



COTHAM SCHOOL

USE OF REASONABLE FORCE

Version control

The table below shows the history of the document and the changes made at each version:

Version	Date	Summary of changes
1.0	October 2016	
1.2	November 2020	p.4 – additional section included below tutor group called 'Student Context - Ethnicity/ PP/ SEND/ CP register/ CLA etc.'

Approved by Governors: October 2016

Policy Author: JBU

Review Date:

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Cotham School Policy on 'Use of Reasonable Force'

Policy Statement

This policy has been written in accordance with the Department for Education guidance *Use of reasonable force: advice for head teachers, staff and governing bodies* (DfE-00060-2011) and takes account of the Academy's public sector equality duty set out in section 149 of the Equality Act 2010.

Key points

- In order to maintain the safety and welfare of our students, it may sometimes be necessary to use reasonable force on a student, as permitted by law.
- Suspension will not be an automatic response if a member of staff is accused of using excessive force.
- The decision on whether or not to physically intervene is down to the professional judgment of the staff member concerned and should always depend on the individual circumstances.

The purpose of reasonable force

- Force is usually used either to control or restrain.

Use of reasonable force

Any use of force by staff will be reasonable, proportionate and lawful. Reasonable force will be used only when immediately necessary and for the minimum time necessary to prevent a student from doing or continuing to do any of the following:

- committing a criminal offence
- injuring themselves or others
- causing damage to property, including their own
- engaging in any behaviour prejudicial to good order and discipline at the School or among any of its students, whether that behaviour occurs in a classroom or elsewhere.

Who can use reasonable force?

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

It can also apply to people whom the Headteacher has temporarily put in charge of students such as unpaid volunteers or parents accompanying students on a school organised visit.

When can reasonable force be used?

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

- Students found fighting may be physically separated.
- Students who refuse to leave a room when instructed to do so may be physically removed.
- Restraint may be used to prevent a student leaving a classroom where allowing him or her to do so would risk their safety or lead to disruptive behaviour.
- Students at risk of harming themselves through physical outbursts may be physically restrained.
- The use of physical restraint must be the final option
- Force will never be used as a punishment

Searching

Under the *Education and Inspections Act (2006)* the Headteacher and staff authorised by her has the power to authorise a search of students or their possessions (including bags and lockers) without their consent if there are reasonable grounds for suspecting that the student may have a prohibited item or an item banned by the school. Teachers can also instruct a student to turn out their pockets, and discipline them if they refuse to do so. Schools are not required to inform parents/ carers before a search takes place or to seek their consent to search their child. Searches will take place in private with more than one member of staff present. Where possible at least one of the members of staff conducting the search will be of the same sex as the student.

Reasonable force may be used to search for prohibited items. The police will be called where there is a potential danger or risk to the personal safety of the teacher or student.

Prohibited items as defined by the DFE are:

- Knives and other offensive 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.

In deciding whether to employ reasonable force, use our professional judgement and also consider the following:

- the student's behaviour and level of risk presented at the time of the incident
- the degree of force used
- the effect on the student or member of staff
- the student's age.

Disabilities and special educational needs

When exercising the power to use reasonable force we will take into account any Special Educational Needs or Disabilities (**SEND**) a student may have. Reasonable adjustments will be made to ensure that a disabled student is not treated less favourably than other students because of his / her disability.

The SEND Co-ordinator will discuss the needs of such students with the parents and the members of staff who work with them to ensure that clear guidelines are in place as to the student's needs and when physical intervention may be necessary.

If physical restraint is likely to be necessary because of a student's Special Educational Needs or Disability, the SEND Co-ordinator will put in place a written plan following consultation with the parents setting out the techniques that should normally be used, taking into account the student's statement of Special Educational Needs where appropriate.

How to restrain a student

- Styles of restraint suggested include – physically interposing between students or blocking a student's path, holding, pushing, or leading by the arm, shepherding a student away by placing a hand in the centre of the back, using classroom furniture to restrict movement.
- During the restraint a calm and measured approach should be adopted, staff should not give the impression that they have lost their temper or are punishing the student.

For less urgent situations, strategies other than physical intervention should be attempted to deal with a situation, to calm and defuse.

Where possible, we should:

- *always seek to defuse situations*
- *always use minimum force for the shortest period necessary*
- *record and report as soon as possible after the event any incident where physical intervention has been used.*

Staff training

All members of staff will receive training about the use of reasonable force *appropriate to their role* to enable them to carry out their responsibilities. This will include training on any restraint techniques which must not be used because they are known to present an unacceptable risk when used on children and young people. Additional and refresher training will be provided where necessary.

Communication and the use of force

- While we are not required to obtain the consent of parents to use force on a pupil, parents will be informed of serious incidents involving the use of force as soon as possible either orally or in writing (ideally the same day).
- Following the restraint the member of staff involved must provide a written report of the incident immediately to the Designated Safeguarding Lead.
- We should report any injuries suffered as a result of a deliberate assault arising out of or in connection with work
- It is sensible for the member of staff involved to seek advice from a colleague or professional association representative.

Student complaints when force is used on them

- The school will thoroughly, speedily and appropriately investigate any complaint about the use of force through the Allegations against staff procedures.
- Where we have acted within the law – that is, we have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.
- Cotham School will not suspend the member of staff involved as an automatic response to an accusation of using excessive force.
- Cotham School will consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If the school decides to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- The Governing body will consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- Cotham School has a duty of care to provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

Other physical contact with students – See Safer Working practices guidelines, Physical **contact section**.

FAQs

Q. I'm worried that if I use force a student or parent could make a complaint against me. Am I protected?

A. Yes, if you have acted lawfully. If the force used is reasonable (necessary and appropriate) all staff will have a robust defence against any accusations.

Q. How do I know whether using a physical intervention is 'reasonable'?

A. The decision on whether to physically intervene is down to the professional judgement of the teacher concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. School staff should expect the full backing of their senior leadership team when they have used force in this way.

Q. Can force be used on students with Special Educational Needs or disabilities?

A. Yes, but the judgement on whether to use force should not only depend on the circumstances of the case but also on information and understanding of the needs of the student concerned.

Q. What about school trips?

A. The power may be used where the member of staff is lawfully in charge of the students, and this includes while on school trips.

APPENDIX A



Cotham School

Record of Use of Reasonable Force

To be completed in all instances that Reasonable Force is necessary

Name of Student involved:	
Tutor Group:	
Student Context - Ethnicity/ PP/ SEND/ CP register/ CLA etc.	
Location of incident:	
Date and Time of incident:	
Record prepared by:	

Name/s of any staff or students who witnessed the incident: (please continue on a separate sheet if necessary)	
How did the incident begin and progress: (please continue on a separate sheet if necessary)	
Why was the use of reasonable force necessary: (please continue on a separate sheet if necessary)	
What was the students response and outcome of the incident: (please continue on a separate sheet if necessary)	

APPENDIX A

<p>Please provide details of any injury suffered by the student:</p> <p>(please continue on a separate sheet if necessary)</p>	
<p>Please provide details of any injury suffered by yourself:</p> <p>(please continue on a separate sheet if necessary)</p>	
<p>Please provide details of any injury that you are aware of suffered by any other person (staff or student) who was present:</p> <p>(please continue on a separate sheet if necessary)</p>	
<p>Please provide details of any damage to property or equipment during the incident:</p> <p>(please continue on a separate sheet if necessary)</p>	

Report prepared by: (Signature)

Date:

Report returned to the **Headteacher** within 24 hours of the incident and copied to DSL and Headteacher's PA

Date: _____

For office use

Date received by Headteacher

Date recorded on CPOMS: