



# **PASTORAL MATTERS**

## **Use of Reasonable Force**

This policy reflects non-statutory guidance from the **DfE: 'Use of reasonable force'. Advice for headteachers, staff and governing bodies July 2013**

It should be read in conjunction with TS's Safeguarding and Child Protection Policy and with the School's Behaviour Policy.

### **Use of reasonable force**

The use of reasonable force should always be a last resort for teachers. It is unlikely that force will be required at Taunton School but the following guidelines set out when and how it might be used. Force is usually used either to control or restrain and can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight.

"Reasonable" means using no more force than is needed under the circumstances of a situation.

Staff should always try to avoid acting in a way that might cause injury to a student but in extreme cases it may not be possible to avoid injuring a student.

### **Who can use reasonable force?**

The following have a legal power to use reasonable force:

- any teacher who works at the school;
- any other person whom the headteacher has authorised to have control or charge of students. Specific mention is made of support staff, teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.

The power to use reasonable force applies whether students are on school premises or elsewhere, as long as they are in the lawful control or charge of a staff member. This includes school visits.

## **When is it reasonable to use force?**

The Education and Inspections Act 2006 enables school staff to use "such force as is reasonable in the circumstances to prevent a student from doing or continuing to do" any of the following:

- committing a criminal offence;
- causing personal injury to any person (including the student themselves);
- causing damage to the property of any person (including the student themselves);
- prejudicing the maintenance of good order and discipline at the school, and among any students receiving education at the school, whether during a teaching session or otherwise.

The decision on whether or not to physically intervene is down to the professional judgment of the staff member concerned and will depend on the individual circumstances.

Factors influencing this judgement include:

- any disability or specific educational need of a student (there is a legal duty to make adjustments for such students);
- the seriousness of the incident, assessed by the effect of the injury, damage or disorder that is likely to result if force is not used;
- the chances of achieving the desired result by other means;
- the relative risks associated with physical intervention compared with using other strategies.

**Staff are not allowed to use force (corporal punishment) as a punishment under any circumstances.**

Examples of when reasonable force might be used include:

- To remove a disruptive student from a classroom where they have refused to follow an instruction to do so;
- To prevent a student behaving in a way that disrupts a school event or trip;
- To prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;

- To prevent a student from attacking a member of the school community;
- To stop a fight;
- To restrain a student at risk of harming themselves.

### **Guidelines on using force to control or restrain**

**Use your voice first:** verbal instructions should be given before and during any physical intervention

**Use force only when necessary to resolve the incident:** this should be the minimum force required, lasting for the shortest practicable time - the purpose should be control or restraint and the reduction of risk. This is particularly important where the enforcement of good order is the motive and there is no risk to person or property.

**Do not strike blows or retaliate against students:** to do so would exceed your authorisation to intervene, and create a significant risk of an allegation of assault being made.

**Reporting and Recording the Incident:** Following a serious incident involving the use of force it is important that a senior member of staff (the Deputy Head or Headmaster) is informed immediately and that the staff member who used force reports the details in writing within 24 hours of the incident. If a staff member is in doubt about the seriousness of an incident they can take advice from the Deputy Head or Headmaster. The report must include:

- The name of the student involved;
- The names of any witnesses;
- Where/when the incident took place;
- A description of the incident and the reasons for using force including steps taken before the incident;
- Details of any injuries suffered if relevant.

The Deputy Head or Headmaster will then decide on the next steps including the decision on how and when to communicate with parents. A record of all serious incidents will be kept by the Deputy Head.

### **Power to Search Students Without Consent**

Searching students without consent is allowed under specific circumstances which are detailed in the separate "Search Procedure".

The following guidance is taken from the DfE document referred to at the beginning of this policy document:

### **Frequently Asked Questions**

**Q: I'm worried that if I use force a student 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 students, and this includes while on school trips.

**Q: Can force be used on students 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 and understanding of the needs of the student 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 students. 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 students 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 student?**

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.