



Joseph Leckie Academy

Physical Restraint and Reasonable Force Policy

Approved by JLA Trust Board: 07/2022

Last reviewed on: 07/2022

Next review due by: 07/2023

1. Introduction

1.1 This policy presents guidelines for staff with regard to use of force to control or restrain all or any students and also identifies the Academy's response in situations where staff have used force.

1.2 This policy is written with the understanding that staff have always been able to use reasonable force when they defend themselves against an attack or when intervening in any emergency. [DfE's circular](#) (10/98 July 2002) and '[Use of reasonable force](#)' (July 2013) attempts to clarify when a member of staff may use force in order to restrain or control students.

1.3 Staff will be provided with training in the most effective use of force and restraint techniques. Normally, only those techniques in which staff have been trained should be used.

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

2. Situations in which Staff may use Physical Intervention to Control or Restrain Pupils

2.1 In all circumstances involving the use of force it is only appropriate 'for reasonable force' to be used. There exists no legal definition of 'reasonable force', however, all staff should be aware that force should only be used in specific circumstances and that the degree to which force is used will always depend on the age of the students, the understanding of students and the sex of students and that the degree of force used must always be in proportion to the circumstances of the incidents.

2.2 In summary, force may be used **ONLY** where

- There is a certain type of incident as defined in section 2.3 below
- The use of force is reasonable in the circumstances
- The degree of force is proportionate

2.3 The following are examples of situations where it may be appropriate for a member of staff to use reasonable force to restrain a student:

- If a student attacks a member or staff (self-defence).
- If a student attacks a fellow student/students are fighting.
- If a student is engaged in or about to commit deliberate damage or vandalism to property.
- If a student is causing or is at risk of causing injury or damage by accident, by rough play, or by misuse of materials or objects.
- If a student absconds from a class or tries to leave the Academy at an unauthorised time (NB. This will only apply if the student's leaving might itself lead to a risk of injury, property damage or serious disruption).
- If a student is behaving in a way that is dangerously disrupting a lesson, Academy event or educational visit.
- If a student is behaving in a way that is seriously compromising the safety of themselves or others.

2.4 In all situations staff should take a calm and measured approach. Initial intervention should always be without force. Any physical intervention must follow other appropriate actions. Assistance should be sought in all such circumstances.

2.5 **The Academy cannot use force as a punishment.** It is always unlawful to use force as a punishment.

2.6 **Power to search students without consent.** In addition to the general power to use reasonable force described above, the Principal 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.

Force cannot be used to search for items banned under the Academy rules. Please see the Searching, Screening and Confiscation Policy for further information.

3. Avoiding the Use of Force

3.1 Physical intervention should never be used as a substitute for good behavioural management in accordance with the Academy's Positive Behaviour Management Policy. All teachers need to develop strategies and techniques for dealing with difficult students and situations which they should use to diffuse and calm a situation.

3.2 In non-urgent situations, staff should always try and deal with a situation through other strategies before using force. Their actions should be aimed at reducing the likelihood of situations arising where force might be needed.

3.3 As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated.

3.4 Staff should always communicate with the student calmly, and in a non-threatening manner. Staff should never give the impression that they have lost their temper, or are acting out of anger and frustration, or to punish the student.

4. Managing the Use of Force

4.1 The member of staff should consider carefully whether, and if so when and in what form, physical intervention should be used. Before intervening physically, a member of staff should, wherever practicable, tell the student who is misbehaving to stop, and what will happen if he or she does not. There should be a clear oral warning to the student that force may have to be used.

4.2 Once force is employed, the member of staff should continue attempting to communicate with the student throughout the incident and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

5. Considering the Individual Involved

5.1 The “circumstances” to be considered in deciding whether the use of force is reasonable and what degree of force is reasonable will depend upon the individual student involved. Considerations will include the age, sex, level of understanding and character of the student. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older students.

5.2 It is also particularly important for staff to be mindful of the needs of students with Special Educational Needs and Disability (SEND), behavioural conditions, medical conditions, disabilities, and other vulnerabilities.

5.3 Risk assessments are essential for individuals whose special needs are associated with:

- Being less responsive to verbal communication
- Physical disability
- Physical fragility caused by, for example, haemophilia, brittle bone syndrome or epilepsy
- Dependence on equipment, such as wheelchairs, breathing tubes or feeding tubes

These should be carried out by the Designated Safeguarding Lead or Special Educational Needs and Disability Coordinator (SENDCO) and communicated to staff.

