Wincanton Primary School
Use of Reasonable Force Policy

February 2025

Approved by Chair of Governors

Signed:

Date: 25.02.2025

Proposed Date of Future Review: February 2027

Policy for Use of Reasonable Force in School

Rationale

Wincanton Primary School believes that physical contact with pupils is at times, proper and necessary, especially given the young age of some of our pupils. This would be in line with staff's role 'in loco parentis'-in place of parents during a child's day.
Examples of this would be holding the hand of a child at the front or back of a line when walking to assembly or in the playground, when comforting a distressed child, when congratulating or praising a pupil, to demonstrate a technique such as how to use a musical instrument, to demonstrate or support exercises in PE/Sports and to give First Aid.

Circular 10/98 (Section 550A of the Education Act 1996) clarified the powers of teachers and other staff who have lawful charge of pupils, to use reasonable force to prevent pupils committing a crime, causing injury or damage, or causing disruption.

This has been further clarified by Government Guidance on the 'Use of Reasonable Force' 2011, which states:
(i) School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
(ii) Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
(iii) Senior school leaders should support their staff when they use this power.

<u>This policy does not authorise the use of corporal punishment, nor does it encourage the use of inappropriate force.</u>

Education Act 550A allows staff to use such force as is reasonable in all circumstances to prevent a pupil doing, or continuing to do any of the following:
a) Committing a criminal offence
b) Injuring themselves or others
c) Causing damage to property (including their own)
d) Engaging in any behaviour that is against the maintenance of good order and discipline at the school or among pupils

The law covers staff whether at school or when they have lawful control elsewhere e.g. on a field trip or visit

Action in self-defence: everyone has a right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so.

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 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.
· 'Reasonable in the circumstances' means using no more force than is needed.
· Force is generally used 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.
· 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.
· 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.

Who does this duty apply to?
All members of school staff have a legal power to use reasonable force. It can also apply to people who have temporary charge of pupils such as unpaid volunteers / parents/ students on a school organised trip. (This is especially so in the case of where a pupil is putting themselves in danger.)

Schools do not require parental consent to use force on a student and Government guidelines state that they should not have a 'no contact' policy. There is 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. By taking steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

Pupils with Special Needs or Disabilities
Staff must always be aware of the reasonable adjustments that need to be made for pupils with Special Educational Needs or/and needs related to other Disabilities. The SENCo needs to be involved in such decisions. The SENCo also needs to make individual risk assessments where it is known that force is more likely to be necessary to restrain an individual pupil where their need is associated with extreme behaviour, or their impairment leads to, making them less responsive to communication.

Examples of situations where reasonable force may be used from DFE 2011 Guidance (not exhaustive)
· to prevent a pupil attacking a member of staff or another pupil
· to stop pupils fighting
· to remove a disruptive child from the classroom where they have refused to follow an instruction to do so
· 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
· restrain a pupil at risk of harming themselves through physical outbursts

At no time will any member of staff use force as a punishment as this is always unlawful.

Examples of 'reasonable force'

· Physically interposing between pupils
· Blocking a pupil's path
· Holding
· Pushing
· Pulling
· Leading a pupil by the hand or arm
· Shepherding a pupil away by placing a hand in the small of the back

In extreme circumstances, using a more restrictive hold may be necessary; this should only be carried out by members of the Senior Leadership Team at Wincanton Primary School. This is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

Examples of unreasonable force

· holding a child around the neck or collar
· slapping, punching or kicking a child
· tripping up a pupil
· holding or pulling a pupil by the hair or ear
· holding a pupil face down on the ground

Guidelines for the use of physical restraint

· Always try to use other strategies before using physical intervention
· Follow the guidance on appropriate restraint as listed above
· Always use the minimum force necessary for the circumstances – use your professional judgement
· Summon assistance as soon as possible; this person can then act as a witness to the incident
· Hold onto the pupils for the minimum time necessary
· Do not put yourself at risk by being alone with one or two children in a situation where physical intervention may be necessary. If it is of paramount importance such as completing work ensure the door is open and that other adults are close by.

Recording

· All incidents of unacceptable behaviour should be recorded electronically on
· MyConcern.
· All serious incidents or incidents involving restraint will be recorded in the child's records on MyConcern.
· Within these recording strategies, all details must be recorded by witnesses within twenty-four hours.
· The Head teacher (or Deputy in their absence) must be informed.
· If violence was used against a staff member, a incident form must be completed as soon as possible (available from the School Office) and record of event logged on MyConcern.

When recording on MyConcern, include the following:

- Where and when the incident happened
- Description of what led up to the behaviour
- Description of the incident
- Any witnesses (staff or pupils)
- Reason you decided to use physical force
- The de-escalation strategies you used
- If you used physical force, what was it and how long it was used for
- Any know injuries to yourself or the child

Parents will be informed whenever there is an incident reported, and if the initiating incident is severe, a formal meeting with may be sought to consider appropriate actions and support for the child.

In extreme cases, the incident may trigger a fixed term exclusion.

Right of Complaint

Parents have a right of complaint if they feel inappropriate actions have been undertaken by staff and they would follow the school procedures of 'Complaints Procedure and Guidance Policy 2025'.

All complaints about the use of force should be thoroughly, speedily and appropriately investigated. 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.

Where an allegation of using excessive force is made against a staff member, the Local Authority LADO will be informed and a referral made.

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 must not be an automatic response when a member of staff has been accused of using excessive force. Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate. If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher. As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

Minimising the need to use force

Wincanton Primary School strives to maintain a calm environment, where learning engages all individuals and their value and feeling of self-worth is promoted through the organisation of the classroom, the behaviour approaches adopted and de-escalation strategies to prevent incidences escalating.

Should an incident arise, a calm approach is best and force should only be used when the risks involved are outweighed by the risks of not doing so.

Monitoring and Review

The Headteacher and Governors will review this policy at least every three years.