



**Shaw
Education
Trust**

Use of Reasonable Force Policy

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CONTENTS

Page

What is the Policy for?	3
Who is the Policy for?	4
Policy Standards	4
What is reasonable force?	4
Who can use reasonable force?	4
When can reasonable force be used?	5
Powers to search pupils without consent	6
Pupils with Special Educational Needs and Disabilities	6
Recording, Reporting and Monitoring	7
Informing Parents/ Carers	7
Staff training	8
Managing Complaints	8
Physical contact with pupils other than reasonable force	8
 Annex One: Sample Reporting Form	 10
Annex Two: Training Log	11

Use of Reasonable Force Policy

This guidance document is intended to provide clarification on the use of force to help staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of Principals in respect of this power. SET is committed to minimising the use of reasonable force, but understand that at times this action is required to ensure the safety of both staff and pupils.

What is the Policy for?

The health, safety and well-being of all pupils in every academy within the Trust is of paramount importance to all who work within them.

School staff have a legal power to use reasonable force; lawful use of this power will provide a defence to any related criminal prosecution or other legal action.

This policy has been compiled in response to the following legislation:

- The Education and Inspections Act - Section 93
- DfE Use of Reasonable Force
- DfE Reasonable Force, Restraint & Restrictive practices in Alternative Provision and Special Schools
- DfE Behaviour in Schools
- DfE Keeping Children Safe in Education
- DfE Searching, Screening and Confiscation

This Policy should be read in conjunction with the following policies and procedures:

- Safeguarding Policy
- Behaviour Policy
- Equalities Policy
- Health and Safety Policy
- Managing Allegations Against Staff
- Safer Working Practice

"This policy has been equality impact assessed and we believe in line with the Equality Act 2010. It does not have an adverse effect on race, gender or disability equality."

Who is the Policy for?

The policy applies to all staff employed by the education establishments which form part of the Shaw Education Trust (SET) and any consultants undertaking work on behalf of the Trust. Whilst we would not expect volunteers to have to use reasonable force, they should have access to the policy.

Policy Standards

1. What is reasonable force?

1.1 The term 'reasonable force' covers the broad range of actions that may be used by staff at some point in their career. These actions may involve a degree of physical contact with pupils.

1.2 Force or the physical restraint of a pupil, means to hold back physically or to bring a pupil under reasonable control. This typically follow exhausted attempts to modify behaviour using verbal communication, gestures and reasonable adjustments to environment. 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, for no longer than essential to render the situation safe.

1.4 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.

2. Who can use reasonable force?

2.1 All members of school staff have a legal power to use reasonable force.

2.2 This power applies to any member of staff at the school. It can also apply to people whom the Principal has temporarily put in charge of pupils such as unpaid volunteers or parents/carers accompanying students on a school-organised visit.

2.3 All staff have a duty of care to take the action if needed, to keep pupils, staff and visitors safe.

2.4 As stated by DfE guidance, 'Suspension must 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" when an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.'

2.5 Senior school leaders should support their staff when they use the power of reasonable force appropriately. Systems should be in place to monitor and review what happened, allowing reasonable adjustments for the pupil to be agreed and enabling the members of staff to act on lessons learnt.

2.6 In severe circumstances, if the situation cannot be dealt with by staff using reasonable force, the police should be contacted.

2.7 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 pupils, and it might be argued that failing to take action, (including a failure to use reasonable force) may in some circumstances breach that duty.

3. When can reasonable force be used?

3.1 Reasonable force can be used to prevent pupils from hurting themselves or others, including where damaging property or causing disorder could become unsafe.

3.2 In all cases, the minimum amount of force required should be used, for the minimum amount of time needed to make the situation safe.

3.3 The decision to physically intervene or not is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances. However, we have a duty of care, in our acts or omissions, to keep pupils and staff safe.

3.4 Schools can use reasonable force to:

- Prevent a pupil behaving in a way that disrupts a school event or a school trip or visit where the behaviour is jeopardising safety;
- 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.

3.5 Schools cannot:

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

4. Powers to search pupils without consent

4.1 In addition to the general use of reasonable force described above, Principals 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.

4.2 Force cannot be used to search for items banned under the school rules that are not also included above.

5. Pupils with Special Educational Needs and Disabilities

5.1 Staff must always be aware of the reasonable force adjustments that need to be made for pupils with Special Educational Needs and/or needs related to other Disabilities. Where this is necessary, the Inclusion Leader/SENCO will support the staff to identify the adjustments required.

5.2 The Inclusion Leader/SENCO will complete individual risk assessments and behaviour support plans for students where it is known

that challenging behaviour may, as a last resort, requiring a degree of restrictive physical intervention in order to keep everyone safe.

5.3 Parents and carers must be kept fully informed and involved with the behaviour support plan and any reasonable force adjustments that need to be made for their child.

