



# **USE OF REASONABLE FORCE POLICY**

St John Fisher Catholic High School



<b>School</b>	<b>St John Fisher Catholic High School</b>
<b>Date adopted by Governing Body</b>	<b>16<sup>th</sup> June 2021</b>
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At St John Fisher High School we will ensure that at every level, in all our work and throughout all aspects of school community and its life, all will be treated equally, with respect and dignity, free from discrimination and harassment. Each person will be given fair and equal opportunities to develop their full potential regardless of their age, disability, gender, gender-identity, race, religion or belief, appearance, health conditions, home or personal situation, sexual orientation, pregnancy and maternity (refers to staff / employment), socio-economic background and special educational needs. Our school will tackle the barriers, which could lead to unequal outcomes for these protected groups, ensuring there is equality of access and that we celebrate and value the diversity within our school community. The school will work actively to promote equality and foster positive attitudes and commitment to an education for equality.



## **RATIONALE**

In order to maintain the safety and wellbeing of all members of our school community, it may sometimes be necessary to use reasonable force with a student, as permitted by law. Although most students at St John Fisher will never require any form of physical restraint, there may be occasions when staff have to manage some young people who exhibit disturbed, distressed or distressing behaviour.

Force is generally used for two different purposes, either to control students or to restrain them. All members of school staff have a legal power to use reasonable force. This power also applies to people whom the Head Teacher has temporarily put in charge of students.

It is recognised that wherever possible, staff should exhaust a range of appropriate behaviour management strategies aimed at deescalating a confrontation and preventing the situation from reaching the point at which physical intervention becomes necessary. In keeping with the ethos of the school, reasonable force will only be applied as a last resort and in a way that preserves the dignity and respect of all concerned.

If a member of staff has to resort to the use of reasonable force, it should always be proportionate to the circumstances of the incident and the seriousness of the behaviour. It is recognised that reasonable force will only be used for the minimum time necessary to achieve the desired result.

This policy takes into account the non-statutory guidance from the DfE issued in 2013 in their document titled "Use of reasonable force" and which replaces "The use of force to control and restrain pupils – Guidance for schools in England".

## **AIMS**

We aim to:

- Fulfil our duty of care to all students to prevent harm.
- Create and maintain a learning environment in which all members of our school community feel safe.
- Develop and sustain an ethos and culture which protects the dignity and safety of all members of our school community.
- Protect all students against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful.



- Develop and implement guidelines for all staff so that they are aware of the circumstances in which reasonable force to restrain students may be used and how such force might be applied.
- Promote a shared understanding that as a last resort, it may be necessary for authorised staff to apply reasonable force.
- Provide full support to all staff who have been subjected to physical or verbal abuse from students or others.

## **PHYSICAL CONTACT WITH STUDENTS**

It is not illegal to touch a student. There are occasions when physical contact, other than reasonable force, with a student is proper and necessary. Some examples of where touching a student might be proper or necessary include:

- When comforting a distressed student;
- When a student 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.

## **WHAT IS REASONABLE FORCE?**

- It is important to clarify the term 'reasonable force'. The term covers the broad range of actions used by most teachers at some point in their career that involves a degree of physical contact with students.
- Force is usually used to either control or restrain pupils. This can range from guiding a student 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 to achieve the desired result.
- Control means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom.
- Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students 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 student.
- School staff should always make necessary adjustments when using reasonable force with students with special educational needs or disabilities (SEND).

## **WHO CAN USE REASONABLE FORCE?**

- All members of school staff have a legal power to use reasonable force. The Senior Leadership Team will support staff when they use this power.
- This power applies to any member of staff at the school. It can also apply to people whom the Head teacher has temporarily put in charge of students such as unpaid volunteers or parents accompanying students on a school organised visit.
- The school does not need the consent of a parent/carer in order to use reasonable force.



## WHEN CAN REASONABLE FORCE BE USED?

- Reasonable force can be used to prevent students from hurting themselves or others, from damaging property or from causing disorder.
- In a school, force is used for two main purposes – to control students or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the member of staff concerned and should always depend on the individual circumstances.

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

### Schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a student behaving in a way that disrupts a school event or a school trip or visit;
- 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;
- prevent a student from attacking a member of staff or another student, or to stop a fight in the playground; and
- restrain a student at risk of harming themselves through physical outbursts.

### Schools cannot:

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



## STAFF TRAINING

All members of staff will receive training about the use of reasonable force appropriate to their role to enable them to carry out their responsibilities. This will include training on any restraint techniques which must not be used because they are known to present an unacceptable risk when used on children and young people. Some staff will receive additional training on the appropriate techniques which may be used to physically restrain pupils. The training will be to an approved nationally acceptable level and will be regularly refreshed, e.g. Teamteach.