The nature of the individual(s) involved will also be highly relevant in the context of physical contact in other situations (see section 14 “Physical Contact with Students in Other Circumstances”).

6. The Use of Force Should Be Reasonable

6.1 There is no legal definition of when it is reasonable to use force. It will always depend on all the circumstances of the case.

6.2 The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. If the particular circumstances do not warrant the use of physical force, any use of force will be unlawful. Where a situation can be resolved without force, force should not be used. The use of force must normally be a last resort. Though decisions will often need to be made quickly, a number of considerations should be borne in mind when deciding whether the use of force is reasonable in a particular situation.

- The greater the potential for harm (i.e. injury, property damage or disruption) without physical intervention, the more likely that force is justified
- The less likely that the situation can be resolved by means other than the use of force, the more likely that force is justified.
- The riskier the resolution of the situation by means other than physical intervention, the more likely that force is justified.

It follows that physical force could not be justified to prevent a student from committing a trivial misdemeanour (since the potential for harm is low). Where the aim is to maintain good order and discipline, and there is no direct risk to people or property, force will be necessary only very rarely.

However, it also follows from the above that, where there is an immediate risk of serious injury – for example a student is out of control and about to run onto a busy road, hit someone, or throw a heavy object in a crowded classroom, trying first to resolve the situation by non-physical intervention would clearly be inappropriate. In urgent situations, force may need to be used immediately.

6.3 In the most extreme circumstances, there may be no choice but to risk some injury to a student in order to avoid a greater harm.

7. The Force Used Should Be Proportionate

7.1 This is closely related to the considerations relating to whether the use of force is reasonable. If a member of staff decides that force is necessary, he or she must then ensure that, in all the circumstances of the case, the degree of force used is also reasonable.

7.2 The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should be the minimum needed to achieve the desired result.

7.3 The member of staff must bear in mind what it is that the force is being used to try to prevent, and use no more force than is necessary to ensure that result.

7.4 If, for example, two students are fighting (and some physical intervention is deemed to be necessary) it may be sufficient to physically interpose between them. It would have to be a serious situation to require the pushing of one student away from another, and only in the most serious cases, where a student is out of control, might the use of a restrictive hold be necessary. Likewise, the degree of force needed to be effective will depend upon the age and other physical characteristics of the student (see section 5, “Considering the Individual Involved”).

8. Application of force

8.1 Physical intervention should only be used according to the above considerations. The intervention can take several forms. It may involve:

- Physically interposing between students.
- Blocking a student’s path.
- Holding.
- Pushing.
- Leading a student by the hand or arm.
- Shepherding a student away by placing a hand in the centre of the back, or in extreme circumstances only, using more restrictive holds, specific expertise may be necessary.

8.2 Staff should always avoid touching or holding a student in a way that might be considered sexually inappropriate.

9. Seeking Assistance

9.1 In certain situations, a member of staff should not intervene in an incident without help. For example, when dealing with an older or physically large student, or more than one student, or if the member of staff believes he or she may be at risk of injury if he or she intervenes, the member of staff should, unless it is an emergency, avoid physical intervention without assistance. In such

circumstances the member of staff should remove other students who may be at risk, and summon assistance from a colleague or colleagues.

9.2 The member of staff should inform the offending student(s) that help has been sent for. Until assistance arrives the member of staff should continue to attempt to defuse the situation orally, and try and prevent the incident from escalating. In the event that police involvement is deemed necessary it must be a member of the senior leadership team who takes such responsibility.

10. After the Event

10.1 After the event, the student involved may be subject to separate disciplinary procedures. Strategies should be developed to help avoid such incidents in future. It may also be necessary to involve external agencies; perhaps Local Authority children's services, or the police if a crime may have been committed.

