



ST JOHN'S COLLEGE
Cardiff

Use of Reasonable Force Policy

St John's College, Cardiff

USE OF REASONABLE FORCE POLICY

This policy applies to all sections of the School:

Sixth Form, Senior School, Junior School,
Infant School & Nursery.

Version: September 2023

Introduction

This policy has been written with regard to 'Use of Reasonable Force, Advice for Head teachers, staff, and governing bodies' DFE, July 2015. This is non-statutory advice, intended 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 head teachers and governing bodies in respect of this power.

The current climate of suspicion with regard to child abuse poses a genuine dilemma for caring adults. This is true in all schools, but especially so in schools such as St John's College where we have children from 3-18. In order to protect children from abuse, and staff from suspicions of abuse, the natural inclination to comfort and reassure children through physical contact has to be restrained by a considered assessment of the situation.

This does not mean that physical contact is never permissible. However, it does mean that adults touching children must operate within understood limits, and that contact beyond those limits must be a considered response which can be justified if necessary.

All members of School staff have a legal power to use reasonable force. This power also applies to any other member of the School staff, and includes staff temporarily put in charge of children by the Headteacher, such as unpaid volunteers or parents accompanying students on a school visit.

Where those limits lie will vary according to the age of the child and the role of the member of staff. For example, a young child may well require being comforted and reassured. Prohibition of any physical contact would clearly not be to the benefit of the child, but staff must use their professional judgement when they feel a child needs this kind of support. It is expected that the need and desirability of such contact with older students is considerably less, though even in these circumstances situations could arise in which it would be a natural and human occurrence.

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 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.

Appropriate Physical Contact

There are occasions when physical contact with a child may be proper or necessary, for example to demonstrate exercises or techniques during P.E. lessons or if a member of staff has to give First Aid. Young children and children with special educational needs may need staff to provide physical prompts or help. **However, staff should always be able to justify why they made physical contact in any situation and the nature of the contact should be limited to what is appropriate.**

Physical contact may be misconstrued by a child, parent or observer. Touching children, including well intentioned gestures such as putting a hand on a shoulder, can, if repeated regularly, lead to serious questions being raised. **As a general principle, staff must not make gratuitous physical contact with children.** It is particularly unwise to attribute touching to a teaching style or as a way of relating to children.

Informed Common Sense

It would be impossible to lay down rigid rules about what is and is not permissible. Common sense is a good guide, but it must be informed common sense. Child abusers often seek to gain the trust and confidence of children by seeming to care and then by exploiting that trust. It is important for caring adults to understand that too generous limits which can be operated by some can be exploited by others with less worthy motives.

Corporal punishment

Any form of physical punishment of children in school is unlawful, as is any form of physical response to misbehaviour unless it is by way of restraint. It is particularly important that staff understand this, both to protect their own position and the overall reputation of the school.

Reasonable Force

In an emergency, staff very rarely may find it necessary to use physical force to control or restrain as a last resort. Schools have powers that enable them to use reasonable force to manage situations such as:

- Guiding a pupil to safety by the arm;
- Breaking up a fight;
- Where a student needs to be restrained to prevent violence or injury.

'Reasonable in the circumstances' means using no more force than is needed. 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 leading a pupil out of a classroom. Restraint means to hold back physically or to bring a pupil under control, e.g. when two pupils are fighting and refuse to separate without intervention. Staff must always act in a way that avoids injury.

Use of Reasonable Force explains that schools are allowed to use reasonable force to prevent a pupil from doing, or continuing to do any of the following:

- To prevent pupils from hurting themselves or others, from damaging or from causing disorder;
- To control or restrain pupils;
- To remove children from the classroom where they have refused to follow instructions to do so;

- To prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- To prevent a pupil leaving a classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- To Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the play-ground;
- To restrain a pupil at risk from harming themselves through physical outbursts.

This authority is given to schools under Section 93 of the Education Act 2006.

The force must:

- be reasonable and proportionate to the circumstances;
- be undertaken only by teachers and other staff given the authority by the headteacher;
- take account of a pupil's disability or SEN;
- **Never** be used as a punishment.

The decision to use force is down to the professional judgement of the staff member concerned and should always depend on individual circumstances.

Restraint should only be used as a short-term measure and should involve the minimum force necessary, and for the minimum duration, to protect children at imminent risk of harming themselves and others, or inflicting damage to property, and only if there is no viable alternative to physical intervention. Any physical restraint used must be commensurate with the actual risk to the child and should involve the use of 'reasonable force'. Colleagues should, where possible, be summoned to witness and assist if necessary.

Before intervening physically a member of staff should, wherever practicable, do the following:

- tell the child who is misbehaving to stop, and what will happen if he or she does not;
- continue attempting to communicate with the child throughout the incident;
- make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the child.

Any use of restraint must be reported to the Headteacher or Deputy Head. The report must be in writing and give details of why the restraint was needed, the duration of the restraint, the names of any witnesses present and the signatures of all staff present.

In the event of physical restraint of any student including an EYFS child, the parents must be informed the same day or as soon as reasonably possible.

Opportunity

Staff must try, as far as possible, to avoid being alone with a child or young person. This may, of course, prove difficult in a number of situations. Staff should be sensible and try to arrange, where possible, that others are within earshot or vision. Staff holding individual meetings with students in classrooms should, for example, leave the door open.

Attachments

Staff are advised to share their concerns with a senior colleague if they suspect that a child or young person is becoming inappropriately attached to them or to another member of staff, or if their feelings towards a child or young person are placing them at risk of unprofessional behaviour.

There may be occasions where a distressed child needs comfort and reassurance, which may include physical comforting such as a caring parent would give. Staff must use their discretion in such cases to ensure that what is normal and natural does not become unnecessary and unjustified contact, particularly with the same child over a period of time.

Power to Search Pupils without Consent

Section 550zb (5) of the Education Act 1996 also allows the Headteacher or staff authorised by the Headteacher to search pupils without consent for the following 'prohibited items':

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

School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline (Screening, Searching and Confiscation, April 2012). However, **force** cannot be used to search for items banned under the school rules.

*In line with the School's Mobile Phones and Other Mobile Devices Policy, if pupils are found in the possession of prohibited devices, such as mobile phones or a smartwatches, these will be confiscated.

May I search?

- Yes, if you are a Headteacher or a member of school staff and authorised by the Headteacher.

Under what circumstances?

- You must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the pupil being searched.
- There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

Additional guidance on the power to search without consent can be found at www.education.gov.uk/schools/pupilssupport/behaviour/f0076897/screening .

Advice to Staff

The key message for all staff is to share any concerns they may have about physical contact with children or the power to search pupils with the Deputy Head, or the Assistant Head Pastoral, who is also the Senior Designated Lead for Child Protection (DSL), or with any other member of the Senior Leadership Team.

Link to other policies

- Safeguarding and Child Protection Policy
- Mobile Phones and Other Mobile Devices Policy