

BRYANSTON

USE OF REASONABLE FORCE POLICY

1 Introduction

There may be very rare circumstances when a pupil at Bryanston School needs to be physically restrained by a member of staff. This document is intended to clarify when such occasions might occur and the procedures which should be adopted.

2 What is meant by reasonable force?

There is no precise legal definition of “reasonable force” so it is not possible to state, in fully comprehensive terms, when it is appropriate to use physical force to restrain or control pupils or the degree of force that may reasonably be used. It will always depend on the circumstances of each case. However, there are three relevant considerations to be borne in mind:

- 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 pupil from committing a trivial misdemeanor, or in a situation that clearly could be resolved without force;
- 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 (i.e. “reasonable” means using no more force than is needed); and
- whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on, amongst other things, the age, level of understanding of the pupil, and any physical disability he/she may have.

3 When might it be appropriate to use reasonable force?

In a situation where other behaviour management strategies have failed to resolve the problem, or are inappropriate (e.g. in an emergency), there are a wide variety of circumstances in which reasonable force might be appropriate, or necessary, to restrain or control a pupil. They will fall into two broad categories:

- a. where action is necessary in self-defence or because there is an imminent risk of injury;
- b. where there is a developing risk of injury, or significant damage to property;

Examples of such situations are:

- a pupil attacks a member of staff, or another pupil;
- pupils are fighting;
- a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects;
- a pupil is (or appears to be) under the influence of alcohol or illegal substances;

- a pupil absconds from school (this will only apply if a pupil would be at serious risk if not kept in school).
- a pupil is at risk of harming him/herself.

4 What might be regarded as constituting reasonable force?

Force may be used to control and to restrain pupils. 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 holding back physically or bringing a pupil under control (this is typically used in more extreme circumstances, for example if two pupils are fighting and refuse to separate without physical intervention).

In addition to the general power to use reasonable force described above, authorised staff may use reasonable force, appropriate to the circumstances, to conduct a search for prohibited items (as described in the Bryanston School Search and Confiscation Policy), specifically if there is a risk of personal injury or damage to property.

Physical intervention can take a number of forms. It might involve staff:

- physically interposing between pupils;
- blocking a pupil's path;
- leading a pupil by the arm;
- shepherding a pupil away by placing a hand in the centre of the back; or
- (in extreme circumstances) using more restrictive holds, including holding, pushing and pulling.

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of "reasonable force", for example, to prevent a young pupil running off a pavement on to a busy road, or to prevent a pupil hitting someone, or throwing something. However, staff should never act in a way that might reasonably be expected to cause injury, for example by:

- holding a pupil round the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;
- slapping, punching, kicking or using any implement on a pupil;
- throwing any object at a pupil;
- twisting or forcing limbs against a joint;
- tripping up a pupil;
- holding or pulling a pupil by the hair or ear; and
- holding a pupil face down on the ground.

Staff should also avoid touching or holding a pupil in any way that might be considered indecent.

5 Recording of incidents where reasonable force has been used

A report of any incident where reasonable force has been used needs to be made as soon as possible. It should include the following information:

- the name(s) of the pupil(s) involved, and when and where the incident took place;
- the names of any other staff or pupils who witnessed the incident;
- the reason that force was necessary (e.g. to prevent injury to the pupil, another pupil or a member of staff);
- briefly, how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
- the pupil's response, and the outcome of the incident; and
- details of any obvious or apparent injury suffered by the pupil, or any other person, and of any damage to property.

Immediately following any such incident the member of staff concerned should tell the Headmaster, Second Master or Head of Pupil Development and then provide the short written factual report as soon as possible afterwards. It is appropriate for parents to be briefed about incidents involving the use of reasonable force.

Any complaint made about the use of force should be appropriately investigated. Further details of this are contained in the "Use of Reasonable Force" (Department of Education) document referred to below.

This document should be read in conjunction with:

- Bryanston School Rules and Regulations
- Bryanston School Behaviour Policy
- Bryanston School Search and Confiscation Policy

Reference also may be made to: Education and Inspections Act 2006 (Section 93), Use of Reasonable Force: Advice for headteachers, staff and governing bodies – July 2013 (Department for Education), 'Behaviour and discipline in schools: Advice for headteachers and school staff' - January 2016 (Department for Education) and also to 'Screening, searching and confiscation: Advice for headteachers, school staff and governing bodies - January 2018 (Department for Education).

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