded in accordance with the schools' procedures. The schools should take action to report relevant injuries to staff or pupils to the Health and Safety Executive's Incident Contact Centre: <http://www.hse.gov.uk/riddor/>.

## **12. Post-incident support**

Serious incidents that require use of force can be upsetting to all concerned and result in injuries to the pupil or staff. After an incident ends, it is important to ensure that staff and pupils are given first-aid treatment for any injuries and emotional support. Immediate action should be taken to access medical help for any injuries that go beyond basic first-aid.

Where force has been used we always contact the parents/carers to discuss the incident.

In the days after an incident we:

- Ensure that the incident has been recorded.
- Decide whether multi-agency partners need to be engaged and, if so, which partners. This could include local authority Children's Services or the Youth Offending Team (if the pupil is already under their supervision or has been identified by the YOT as being at risk of becoming engaged in criminal or anti-social behaviour).
- Hold the pupil to account so that he or she recognises the harm caused or which might have been caused. This may involve the pupil having the chance to redress the relationships with staff and pupils affected by the incident. In some cases, an incident might lead to the decision to exclude a pupil. In these circumstances the Head Teacher must have regard to the Trust Suspension and Permanent Exclusions Policy.
- Help the pupil develop strategies to avoid such crisis points in future and inform relevant staff about these strategies and their roles.
- Ensure that staff affected by an incident have continuing support for as long as necessary in respect of:
  - ❖ physical consequences;
  - ❖ support to deal with any emotional stress or loss of confidence;
  - ❖ analysis and reflection on the incident.