

## **A Summary of Use of Reasonable Force: Advice for headteachers, staff and governing bodies**

This guidance has been prepared by Vanessa Nice, Head of Halton Behaviour Support Service. It is intended as a summary of the DfE advice published in July 2013. The full document can be read [here](#). This advice is statutory and sets out schools' responsibilities with regard to the use of reasonable force.

This document applies to all schools in England, regardless of designation.

### **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.
- Senior school leaders should support their staff when they use this power.

### **What is 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 pupils.
2. **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 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 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.
5. **Restraint** means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils 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 pupil.

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

- All members of school staff have a legal power to use reasonable force.
- This power applies to any member of staff at the school. It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

### **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.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- 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.

### **Schools can use reasonable force to:**

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

**Schools cannot use force as a punishment – it is always unlawful to use force as a punishment.**

### **Searching & Screening**

Authorised staff in schools can use reasonable force to search for illegal or prohibited items but cannot use it to search for items that are not illegal or prohibited but are banned under the school rules. Further information on searching & screening can be found [here](#)

### **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 pupils. The governing body should notify the headteacher that it expects the school behaviour policy to include the power to use reasonable force. *There is no requirement to have a policy on the use of force but it is good practice to set out, in the behaviour policy, the circumstances in which force might be used. For example, it could say that teachers will physically separate pupils found fighting or that if a pupil refuses to leave a room when instructed to do so, they will be physically removed.*
- Any policy on the use of reasonable force should acknowledge their legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).
- **Schools do not require parental consent to use force on a student.**
- **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 pupil, or prevent them taking action needed to prevent a pupil causing harm.
- By taking steps to ensure that staff, pupils 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.

The following techniques are considered inappropriate and are high risk and **must not** be used in any circumstances.

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

### **Training**

Staff are within their rights to use reasonable force even if they have not had any training for this eventuality. However, headteachers may consider it appropriate to train staff in de-escalation and handling techniques to enable them to more effectively carry out their responsibilities.

### **Reporting to parents**

Schools can decide how best to report the use of force to parents and how best to record such incidents. It is up to schools to decide what constitutes a 'serious incident'.

It is good practice to record any use of force or restraint using an online system or if in paper form, it should be recorded in a *Physical Intervention Record* or similar document. This should be a bound book with numbered pages which records the date, time and involved parties. It is an opportunity to record the build-up to the event as well as the post-event debrief and to record the strategies used. It can be made available to regulatory bodies if required.

### **What happens if a pupil complains when force is used on them?**

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- 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. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see the ‘Further sources of information’ section below) 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.**
- 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 teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- **As employers, schools and local authorities have a duty of care towards their employees. 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.**

### **What about other physical contact with pupils?**

**It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.**

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

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching;
- To give first aid.