



Use of Reasonable Force Policy

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Approved by: Chair of Trustees

Principal: Neil Bain

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1. Aims

The Wemms Education Centre is a specialist school for students who have SEND difficulties but principally share a high level of anxiety. This creates responses in the students that are not always easily understood and sometimes are difficult to manage. The aim of the school is always to defuse and to ameliorate the challenging behaviour exhibited by some students when they are dysregulated. However, there are moments when students may exhibit behaviours that are unsafe for themselves or for others. As a last resort, reasonable force may be necessary for the safety of staff, students or visitors. This Policy is intended to provide clarification on the use of force to help school staff feel more confident about using restraint and or force when they feel it is 'absolutely necessary', and to make clear the responsibilities of principals, trustees, teachers and support staff in respect of this power.

2. Key points

- School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
- School leaders should support their staff when they use this power.

3. Definitions

The term 'reasonable force' covers the broad range of actions used by most teaching staff at some point in their career that involves a degree of physical contact with students.

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.

- '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 restraining a student, should they be attempting to hurt themselves or others.
- 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.
- 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.

4. Who can use reasonable force?

- All members of Wemms staff have a legal power to use reasonable force (Section 93, Education and Inspections Act 2006).
- This power applies to any member of staff at the school. It can also apply to people whom the principal has temporarily put in charge of students such as unpaid volunteers or parents accompanying students on a school organised visit.

5. 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.
- In a school, force is used for two main purposes – to control students or to restrain them.
- The decision on whether to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

Wemms Education Centre Staff can use reasonable force to:

- prevent a student from attacking a member of staff or another student, or to stop a fight in the playground; and
- restrain a student at risk of harming themselves through physical outbursts.

Wemms Education Centre Staff cannot and would not:

- use force as a punishment – This is always unlawful.

6. Power to search students without consent

In addition to the general power to use reasonable force described above, the principal and authorised senior staff can and will conduct a search for the following “prohibited items” (Section 550ZB (5) of the Education Act 1996)

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco, vapes, cigarettes and cigarette papers
- fireworks
- pornographic images
- Aerosol glue

This also includes 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. Wemms Education Centre adopts a non-confrontational policy when conducting searches. We will ask that students comply with search instructions and empty any pockets or bags voluntarily. Where a student refuses to comply with search instructions, parents will be contacted, and an agreement will be reached with regards to next steps. During this time, students will be kept in isolation and supervised by a senior member of staff.

7. Communicating the School’s Approach to the Use of Force

- Every school is required to have a **behaviour policy** and to make this policy known to staff, parents and students. The Trustees should notify the Principal that they expect the school behaviour policy to include the power to use reasonable force.

- The DfE advises that schools should not have a ‘no contact’ policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a student or prevent them in taking the 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.

8. Telling Parents when Reasonable Force has been used on their Child

It is good practice for all schools to speak to parents about serious incidents involving the use of force and to complete the necessary statements and serious incident forms. It is up to schools to decide whether it is appropriate to report the use of force to parents. Wemms Education Centre will always notify parents where it has been necessary to make physical contact with their child to prevent them from hurting themselves or others.

In deciding what is a serious incident, teachers should use their professional judgement, speak to the DSL and consider the:

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

9. What happens if a Student Complains when Force is used on them?

All complaints about the use of force should be thoroughly, speedily and appropriately investigated. Student investigations will be conducted by the DSL and Staff investigations will be conducted by the Principal (and in some cases, the Chair of Trustees)

- 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.
- 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.
- Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Wemms Education Centre 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. Government guidelines for schools on allegations against staff or volunteers states:

“Schools must 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 a decision is taken to suspend a member of staff, Wemms will ensure that the staff member has access to a named contact who can provide support, in line with school policies.
- The Principal and the Board of Trustees should always consider whether a member of staff has acted within the law when reaching a decision on whether to take disciplinary

action against them. Any incident involving a staff member may be reported to the LADO.

- As employers, all schools have a duty of care towards their employees. Therefore, it is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

10. What about 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.

Examples of where touching a student might be proper or necessary:

- Holding the hand of the child when walking together around the school or on an external school trip.
- When comforting a distressed student.
- When a student is being congratulated or praised.
- To demonstrate how to use a musical instrument.
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.

Wemms Education Centre is ultimately a place to 'breathe easy'. It is not a place where any member of staff expects to have to use reasonable force to protect a child from injuring themselves or others. Interventions, such as, de-escalation, talking therapy, placing the child in a calm environment or giving the child a safe space to go to in moments of high anxiety are all approaches that we take. However, to protect our staff and our students, we need to make our community (both internal and external) aware that, when all other avenues have been exhausted (or there is immediate danger), reasonable force can be the only option available in keeping children and staff safe. Should this ever be the case, Wemms Education Centre staff and students will be dealt with in accordance with the policy outlined above.