

St Cuthbert's RC Primary
Use of Reasonable Force and Safe Touch
Policy Statement

This Policy Statement was drawn up in line with DFE non-statutory guidance **Use of Reasonable Force**, July 2013.

This Policy Statement will form an annex to our Positive Behaviour Policy.

Definition:

Reasonable force covers a broad range of actions that involves a degree of physical contact with pupils:

- Force is used either to control or restrain.
- 'Reasonable in the circumstances' means using no more force than is necessary
- 'Control' means passive physical contact eg standing between pupils, or active physical contact eg leading a pupil by the arm out of a classroom.
- 'Restraint' means to hold back physically or to bring a pupil under control.
- Staff will always try to avoid acting in a way that might cause injury, but in some extreme cases it may not always be possible to avoid injuring a pupil.

All members of school staff have the legal power to use reasonable force (Section 93, Education and Inspections Act 2006). 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. School has a legal duty to make reasonable adjustments for disabled children and children with special educational needs.

Reasonable Force may be used to: (the following list is not exhaustive but provides examples)

- Remove a disruptive child 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 a 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
- Restrain a pupil at risk of harming themselves through physical outburst

School cannot:

- Use force as a punishment - this is unlawful

Power to search pupils without consent:

- The Headteacher or Deputy Headteacher can use reasonable force to search for items which have been, or are likely to be used to commit an offence, cause personal injury or damage property
- Stolen items

Informing Parents:

Parents will always be informed of serious incidents involving the use of force on their child. Such incidents will be formally recorded by the Headteacher, contact with parents will be recorded on Parent Contact sheets.

If a pupil or their parent complains when force is used on them:

- All complaints about the use of force will be thoroughly, speedily and appropriately investigated by the Headteacher or a senior member of staff
- Where a member of staff has acted within the law ie 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 the automatic response when a member of staff has been accused of using excessive force (see **Safeguarding Policy** - 'Dealing with Allegations against Teachers and other Staff')

Safe Touch

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. The following list gives some examples:

- Holding the hand of a child at the front or the back of a line
- 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

Any physical contact of this nature with pupils, should take place in an open environment (see **Safeguarding Policy**).

Clare Swales: May 2015

Approved: Curriculum Committee - May 2015

Review: May 2017