



KING'S HOUSE SCHOOL

RICHMOND



Member of staff responsible: Head

Date of policy review: June 2022

Date of next review: June 2024

Approved by SMT: June 2022



INTRODUCTION

Provisions contained in the Education and Inspections Act 2006 (Section 93) give all members of school staff the legal power to use reasonable force. The DfE Guidance, “Use of Reasonable Force”, from July 2013 provides further advice and guidance on this issue.

There is no requirement to have a policy, but it is considered good practice to set out the circumstances in which reasonable force might be used.

The School's Safe Handling Policy is based on the provisions, definitions and guidelines given above. These documents and this Policy apply where a member of the staff of the School is on the premises of the School or elsewhere at a time when, as a member of its staff, s/he has lawful control or charge of the pupil concerned, for example, on a school trip. This policy applies to all children in the School including those in EYFS.

The Act and guidance address when, where and how physical force can be used to restrain pupils and also give examples of other circumstances when it is considered reasonable to have physical contact with pupils. It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, is proper and necessary.

Although they do not address the point, it is relevant that failure to take action in circumstances which merit it may, in some cases, be seen as a breach of duty of care. So far as a teacher's duty of care is concerned, an omission can be significant if there were to be a subsequent claim for negligence. The circumstances of the case are the deciding factor and a teacher would not be expected to intervene to restore safety, at all costs, to his or her personal safety.

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. 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 pupil needs to be restrained to prevent injury.

“Reasonable” means using no more force than is needed.

The School may use force to control pupils and to restrain them. Control means 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 a classroom. Restraint means to hold back physically to bring a pupil under control. It is typically used in more extreme circumstances, for example, if two pupils are fighting.

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

WHO CAN USE REASONABLE FORCE?

All members of School staff have a legal power to use reasonable force. It can also apply to volunteers or parent-helpers.

WHEN CAN REASONABLE FORCE BE USED?

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder. The decision on whether to intervene physically or not is down to the professional judgement of the member of staff. Here are some examples of situations when reasonable force can be used:

- To remove a disruptive pupil who has refused to leave a room.
- To prevent a pupil behaving in a way that disrupts a school event, trip or outing.
- To prevent a pupil leaving a room where allowing them to leave would risk the safety 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.
- To search pupils for such items as knives, alcohol, stolen items, pornographic images.

PUPILS WITH SEND

When using reasonable force, staff have a duty to make reasonable adjustments for disabled children and pupils with Special Educational Needs.

PUNISHMENT

Force cannot be used as a punishment – it is always unlawful to do so.

COMMUNICATION OF THE SCHOOL'S APPROACH

It is important that parents and pupils are aware of the School's policy on the use of force, so this policy is referred to in the Pupil Behaviour Policy.



COMMUNICATION WITH PARENTS OVER AN INCIDENT OF RESTRAINT

If a member of staff has used restraint, they must inform a member of SMT. They will be asked, where appropriate, to fill in the Restraint Incident Form at Annex A. The parents will also be informed of the incident.

COMPLAINTS

If a parent makes a complaint about the use of reasonable force, it will be investigated speedily and appropriately. The School's Complaints Policy can be invoked.

The onus is on the person making the complaint to prove that their allegation is true – it is not for the member of staff to show that he/she has acted reasonably.

OTHER PHYSICAL CONTACT WITH PUPILS

As was stated earlier, it is not illegal to touch a pupil. Below are some examples of where touching a pupil might be proper and necessary. Ideally consent should be sought prior to physical contact, although this may depend on the age of the child and the circumstances.

- Holding the hand of a child in line when moving around school or outside school.
- When comforting a distressed child.
- When a pupil is being praised or congratulated.
- To demonstrate how to use a musical instrument¹.
- To demonstrate techniques in PE and games.
- To administer first aid.
- To change a pupil when soiled or wet, particularly in Early Years. In this circumstance the staff member would inform another member of staff about the changing prior to carrying it out.

It should be noted that in EYFS and with younger children there are often cases which fall into the above categories.

¹ Peripatetic Music teachers are invited to participate in the School Safeguarding training sessions. Music Teachers are provided with the DfE Guidance on KCSIE Part 1 and sign a declaration to confirm that they have read and understood this guidance. Peripatetic Music teachers are also provided with specific guidance of Keeping Children safe in Music through the Musicians Union.