



# Care and Control Policy

## Justifiable Restraint

Reviewed July 2021



# ***Keeping Children Safe in Education 2019***

## ***Use of reasonable force***

### **What is reasonable force?**

There are circumstances when it is appropriate for staff in schools and colleges to use reasonable force to safeguard children and young people. The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury.

'Reasonable' in these circumstances means 'using no more force than is needed'. The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

The department believes that the adoption of a 'no contact' policy at a school or college can leave staff unable to fully support and protect their pupils and students. It encourages headteachers, principals, governing bodies and proprietors to adopt sensible policies, which allow and support their staff to make appropriate physical contact. The decision on whether or not to use reasonable force to control or restrain a child is down to the professional judgement of the staff concerned and should always depend on individual circumstances.

When using reasonable force in response to risks presented by incidents involving children with SEN or disabilities or with medical conditions, schools and colleges should in considering the risks carefully recognise the additional vulnerability of these groups. They should also consider their duties under the Equality Act 2010 in relation to making reasonable adjustments, non-discrimination and their Public Sector Equality Duty. By planning positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children, and agreeing them with parents and carers, schools and colleges can reduce the occurrence of challenging behaviour and the need to use reasonable force.

- 1) 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.
- 2) 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.
- 3) 'Reasonable in the circumstances' means using no more force than is needed.
- 4) As mentioned above, 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.
- 5) 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.
- 6) 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.

### **Who can use reasonable force?**

- 1) All members of school staff have a legal power to use reasonable force. See section 93 *Education and Inspections Act 2006*.
- 2) 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-organized visit.

### **When can reasonable force be used?**

- 1) Reasonable force can be used to prevent students from hurting themselves or others, from damaging property or from causing disorder.
- 2) In a school, force is used for two main purposes – to control students or to restrain them.
- 3) 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.
- 4) The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used

## **Where might reasonable force be used?**

- to prevent a student from attacking a member of staff, or another student, or to stop a fight between two or more students;
- to prevent a student causing deliberate damage to property;
- to prevent a student causing injury or damage by accident, by rough play, or by misuse of dangerous materials or object;
- to ensure that a student leaves a classroom where the student persistently refuses to follow an instruction to do so;
- to prevent a student behaving in a way that seriously disrupts a lesson; or
- to prevent a student behaving in a way that seriously disrupts a school sporting event or school visit.

In addition to the general power to use reasonable force described above, the Principal, ALT or Inclusion Team 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.

Searches will be undertaken by two members of the Academy Leadership/Safeguarding/Pastoral Team, both of the same sex of student to be searched.

***Force cannot be used to search for items banned under the school rules.***

## **Other key issues of the guidance**

Members of staff should not put themselves at risk. An individual would not be seen to be failing in their duty of care by not using force to prevent injury, if doing so threatened their own safety.

Schools should never seek to inhibit the ability of staff to use force by adopting a 'no contact' policy because this might place a member of staff in breach of their duty of care towards a student, or prevent them taking an action needed to prevent a student causing injury to others.

It is not illegal to touch a student. The latest guidance gives examples of where touching a student is either proper or necessary, such as administering first aid.

***However, staff should always avoid touching or restraining a student in a way that could be interpreted as sexually-inappropriate conduct.***

All staff need to understand their powers and the options open to them. They must know what they are allowed to do under the school's behaviour policy. This should be part of induction and further training should be given. The Principal or delegated senior member of staff to set out staff members' responsibilities in relation to the school policy on use of force

The policy recognises that decisions on whether the precise circumstances of an incident justify the use of force have to be made quickly, with little time for reflection. Nevertheless, staff need to make the clearest possible judgement about the chances of achieving the desired result by other means; the seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used; and the relative risks associated with physical intervention compared with using other strategies.

Before using force staff should engage the student in a calm and measured tone, making clear that their behaviour is unacceptable and setting out how the student could choose to change their behaviour. Staff should not give the impression of acting out of anger or frustration, or to punish a student, and should make it clear that they only intend to use physical intervention as a last resort to ensure that the situation is addressed as safely as possible.

***School staff involved in the use of reasonable force should record such serious incidents using the body map facility on CPMOS. Staff should report the incident to the Pastoral Team. The Pastoral Leader will contact parents/carers the same day.***