



Weald of Kent Grammar School

Use of Reasonable Force Policy – September 2019

This policy is based upon the Department for Education's (DfE) non-statutory guidance on using force to control or restrain students: [Use of Reasonable Force, DfE \(2015\)](#)

Weald of Kent Grammar School has a Behaviour Policy and this should be read in conjunction with this document.

The 'use of reasonable force' is often referred to as 'positive handling'.

Purpose

Whilst there is no requirement to have a policy on the use of force it is good practice to do so. This document clarifies rules around using force on students, and aims to help staff feel more confident about using it where it is deemed necessary. This guidance also makes clear what the responsibilities of school leaders and governors are regarding the use of force.

The Weald of Kent Grammar School does not have a 'no contact' policy. Such a policy would create a real risk in placing a member of staff in breach of their duty of care towards a student, or prevent them taking action needed to prevent a student causing harm. By taking steps to ensure that staff, students and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

What is 'reasonable force'?

The DfE Guidance defines reasonable force as:

- "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 students.
- 'Reasonable in the circumstances' means using no more force than is needed.
- Schools generally use force to control students and to restrain them.
- Control means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom.
- Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention."

When can 'reasonable force' be used?

The Weald of Kent Grammar School regards the use of reasonable force on students by its staff as a last resort which is therefore necessary only in exceptional and rare circumstances.

The Weald of Kent Grammar School will not use force as a punishment.

It is always unlawful to use force as a punishment. The Weald of Kent Grammar School does not require parental consent to use force on a student.

The Weald of Kent Grammar School does not require its staff to use reasonable force. There is a power, not a duty, to use force so members of staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their students and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

The DfE Guidance states:

- “Force is usually used either to control or restrain. This can 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.
- 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 student.”

Reasonable force can be used to prevent students from hurting themselves or others, from damaging property, or from causing disorder.

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. Staff should only use reasonable force if they feel it does not put themselves at risk in anyway.

The DfE provide examples where the use of reasonable force might be appropriate:

- “To prevent a student from attacking or endangering another student, a member of staff or other person, or to stop a fight.
- To restrain a student at risk of harming themselves through physical outbursts.
- To prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.
- To remove a disruptive student from the classroom where they have refused to follow an instruction to do so and are endangering themselves or others.
- To prevent a student behaving in a way that disrupts a school event or a school trip or visit and so endangers themselves or others.”

Power to search students without consent

The DfE provides further guidance on the power to search students without consent:

“In addition to the general power to use reasonable force described above, headteachers 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 school rules.”

Further DfE guidance is available in:

<https://www.gov.uk/government/publications/searching-screening-and-confiscation>

Who can use reasonable force?

- All members of school 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.
- Wherever possible, reasonable force should be used in presence of a member of the Senior Leadership Group, or with their consent.

Other physical contact with students

It is not illegal to touch a student. There are occasions when physical contact, other than “reasonable force,” with a student is proper and necessary; DfE guidance includes the following examples where touching a student might be proper or necessary:

- To demonstrate how to use a musical instrument.
- To demonstrate exercises or techniques during PE lessons or sports coaching.
- To give first aid.
- When a student is being congratulated or praised
- When comforting a distressed student

Reporting the use of reasonable force

When force has been used on a student it is our school policy that this must always be a matter of written record and reported to the student’s parents. The written incident report should be written by the member of staff as soon as possible after the event using the Use of Reasonable Force record in the Staff Drive folder ‘Safeguarding’. The Lead DSL should be alerted of the incident and the report who will then arrange for the parents to be informed. The report will include:

- 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 of the use of force.
- The student’s age.
- Names of any students or staff who have witnessed the use of force.
- Circumstances leading to the incident, details of the incident itself and any post-incident notes

Complaints arising from the use of force on a student

All complaints about the use of force will be thoroughly, speedily and appropriately investigated.

The School notes that when a complaint is made the onus is on the complainant to prove that his/her allegations are true rather than for the member of staff to show that he/she has acted reasonably.

Moreover, where a member of staff has acted within the law i.e. 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.

Suspension will not be the School’s automatic response when a member of staff has been accused of using excessive force. The School will bear in mind the “Dealing with Allegations of Abuse against Teachers and Other Staff” - DfE guidance regarding an allegation against a member of staff of the

use of excessive force. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

The School will, therefore, weigh carefully whether the circumstances of the case warrant the suspension of the member of staff until the allegation is resolved or whether alternative arrangements are more appropriate.

If a decision is taken to suspend a member of staff, the School should ensure that the member of staff has access to a named contact that can provide support. The School has a duty of care towards its employees and acknowledges its duty to offer appropriate pastoral care to any member of staff who is subject to a formal allegation following the use of force.

In reaching a decision on whether or not to take disciplinary action against the member of staff, the Governing Body shall consider whether the individual has acted within the law.

Author:	Ken MacSporran	Date:	September 2019
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