



The Mall School

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Guide on the use of reasonable force

This is a whole school policy which also applies to EYFS.

The law allows for staff to use reasonable force in certain circumstances which are outlined in this policy. The advice in this document is taken from the 'Use of Reasonable Force – Advice for Headteachers, Staff and Governing Bodies' (DfE 2011).

What the Law says

The law enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:

- Committing a criminal offence
- Causing personal injury to themselves or another
- Causing damage to property belonging to them or another, including the school.

Reasonable force can also be used to prevent any behaviour prejudicing the maintenance of good order and discipline in the school. For example:

- remove a disruptive child from the classroom where they have refused at least one instruction to do so
- prevent a pupil behaving in a way that disrupts a school event, school trip or visit
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk his safety or lead to behaviour that disrupts the behaviour of others.

Who may use force?

The staff to which this lawful power is granted are defined as follows. Through this policy, the Headmaster expressly gives authority to:

- a) All staff who have control or charge of pupils (including teaching staff, classroom assistants, midday supervisors and supply staff) who work at The Mall School.
- b) Those who do not usually have such control or charge of pupils - for example catering staff, and unpaid volunteers such as parents or Governors accompanying pupils on school organised visits – in circumstances where the safety of the child or other children is paramount.

What is reasonable force?

The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils. The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

Force is usually used either to control or restrain. 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.

'Reasonable in the circumstances' means using no more force than is needed.

School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

Staff can use reasonable force:

- In situations where a pupil (including one from another school) is on school premises or elsewhere in the lawful control or charge of a staff member – for example on a school visit.
- To remove disruptive children from the classroom where they have refused to follow an instruction to do so.
- To prevent a pupil behaving in a way that disrupts a school event or a school trip or visit; 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.
- To prevent a pupil from attacking a member of staff or another pupil, or to stop a fight.
- To restrain a pupil at risk of harming themselves through physical outbursts.

Staff must not use force as a punishment – it is always unlawful to do so.

As a general rule staff should only use force when:

- The potential consequences of not intervening are sufficiently serious to justify it.
- The chance of achieving the desired outcome by other non-physical means are low.
- The risk associated with not using force outweighs the risk of using it.
- Staff do not require parental consent to apply reasonable force on a pupil.

Using force

Before using force, staff should - where practicable - tell the pupil to stop misbehaving. Care should be taken to avoid giving the impression that the member of staff is angry or frustrated, or is acting to punish the child. It should be made clear with calm language that as soon as the need for force ceases, it will stop.

Appropriate use of force will range from physical passive presence in between pupils, to blocking a pupil's path, ushering him by placing a hand in the centre of the back, leading him by the hand or arm, to in more extreme circumstances using appropriate restraining holds. Particular attention will be given to an individual's needs which arise from statements of SEN or disability.

While it is highly desirable that staff should avoid acting in any way which might reasonably be expected to cause an injury, in truly exceptional circumstances it is recognised that it may not always

be possible to avoid. Any such injury caused will be properly investigated by the school and will require justification.

Training for Staff

Physical restraint is an available option, only to be used when other means of dealing with the situation have failed. Staff are made aware of this policy and have training on child protection and other training that will ensure they are aware of their duties and the law.

Recording Incidents

The Headmaster will keep a record of each significant, serious incident of the use of force to control and restrain. Parents and the Chair of Governors will be informed. Whether or not an incident is significant and serious will be a matter for the School to decide on a case by case basis. Decisions will include the following considerations:

- The pupil's behaviour and the level of risk presented at the time.
- The degree of force used and whether it was proportionate in relation to the behaviour.
- The effect on the pupil or member of staff.
- The child's age.

Other physical contact with pupils

It is not illegal to touch a pupil and there are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. For example:

- Holding the hand of the child at the front or back of the line when going to assembly or when walking together around the school.
- 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.

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Appendix 1

Complaints and allegations

1. All complaints about the use of force will be thoroughly, speedily and appropriately investigated.
2. Where a member of staff has acted within the law – that is, they 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.
3. When a complaint is made the onus is on the person making the complaint to prove that his allegations are true – it is not for the member of staff to show that he or she has acted reasonably.
4. Suspension will not be an automatic response when a member of staff has been accused of using excessive force. The Mall will refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance where 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.
5. The 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.
6. If a decision is taken to suspend a teacher, the school will ensure that the teacher has access to a named contact who can provide support.
7. 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.
8. The Mall recognises it has a duty of care towards our employees and will endeavour to provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.