

Pupil Restraint/Use of Reasonable Force Policy



1 Information

At Vale School our aim is to provide a welcoming, secure and safe environment. This policy reflects the latest advice issued by the Department for Education in a document entitled:

Use of reasonable force - Advice for headteachers, staff and governing bodies July 2013.

The Vale School follows the principles and recommendations set out in this guidance. Our aim is to create an environment in which the use of force in relation to a pupil is unlikely.

This policy intends 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 the Headteacher and governing body in respect of this power.

It details how staff will use approved restraint methods on pupils who pose a significant risk of harm to themselves or others in the school community. It seeks to explain to parents / carers when force may be used and what may happen as a consequence. This policy should be read in conjunction with the Vale Schools Behaviour and Anti-Bullying Policies.

1.1 Key points:

- 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.
- Suspension should 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 use this power.

2 What is reasonable force?

1. The term 'reasonable force' covers a broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
2. 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.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, staff 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.
5. 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.
6. School staff will 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.

3 Who can use reasonable force?

All members of the 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 headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

4 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.

At the Vale 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.

Before using force staff should wherever practicable, tell the pupil to stop misbehaving and what will happen if they do not. The member of staff should communicate in a calm and professional manner throughout the incident. Staff are advised that as far as possible, they should not use force unless or until another responsible adult is present to support, observe and call for further assistance; this will need to be balanced against a real risk that a decision not to intervene immediately might place a member of staff in breach of their duty of care towards a pupil, other pupil/s or prevent them taking any action needed to prevent a pupil causing harm to themselves or another.

There are some situations where it may be more appropriate to remove the rest of the pupils from the class if a child is a danger to them. The child causing the problem can then be dealt with.

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

Vale School 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;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;
- restrain a pupil at risk of harming themselves through physical outbursts; and
- restrain or control a pupil from causing damage to property.

Vale School cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.

5 Power to search pupils without consent

In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items” (Section 550ZB(5) of the Education Act 1996):

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Vale School cannot:

- Force cannot be used to search for items banned under the school rules.

6 Communicating the Vale School’s approach to the use of force

Vale School is required to have a behaviour policy (see website) and to make this policy known to staff, parents and pupils, including the power to use reasonable force.

Whilst there is no requirement for the Vale School to have a policy on the use of force, we believe it is

important to set out the circumstances in which force might be used in order to ensure that all parties (pupils, parents/carers and staff) understand the legal position and approach taken within the school. This policy acknowledges our legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).

The Vale School does not require parental consent to use force on a student.

The Vale School does not have a 'no contact' policy. To do so would create a real risk that such a policy 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.

We will communicate this policy to ensure that staff, pupils and parents are clear about when force might be used, by doing so it is hoped that the school will reduce the likelihood of complaints being made when force has been used properly.

7 Staff training

The Headteacher is responsible for ensuring that all staff are fully informed of this policy, their powers and duties.

It is for the Vale School to determine which members of staff are trained in restraint techniques. This decision making is delegated to the Headteacher who should consider whether and which members of staff require any additional training to enable them to carry out their responsibilities, provide sufficient capacity within the school and should consider the needs of the pupils when doing so.

The Headteacher will normally be expected to apply the power to use force to people who have temporary charge of pupils, such as unpaid volunteers or parents accompanying students on a school organised visit.

8 Telling parents when force has been used on their child

All 'serious exercises of force' will be reported to a member of the school's Senior Leadership Team as soon as practicable.

The final decision as to whether a particular use of force amounts to a 'serious incident' rests with the Headteacher, their deputy or the most senior member of the school Senior Leadership Team available at that time.

In deciding what is a serious incident, teachers 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; and
- the child's age.

The Vale School will inform parents about 'serious incidents' involving the use of force and will record such serious incidents. They will be offered an opportunity to discuss the incident with the Headteacher, Deputy Headteacher or other appropriate member of staff and given a copy of this policy.

Any injuries will be recorded in accordance with the school's Health and Safety Policy.

Less serious exercises of force will not routinely be reported to parents.

9 What happens if a pupil complains when force is used on them?

All complaints about the use of force should be thoroughly, speedily and appropriately investigated, (see the Vale School's Complaints procedure). Any such complaint will be recorded at least at level/stage 2 within the school's complaints procedure.

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 will not be an automatic response when a member of staff has been accused of using excessive force. (Schools should refer to the "Dealing with Allegations of Abuse against Teachers and

Other Staff" guidance).

As employers, we recognise that we have a duty of care towards their employees. It is important that Vale School provides appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

10 What about other 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:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- 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.

13 Post Incident support

Appropriate pastoral and behavioural support will be offered to a pupil directly involved as part of an incident.

Appropriate pastoral support will be offered to any pupil/s witness to an incident.

Appropriate post-incident support will be offered to the member/s of staff directly involved in an incident.

14 Monitoring & Review

This policy will be monitored by the Headteacher (delegatable) and all serious incidents reported in the Headteachers reports to Governors.

This policy will be reviewed annually or early as appropriate or if DfE advice or circumstances dictate.

Weblink to DfE document:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/355362/use_of_reasonable_force.pdf