5.4 Leaders in relevant settings should be familiar with the DfE guidance contained in "Reasonable Force, Restraint & Restrictive practices in Alternative Provision and Special Schools."

6. Recording, Reporting and Monitoring

6.1 After incidents in which physical intervention is used, staff should report and record the matter in accordance with school procedure.

6.2 All incidents requiring the use of physical intervention should be thoroughly and systematically documented within school records such as logs, electronic systems or incidents books.

6.3 Use of physical intervention in school should be monitored in order to help staff learn from experience, promote the well-being of children and their care, and provide a basis for appropriate support.

6.4 Monitoring information should be reported on a regular basis to school academy councillors (for an example recording form please see Appendix 1).

6.5 Staff and the pupil involved should be offered an appropriate debrief after any restrictive physical interventions, at a time most beneficial to support the individuals.

6.6 All behaviour support plans should contain a restraint reduction plan, which will be reviewed after any restrictive physical intervention.

7. Informing Parents/ Carers

7.1 Schools do not require parental consent to use reasonable force on a pupil. However, the most effective behaviour support plans are those which are shared with parents/carers to help foster a consistent approach.

7.2 Parents/Carers should be informed on the same day of an incident (for an example recording form see Appendix 1).

7.3 After any restrictive physical interventions that involve an element of compromising breathing e.g. a hold constricting the waist, chest, neck or face; a pupil's health will need to be monitored for 48hrs.

8. Staff training

8.1 Schools need to make their own decisions about the number of staff who may undertake in-depth training around use of reasonable force, but every member of staff should have guidance if the immediate need for physical intervention is required, e.g. two pupils fighting. staff training dependent on each setting. The Principal should consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the need of the pupils when doing so. (For an example training log, please see the Appendix 2)

8.2 For schools where there is a potentially higher level of need for the use of reasonable force then more staff would naturally undertake more specific and regular training. School leaders can take advice from SET when choosing the type of training they wish staff to complete.

9. Managing Complaints

9.1 All complaints made by any individual, whether pupil, parent or other relevant person, about the use of force, should be thoroughly, promptly and appropriately investigated.

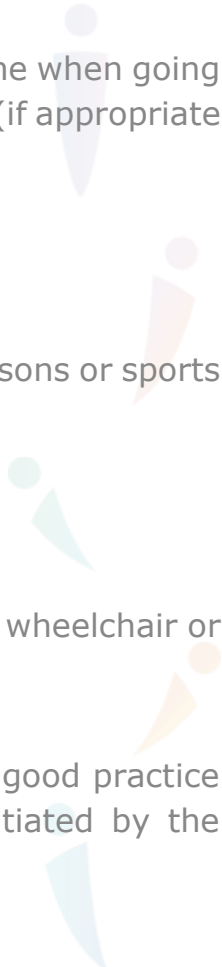
9.2 In the event of a complaint being received by a school in relation to the use of force by staff, the matter will be dealt with in accordance with agreed procedures for handling allegations against members of staff.

9.3 Suspension must not be an automatic response when a member of staff has been accused of using excessive force (please see section 2.4 above). Schools should refer to the "Handling Allegations against Staff" Policy" and most up to date version of KCSiE, when an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.'

10. Physical contact with pupils other than reasonable force

10.1 It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and appropriate.

10.2 Examples of where touching a pupil might be proper or necessary:

- 
- A decorative graphic in the top right corner of the page. It consists of several stylized human figures in various colors (purple, pink, green, orange, blue) arranged in a circular pattern, suggesting a group of people or a community.
- Holding the hand of a child at the front/ back of the line when going to assembly or when walking together around school (if appropriate to the age of the pupil)
 - 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;
 - To give first aid;
 - Supporting personal care needs;
 - Supporting certain medical procedures;
 - To maintain postural care e.g. Positioning a child in a wheelchair or standing frame.

10.3 If possible, for most of the examples listed above, it is good practice to seek consent from a child before physical contact is initiated by the member of staff.

Appendix 1 - Example Reporting Form

Record of Incident

Academy Name:

Name of Pupil:

Date of Incident:

1. Names of those involved Staff	Others
2. Time of incident	Location
3. Account of incident including events leading up to incidents, details of action and how the incident was resolved (including details of any restraint method used)	
4a. Follow up actions (advice to parents/ carers, support for staff and pupils involved)	
4b. Lessons learned:	
5. Name of witnesses and attach witness accounts	
6. Record of any injuries	
NOTIFICATION TO PARENTS/ CARERS Date: Time: Method, i.e. phone call, email, letter, etc.	

Signed (senior leader)

Date

Appendix 2- Example of Training Log

Staff Training Log

Name	Role	Training Received	Date trained



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**Pupil &
people
centred**

**Act with
integrity**

**Be
innovative**

**Be best
in class**

**Be
accountable**