



POLICY FOR THE USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN PUPILS

Rationale:

With close reference to guidelines provided by the Department for Education, this policy seeks to inform staff of the nature of reasonable force and the procedures for its use. Any questions related to this policy should be referred to the Head or another member of SLT.

Introduction:

This policy is constructed with reference to the non-statutory advice 'Use of Reasonable Force: Advice for headteachers, staff and governing bodies' DfE 2013

Key Points in this advice are:

- 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 should not be an automatic response when a member of staff has been accused of using excessive force.
- Senior school leaders should support their staff when they use this power.

Duke of Kent School is committed to safeguarding and promoting the welfare of pupils and this policy should be read in conjunction with the Safeguarding and Safer Working Practices policies.

Duke of Kent School has high expectations of pupil behaviour, enjoys high standards of behaviour and strong relationships between members of the community. We aim to operate a community in which all pupils can learn self-control. The use of reasonable force to control or restrain is likely to be required only in exceptional circumstances but it is essential that all teachers and support staff are aware of their responsibilities in this area and appropriate procedures to follow.

Duke of Kent School recognises that it is not illegal to touch a pupil and that there are occasions where physical contact, other than reasonable force, with a pupil is proper and necessary, for example to give First Aid or to comfort a distressed pupil. Staff are required to understand that their primary responsibility must always be safeguarding and promoting the welfare of pupils and that it is important to ensure that their actions are at all times guided by the School's Safeguarding and Safer Working Practices.

In the event of any doubt about a member of staff's own practice, or that of colleagues, this may be informally discussed with the DSL (DESIGNATED SAFEGUARDING LEAD), Mr Tom Southee; any allegation against a member of staff must be made to the Head. If the allegation relates to the Head, this must be reported to the Chair of Governors.

All Duke of Kent teachers and support staff are expected to operate according to the 'Use of Reasonable Force' advice, relevant extracts of which are set out below:

Use of Reasonable Force

1. Definition: What is reasonable force?

- 1.1 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.
- 1.2 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.
- 1.3 Reasonable in the circumstances' means using no more force than is needed.
- 1.4 As mentioned above, schools 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. 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.
- 1.5 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.

2. Who can use reasonable force?

- 2.1 All members of staff have a legal power to use reasonable force.
- 2.2 This power applies to any member of staff and can also apply to anyone the Head has temporarily put in charge of pupils, such as volunteers or parents accompanying students on an organised visit.

3. When can reasonable force be used?

- 3.1 Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder.
- 3.2 In a school, force is used for two main purposes – to control pupils or to restrain them.
- 3.3 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.
- 3.4 The following list is not exhaustive but provides examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- Remove a disruptive child from the classroom where he or she has refused to follow an instruction to leave the classroom
- Prevent a pupil behaving in a way that disrupts a school event, 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
- Restrain a pupil at risk of harming himself or herself through physical outburst

Schools cannot:

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

4. Power to search pupils without consent

- 4.1 In addition to the general power to use reasonable force described above, the Head and 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
 - 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.

5. Procedures specific to Duke of Kent School

- 5.1 Whenever physical restraint or control is used, this must be reported as soon as possible to the Deputy Head or another member of SLT and a written record of the incident will be logged
- 5.2 Duke of Kent School is committed to ensuring equality for all members of the community and recognises its legal duty to make reasonable adjustments for disabled pupils and pupils with Special Educational Needs. Where a pupil has needs which might require particular instruction or training for staff (for example what to do in the event of an epileptic seizure or a particular self-harming behaviour), appropriate training will be provided for staff by the School Nurse, external professional or Head of Learning Development, as appropriate.
- 5.3 Annual advice from the DSL will be provided to all teaching staff (via INSET or Staff Meeting sessions) on the use of restraint.
- 5.4 Preventing situations from escalating, where possible, reduces the likelihood of a behavioural incident in which reasonable force might be required. Teachers and support staff are encouraged to work to take early action to enlist support from colleagues should they suspect a situation is escalating and to take measures to calm the situation (for example separating pupils where physical conflict looks likely).
- 5.5 Where an incident of reasonable force or any search of belongings has taken place, the Deputy Head or member of SLT to whom this is reported will inform the Head.
- 5.6 Parents will be informed in writing of any incident of reasonable force or any search of belongings affecting their child and where appropriate will be invited to discuss this matter with the Section Head or other member of SLT to avoid recurrence.
- 5.7 All complaints about the use of force will be thoroughly, speedily and appropriately investigated under the School Complaints Policy.
- 5.8 When a complaint is made regarding reasonable force the onus is on the person making the complaint to prove that his or her allegations are true – it is not for the member of staff to show that he or she has acted reasonably.
- 5.9 Duke of Kent School will not automatically suspend a member of staff accused of using excessive force but will give careful thought to the circumstances, context and information available and will follow the Surrey Safeguarding guidelines; the Head will consult the Chair of Governors and DSL (DESIGNATED SAFEGUARDING LEAD)'s advice as necessary.
- 5.10 If a decision is made to suspend a teacher, Duke of Kent School will ensure that the teacher has access to a named contact who can provide support.
- 5.11 The Governing Body will always consider whether or not a teacher has acted within the law when deciding whether or not to take disciplinary action against the teacher.

5.12 Duke of Kent School recognises its duty of care towards its employees and will provide appropriate pastoral care to any member of staff subject to formal allegation following a use of force incident.

Person responsible for this Policy: The Head

Reviewed: September 2021

Next review: September 2022