

# ST. DAVID'S HIGH SCHOOL

## POLICY DOCUMENT:

# USE OF REASONABLE FORCE

**Reviewed by Governors  
October 2023**

**POLICY DOCUMENT:  
USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN STUDENTS**

**Introduction**

Section 550A of the Education Act 1996 (inserted by section 4 of the Education Act 1997) deals with the use of physical force by teachers and by other members of staff who are authorised by the Headteacher to have control of or to be in charge of students. It came into force on 1<sup>st</sup> September 1998 and applies to all maintained schools. It restates principles derived from common law and statute. It addresses the common misconception that since the coming into force of the Children Act 1989, any physical contact with a child is in some way unlawful. This is not so. Where necessary, reasonable force can be used to control or restrain students. Physical contact with students may also be appropriate in other circumstances (see paragraphs 29 to 31 below). However, the use of physical intervention should be regarded as a final option when other restraint strategies prove ineffective.

Section 550A refers only to the use of force for specific purposes by teachers and non-teaching staff authorised by the Headteacher to have control of students, namely to prevent the student:

- Committing an offence;
- Causing personal injury or damage to property;
- Engaging in behaviour prejudicial to good order and discipline at the school or amongst its students.

It does not cover all the situations in which it might be reasonable to use a degree of force. For example, everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force. Similarly, if a student was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene. The purpose of Section 550A is to make it clear that teachers and other authorised staff are entitled to intervene in other, less extreme, situations.

- \* Causing damage to property (including the student's own property)
- \* Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its students, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

Authorised persons other than teaching staff include classroom assistants; care workers, midday supervisors, specialist support assistants, education welfare officer, escorts, caretakers or voluntary helpers.

The section applies at any time where a teacher, or other authorised person, is on the school premises or whenever he/she has lawful control or charge of the student concerned, e.g. on a field trip or other authorised out of school activity.

**Meaning of Reasonable Force**

There is no legal definition of 'reasonable force'. When it is reasonable to use force or the *degree* of force that may reasonably be used, will always depend on all the particular circumstances.

There are two relevant considerations:

- \* The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore, physical force could not be justified to prevent a student from committing a trivial misdemeanour (e.g. dropping litter).
- \* The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use force, and the degree of force that could reasonable be employed, may also depend on the age, understanding, physical maturity and sex of the student.

In an emergency, staff who are employed to supervise students in and around school (midday supervisors, ASWs and classroom assistants) are authorised to use reasonable force.

Responding to such a situation can be very difficult. In doing so, teachers and other members of staff who have been authorised by the Headteacher should want to bear in mind the following:

### **Situations in which physical intervention may be appropriate or necessary**

The use of physical intervention should be viewed very much as the final option. It is very important to ensure that all possible preventative steps have been taken to ensure that physical intervention is unnecessary.

Section 550A applies to a wide variety of situations in which reasonable force might be appropriate to control or restrain a student. The following are some examples of situations in which the use of reasonable force might be appropriate:

- \* Students fighting;
- \* A student engaged in, or on the verge of committing, deliberate damage or vandalism to property;
- \* A student causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse or dangerous materials or objects;
- \* A student running in a corridor or on a stairway in a way which might cause an accident likely to injure him/herself or others;
- \* A student persistently refusing to obey an order to leave a classroom;
- \* A student behaving in a way that is seriously disrupting a lesson; and
- \* A student absconding from a class or trying to leave school but only if a student could be at risk if not kept in the classroom or at school

Responding to such a situation can be very difficult. In doing so, teachers and other members of staff who have been authorised by the Headteacher should want to bear in mind the following:

- a. Will the use of force exacerbate the situation and result in further injury to the teacher, the student, or other students;
- b. Will it set a poor example for other children?
- c. Will it stress and/or distress the student or other students; and
- d. If the child has previously suffered physical abuse, will physical intervention in the classroom revive these memories?

### **Application of Force**

Physical intervention can take several forms. It might involve a member of staff physically interposing him or herself between students or blocking a student's path; it might involve holding, pushing, pulling, leading by the arm, or shepherding a student away by placing a hand in the centre of the back; or it might involve using classroom furniture to restrict movement.

Where it is necessary to use force a member of staff must not, except in the most exceptional circumstances where there is no alternative, do so in a way that might reasonably be expected to cause injury, for example by:

- \* Holding a student around the neck, or by the collar, or in any other way that might restrict the ability to breathe; Slapping, punching or kicking a student; striking a student with an object; Twisting or forcing limbs against a joint; Tripping up a student; Holding or pulling a student by the hair

Even when the situation is managed well, the authorised teacher member of staff could be accused of false imprisonment, assault or battery. Members of staff should also always avoid touching or holding a student in a way that might be considered indecent.

