

Use of force guidance

Short summary



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All school staff members have a legal power to use reasonable force to prevent pupils committing a criminal offence, injuring themselves or others or damaging property, and to maintain good order and discipline.

Staff members can sometimes be worried that using force will lead to false allegations of unreasonable or unlawful conduct in the form of a complaint or legal action. But if the force used is reasonable all staff will have a robust defence against any accusations. This guidance is intended to help staff feel more confident about using force when they think it is right and necessary.

Whether the force used is reasonable will always depend on the particular circumstances of the case and the test is whether the force used is proportionate to the consequences it is intended to prevent. This means the degree of force used should be the minimum needed to achieve the desired result.

In schools force is generally used for two different purposes – to control pupils and to restrain them.

- Control can mean either passive physical contact (e.g. standing between pupils or blocking a pupil's path) or active physical contact (e.g. leading a pupil by the hand or arm, or ushering a pupil away by placing a hand in the centre of the back).
- When members of staff use "restraint" they physically prevent a pupil from continuing what they were doing after they have been told to stop. The use of restraint techniques is usually used in more extreme circumstances, such as when two pupils are involved in a fight and physical intervention is needed to separate them.

Some examples of situations where reasonable force might be used are:

- to prevent a pupil from attacking a member of staff, or another pupil, or to stop a fight between two or more pupils;
- to prevent a pupil causing deliberate damage to property;
- to prevent a pupil causing injury or damage by accident, by rough play, or by misuse of dangerous materials or object;
- to ensure that a pupil leaves a classroom where the pupil persistently refuses to follow an instruction to do so;
- to prevent a pupil behaving in a way that seriously disrupts a lesson; or
- to prevent a pupil behaving in a way that seriously disrupts a school sporting event or school visit.

The power may be used where pupils (including those from another school) are on school premises or elsewhere under the lawful control or charge of the staff member (for example on a school visit).

An effective and credible use of force policy is essential to a well-run school. The policy should be communicated to all staff, pupils and parents.

Schools should never seek to inhibit the ability of staff to use force by adopting a 'no contact' policy. The power to use force helps ensure pupil and school safety and the risk with a no-contact policy is that it might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking an action needed to prevent a pupil causing injury to others.

Because the use of force should only be a last resort, schools should minimise the possibility of force being needed by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind.

The judgement on whether to use force and what force to use should always depend on the circumstances of each case and – crucially in the case of pupils with SEN or disabilities – information about the individual concerned.

Schools may need to make individual risk assessments where it is known that force is more likely to be necessary to restrain a particular pupil, such as a pupil whose SEN and/or disability is associated with extreme behaviour.

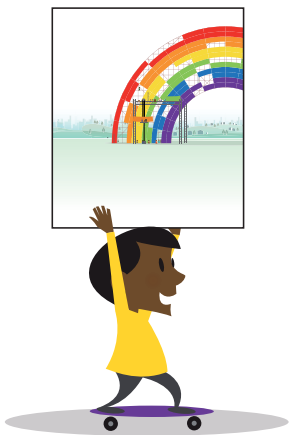
Schools need to make their own decisions about which staff require training in the use of force, and what that training should be. Schools will want to opt for suitably accredited training, where trainers can be expected to have achieved a given level of expertise. Local authority advice and guidance can also help schools to develop a well-targeted and appropriate training programme.

From September 2010, governing bodies must ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a pupil, and for reporting these incidents to the pupil's parents as soon as practicable after the incident. Governing bodies must take all reasonable steps to ensure that staff follow the procedure. This is to ensure that parents are kept informed of serious events at school concerning their child. If reporting the incident to a parent would be likely to result in significant harm to the pupil, then the incident must be reported to the local authority where the pupil normally lives.

Whether an incident is significant will vary on a case by case basis, but in determining whether it is, schools will need to consider factors such as the pupil's behaviour and the level of risk presented at the time, the degree of force used and whether it was proportionate in relation to the behaviour together with the effect on the pupil or member of staff.

Members of staff should not put themselves at risk. An individual would not be seen to be failing in their duty of care by not using force to prevent injury, if doing so threatened their own safety.

It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.



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