



Joseph Leckie
Academy

Use of Reasonable Force Policy

Approved by Governors: December 2018

Introduction

This policy document sets the principles relating to the use of reasonable force to control or restrain students. This document sets out the current legal position with regard to the use of force with students. It should be read in conjunction with other policy documents such as Child Protection, Behaviour and Staff Code of Conduct policy documents. Staff should also be aware of guidance provided by their professional bodies.

Staff are expected to use strategies to de-escalate confrontations wherever possible and are strongly advised to avoid physical interventions with students unless they are absolutely necessary. If physical interventions are necessary they should be made with consideration of these guidelines. At times, our duty of care, may require a level of physical intervention e.g. to prevent injury.

What is reasonable force?

The term relates to a broad range of actions that involve a degree of physical contact with students.

Force could be used to control and restrain. This could 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.

The force used should be 'reasonable in the circumstances'. This means using no more force than is necessary.

Control may involve passive or active physical contact. Passive could be standing between students or blocking a student's path. Active could involve leading a student by the arm out of a classroom.

Restraint may mean to hold back physically or to bring a student under control. It could be used when two students are fighting and they refuse to separate without physical intervention.

Staff should always try to avoid causing injury and should avoid restraints which carry significant risk. However in extreme cases it may not always be possible to avoid injury.

Staff should be aware that by intervening physically they may be putting themselves at risk of injury. Consideration should be given to individual strength and condition balanced against the need to intervene and our duty of care.

Who can use reasonable Force?

All members of the Academy staff have a legal power to use reasonable force. It can also apply to people whom the Principal has temporarily put in charge of students such as unpaid volunteers.

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.

The decision on whether to physically intervene or not is down to the professional judgement of the staff concerned and will depend on the individual circumstances. All staff should make appropriate and reasonable adjustments for disabled or SEND students.

Examples of situations where reasonable force might be used are:

- to remove disruptive students from a classroom when they have refused to follow an instruction to do so
- to prevent a student behaving in a way that disrupts an Academy event, trip or visit
- to prevent a student leaving the classroom when doing so might risk their safety, the safety of others, or might lead to behaviour that disrupts the learning or behaviour of others

Reasonable force should not be used as a punishment – this would be unlawful.

Staff should deploy strategies to de-escalate conflict before resorting to physical intervention, unless swift intervention is necessary to avoid injury. Similarly, students should be given chance to respond to verbal instructions.

Power to search students without consent

In addition to the general powers described above, the Principal and authorised staff can use such force as is reasonable to conduct a search for the following prohibited items.

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- lighters, matches and shisha pens
- 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 should not be used to search for items which are only banned under the Academy's rules.

If staff do need to search students another member of staff should be present where possible.

Other physical contact with students

It is not illegal to touch a student.

These are examples of occasions when physical contact may be proper and necessary:

- holding the hand of a student to direct them safely
- when comforting a distressed student
- when a student is congratulated or praised
- to demonstrate how to hold a musical instrument
- to demonstrate techniques in PE and to provide support in activities such as gymnastics/trampoline
- to give first aid

Communicating this policy to parents

Parents have a right to see this policy. As part of our Behaviour Policy, parents should be aware of powers to use reasonable force and circumstances when reasonable force might be used. If staff, parents and students are clear about when reasonable force might be used there will be less complaints that force has been used improperly.

If there is a serious incident involving the use of force, parents will be notified. „Serious incidents“ should be determined by professional judgement considering the behaviour, risk, degree of force used, effect on students/staff and the student’s age.

Complaints

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

When staff have acted within the law, as detailed above, they will have a defence to any criminal or civil action.

If a complaint is made the onus is on the person making the complaint to prove that the allegation is true.

Staff will not be suspended automatically just because an accusation has been made. The Principal will consider whether the case warrants suspension, making reference to “Dealing with Allegations of Abuse against Teachers and Other Staff”.

As an employer, the Academy has a duty of care towards its employees and will provide appropriate support to any member of staff who is subject to a formal allegation following a use of force incident.