Where there is an immediate risk of injury or damage to property, a member of staff may have to intervene physically straight away. For example, to prevent a student running or stepping off a pavement onto a busy road, or to prevent a student hitting someone or throwing something.

### **Strategies Other than Physical Restraint**

Where the risk is not so urgent the member of staff should consider carefully whether, and if so when, physical intervention is appropriate. They should always attempt to deal with a situation through other strategies before using force and should have strategies and techniques for dealing with difficult students and situations which they should use to defuse and calm a situation. In a non-urgent situation force should only be used when other methods have failed.

Before intervening physically a member of staff should, wherever practicable, instruct the student who is misbehaving to stop and explain to him or her the consequences of failing to comply. Where it is necessary to use physical restraint, the member of staff should continue talking to the student throughout the incident and should make it clear that physical contact/restraint will stop as soon as the student complies with the instructions. A calm and measured approach is needed and members of staff should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the students. Sometimes a member of staff should not intervene in an incident without help \*(unless it is an emergency). This might arise when dealing with an older or physically large student or with more than one student. In some instances, the use of physical restraint may well be the spark for igniting a student's violence and could place the member of staff at risk of injury. In those circumstances the member of staff should remove other students who might be at risk, and summon assistance from a colleague or colleagues, or where necessary call the police. The member of staff should inform the student(s) that he or she has sent for help. Until assistance arrives the member of staff should continue to attempt to defuse the situation by talking and try to prevent the incident from escalating.

### **Recording Incidents**

Immediately following any incident in which force is used to control or restrain a student, the member of staff concerned should report the matter orally to the head or a senior member of staff. The member should provide a written report as soon as possible afterwards. This may help to prevent any misunderstanding or misrepresentation of the incident and it will be helpful in the event of a complaint.

Schools should keep a record of all incidents, preferably in an incident book. The report of an incident should include:

- \* The name(s) of the student(s) involved, and when and where the incident took place;
- \* Names of any other staff or students who witnessed the incident;
- \* The reason that force was necessary (e.g. to prevent injury to the student/another student/member of staff);
- \* How the incident began and progressed, including details of the student's behaviour, what was said by each of the parties, the steps taken to defuse/calm the situation, the degree of force used, how that was applied, and for how long;
- \* The student's response, and the outcome of the incident;
- \* Details of any injury suffered by the student, another student, or a member of staff and of any damage to property

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should keep a copy of the report. Schools should be aware of a contact in the LEA from whom they can seek advice.

Injuries suffered by an employee, as a result of a deliberate assault arising out of or in connection with their work, should be reported under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 1995 (RIDDOR).

### **Complaints**

Incidents involving the use of force can cause the parents of the student involved great concern. Parents should be informed of an incident involving their child and give them an opportunity to discuss it. The head, or member of staff to whom the incident is reported should consider whether that is done straight away or at the end of the school day; and whether parents should be told orally or in writing.

Involving parents when an incident occurs with their child, plus a clear policy about physical contact with students that is adhered to by staff, should help to avoid complaints from parents. It will not prevent all complaints however, and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the police and Social Services Department under child protection procedures. Welsh Office circular 52/95: "protecting Children from Abuse - The Role of the Education Service" gives guidance about the latter and about procedures for dealing with all allegations against teachers.

The possibility that a complaint might result in a disciplinary hearing, a criminal prosecution, or a civil action brought by a student or parent, cannot be ruled out. It would be for the disciplinary panel or the court to decide whether the use and a degree of force was reasonable in all the circumstances. The panel or court would have regard to the provisions of section 550A. It would also be likely to take account of the school's policy in regard to restraint, whether that had been followed, and the need to prevent injury, damage, or disruption in the case in question.

### **Physical Contact with Students in Other Circumstances**

There are situations other than those covered by Section 550A, in which physical contact with a student may be appropriate or necessary. Some physical contact may be necessary to demonstrate exercises or techniques in the course of PE lessons or sports coaching; if a member of Staff has to administer first aid; or *where* a student is in distress and needs comforting. Staff are expected to have regard for local policy guidance and to use their professional judgement when they feel a student needs this kind of support.

There may be some children for whom touching is a particularly unwelcome or inappropriate. It is important that all staff receive information on these children. In addition, the school will need to develop clear common practice in relation to particular groups of children and situations. For example, students from some minority groups may be particularly sensitive to physical contact by staff.

Similarly, there should be a common approach where staff and students are of the opposite gender. Physical contact between staff and students of the opposite sex becomes increasingly open to question as students reach and proceed through adolescence. Staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

The administering of intimate or invasive medical treatment by school staff is dealt with in WO Circulars 34/97 & 97/31 "Supporting Students with Medical Needs in Schools" and the Welsh Office Good Practice Guide which has the same title.