## GUIDANCE ON THE USE OF REASONABLE FORCE

All staff will follow strategies, as set out in a student's risk assessment/positive handling plan, likely to reduce the need for physical force in dealing with a volatile student, based upon their age and the context in which they are applied. Before resorting to the use of reasonable force staff should, wherever practicable:

- Remove other students who may be at risk
- Summon assistance from colleagues, in particular a member of the SLT, before the situation escalates
- Inform the student that help will be arriving
- In a calm and confident manner, tell the student who is misbehaving to stop and state possible consequences of failure to do so
- Give simple, clear instructions and try to maintain eye contact
- Give a clear warning to the student that unless they begin to cooperate, physical intervention may be applied
- Make it clear to the student that reasonable force will cease to be applied as soon as they begin to cooperate in a calm manner

**Staff should never intervene if they believe they are at risk of injury. Instead, they should remove other students who might be at risk, summon assistance from colleagues, inform students that this is being done and continue to defuse the situation orally.**



A member of staff who chooses not to make a physical intervention can still take effective action to reduce risk. They can:

- Ensure that colleagues know what is happening and summon help
- Show care and concern by acknowledging unacceptable behaviour
- Request alternatives using negotiation and reason
- Give clear directions to the pupils to stop
- Remind them about rules and likely outcomes
- Remove an audience or take vulnerable students to a safer place
- Make the environment safer by moving furniture
- Make the environment safer by removing objects which could be used as weapons
- Use positive touch to guide or escort pupils

**In the event of an incident involving the use of reasonable force, it is essential that First Aid is offered to all parties involved.**

## **POSITIVE HANDLING PLAN**

Some pupils may be particularly likely to need restraint for their own safety and that of others. This need will be talked through with them, their parents/carers, staff and external agencies, where appropriate.

To ensure that restraint is used sparingly and for agreed reasons, a positive handling plan will be drawn up for the individual. The positive handling plan will include:

- the types of behaviour and likely risks
- potential triggers
- strategies to be used to avoid the need for restraint
- strategies to be used, should the need for restraint be necessary
- involvement of external agencies
- staff training and resource implications.



## **AVOIDING INJURY TO STUDENTS**

Staff should not act in a way that might reasonably be expected to cause injury, for example by:

- Holding a student around the neck, by the collar, or in any other way that might restrict circulation/breathing
- Slapping, kicking, punching, hitting
- Twisting or forcing limbs against a joint
- Tripping, pinning to a wall
- Holding or pulling hair

Staff should not bar a student's way if they are trying to exit from the situation, unless their actions could place them or others in imminent danger.

## **POWER TO SEARCH STUDENTS WITHOUT CONSENT**

In addition to the general power to use reasonable force, the Head Teacher and other authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following "prohibited items":

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- cigarettes (tobacco and cigarette papers)
- ecigs
- 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.

Force **cannot** be used to search for items banned under the school rules, e.g. chocolate, crisps, fizzy drinks etc.



## **POST-INCIDENT REVIEW**

The school appreciates that being involved in an incident where force has been used is upsetting and emotionally charged. Every incident is unique, and there should be a post-incident review.

The post-incident review should be a supportive discussion and provide an opportunity for the member of staff to talk through the incident with a senior member of staff. The discussion should involve the following:

- what the triggers for the behaviour were
- the place of restraint in dealing with the behaviour
- whether the restraint was managed appropriately
- how the need for restraint might have been removed
- how the member of staff feels in terms of their role.

The member of staff should also be given the opportunity to talk through with a senior colleague:

- perceptions of the incident and the way it was managed
- how they feel about the incident
- if there is any further need for support, discussion, counselling or training.

The student involved should be offered the opportunity to talk through the incident as soon as possible. This should be arranged by a member of the SLT or HOY.

## **RECORDING AND REPORTING**

If, during a confrontation, a member of staff has exhausted all strategies to try to defuse a situation and has had to resort to the use of reasonable force, a written record documenting the incident should be completed as soon as is practical, and certainly within 24 hours. The record should typically include:

- the names of those involved including witnesses
- the date, time and duration of the intervention
- events leading up to the incident
- the nature of any de-escalation strategies used to try to prevent the need for physical intervention
- an account of the incident
- the type and degree of force used and the reason why
- outcome of the incident – including any injuries or damage



- follow up action

The HOY or a member of the SLT will arrange for the student(s) to complete an incident report. There should be an opportunity for the student(s) to reflect on the incident.

A student's parent/carer should be informed of any serious incident involving the use of force at the earliest opportunity.

## **COMPLAINTS**

It is possible that despite adherence to the above advice, a student may make an allegation that they have been assaulted by a member of staff and a parental complaint may ensue. These will be dealt with in accordance with the school's complaints procedure. It is therefore incumbent upon all staff that the advice contained within this policy has been carefully followed and that the use of force was reasonable in the circumstances. When dealing with a parental complaint, the school will bear in mind the following key points:

- 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.
- Suspension will not be an automatic response when a member of staff has been accused of using excessive force.
- The Senior Leadership Group will support all staff in the appropriate use of this power.

All staff should be aware that physical contact of any sort may be misconstrued, however innocent. Some physical contact may be necessary or appropriate in certain subjects (e.g. P.E, Technology) or circumstances (e.g. treating an injury) but staff should always use professional judgement in this matter. It is important that if any student is particularly sensitive to physical contact that information has been circulated to all staff.



This policy is part of our overall pastoral care and should be read in conjunction with the following policies:

- Behaviour for Learning Policy
- Anti-Bullying Policy
- Child Protection & Safeguarding Policy
- Searching and Confiscation Policy