11. Recording Incidents

11.1 It is important that there is a detailed, contemporaneous, written report made of any occasion (except minor or trivial incidents) where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint. Immediately following any such incident, the member of staff concerned should tell the Principal and provide a written report as soon as possible afterwards. That report should include:

- The name(s) of the student(s) involved, and when and where the incident took place.
- Details of whether any of the students involved were vulnerable for SEND, medical or social reasons.
- The name(s) of the member of staff(s) directly involved.
- The name of any other staff or students who witnessed the incident.
- The reason that force was necessary (e.g. to prevent injury to a student or member of staff)
- How the incident began and progressed, including details of the student's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation (including warnings that force might be used), the type of force used, the degree of force used, and for how long.
- The student's response and the outcome of the incident.
- Details of any injuries suffered and any medical attention sought.
- Details of any distress suffered by any party, and whether any post-incident support was provided.
- Details of further disciplinary action against students involved.
- Details of any damage to property.
- When parents/carers were informed, and what views they expressed (see below).
- Whether information about the incident has been shared with staff or external agencies (e.g. the police).
- Whether any complaints have been lodged.

11.3 Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report. Incidents involving the use of force can cause the parents/carers of the student involved great concern. It is the Academy's policy to inform parents/carers of an incident involving their child, and give them the opportunity to discuss it. The Principal or a member of the senior leadership team

will need to consider whether that should be done straight away or at the end of the school day and whether parents/carers should be told orally or in writing.

12. Reporting to Parents/Carers

12.1 The Principal will decide whether it is appropriate or not to inform parents/carers of any specific incident. On making this decision any such report to parents/carers must be in writing and a copy of the communication will be given to the member of staff involved with the specific incident.

13. Complaints

13.1 Involving parents/carers when an incident occurs with their child should help to avoid complaints. It may not prevent all complaints, however, and a dispute about the use of force by a member of staff could lead to an investigation, either under disciplinary procedures or by the Police and Social Services Department under Child Protection procedures.

13.2 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 section 25 of the Child Protection and Safeguarding policy "Allegations involving a member of staff, supply/agency staff or volunteer".

13.3 The possibility that a complaint might result in a disciplinary hearing or criminal prosecution, or in a civil action brought by a student or parent/carer, cannot be ruled out. In such circumstances, members of staff can expect appropriate support from the Academy's Trust Board and Senior Leadership Team, but should contact their professional association.

13.4 In those circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances. The panel or court would have regard to the provisions of section 93 of the Education and Inspections Act 2006 (the 2006 Act), as detailed above. It would also be likely to take account of the Academy's Physical Restraint and Reasonable Force Policy, and whether the policy had been followed.

14. Physical Contact with Students in Other Circumstances

14.1 There are occasions other than those covered by section 93 or the 2006 Act when physical contact with a student may be proper or necessary. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, Music or Technology lessons, or if a member of staff has to give first aid.

14.2 Young children and children with special educational needs may need staff to provide physical prompts or help. Touching may also be appropriate where a student, particularly a younger child, is in distress and needs comforting. Staff will use their own professional judgement when they feel a student needs this kind of support, but should bear in mind the terms of this policy.

14.3 There may be some children for whom touching is particularly unwelcome. For example, some students may be particularly sensitive to physical contact because of their cultural background or because they have been abused. Staff will receive information about these children, usually from the Designated Safeguarding Lead.

14.4 Physical contact with students becomes increasingly open to question as students reach and go through adolescence, therefore staff should bear in mind that innocent and well-intentioned physical contact can sometimes be misconstrued.

15. Physical Contact with Parents/Carers or Other Visitors to the Academy

15.1 An adult visitor (whether the parent/carer of a student or otherwise) may need to be removed from Academy's premises in the event of sustained unreasonable behaviour, threats of physical violence or aggressive verbal abuse towards staff or students. Section 547 of the Education Act 1996 gives authority for the removal of any visitor "causing or permitting nuisance or disturbance to the annoyance of [those lawfully using the school]".

15.2 In all but the most extreme and immediate circumstances it is the role of the police to remove such individuals (the police have the power to do so, despite the Academy being private property, thanks to Section 547).

15.3 Section 547 does also give this same power to staff for these circumstances, though only to those authorised by the Trust Board. The actual physical removal by an employee of an adult visitor to the site should be the very last resort; when the employee is faced with an immediate threat to the safety of personnel or property. However, where that is the case, the points made in this policy about the circumstances in which force may be used and its proportional use apply.

15.4 The Academy and the police are united in shared values of crime prevention, crime detection and crime reduction. Continued co-operation between the police and staff is vital in circumstances where an adult may need to be removed from the site.

NB: The existence of this policy does not limit a parent/carer's right to complain about the use of physical force. All staff should be aware of the legal position under which they operate should physical force be used against a student. In extreme circumstances parents/carers may well wish to take civil action or pursue a criminal prosecution.