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Reasonable Force Policy

Policy- Document Status			
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Statement of Intent

Holmer Lake Primary believes that it is important to establish a safe, secure and stable environment to enable pupils to grow, develop and learn. To achieve this, the school recognises that, in certain circumstances, managing violence through control and restraint may be necessary.

This policy acknowledges that situations may arise in which staff members will be required to use positive handling, and in some cases reasonable force, in order to manage conflict when other measures have failed to do so.

The aim of this policy is to ensure that actions such as use of reasonable force are used in a correct and safe manner, which is in accordance with the relevant legislation and national guidance.

Legal framework: this policy has due regard to all relevant legislation including, but not limited to, the following:

- The Education Act 2011
- The Children Act 1989
- The Equality Act 2010

This policy has due regard to the following guidance:

- DfE (2013) 'Use of reasonable force in schools'
- DfE (2018) 'Working Together to Safeguard Children'
- DfE (2020) 'Keeping children safe in education'

This policy operates in conjunction with the following school policies:

- Allegations Against Staff Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Behavioural Policy

Definitions

Restrictive intervention: a means to prevent, restrict, or subdue movement of the body, or part of the body, of a pupil. 'Restrictive interventions' is the umbrella term to describe both physical and non-physical actions aimed to restrain pupils in different ways.

Reasonable force: a term used in legislation which includes physical restrictive interventions. All members of school staff have the legal power to use reasonable force in limited circumstances.

Reasonable means using no more force than is necessary for the least amount of time, the application of which will depend on the circumstances.

Significant incident: any incident where the use of force goes beyond appropriate physical contact between pupils and staff as described in 'Other physical contact with pupils'. This includes when physical force is used to implement a non-physical restrictive intervention.

Seclusion: a non-disciplinary intervention involving keeping a pupil confined to a place away from others, and preventing them from leaving either by physical obstruction, blocking, or making them believe they will be punished if they try to leave.

Restraint: a term used in legislation referring to a non-disciplinary intervention which immobilises a pupil or limits their movement. This may or may not include direct physical contact.

Roles and Responsibilities

The headteacher is responsible for:

- Monitoring the overall implementation of this policy.
- Evaluating the use of reasonable force to analyse how and when use of reasonable force is used and identify any trends.
- Responding to any complaints, in liaison with the headteacher, from pupils or parents regarding the use of reasonable force.
- Deciding whether any staff require training to use reasonable force.
- Ensuring all members of staff understand the correct conduct in terms of reasonable force.
- Handling any allegations of abuse in line with the Allegations of Abuse Policy.
- Ensuring that any member of staff who uses reasonable force records this onto CPOMS.

The SENCO is responsible for:

- Providing training to members of staff on how to handle pupils with SEND (de-escalation strategies/through in-school professionals meetings).
- Ensuring staff understand how pupils with SEND may react differently to reasonable force.
- Ensuring that staff understand the additional vulnerability of pupils with SEND or medical conditions.
- Developing individual behaviour plans for more vulnerable pupils and ensuring teaching staff are aware of these.
- Ensuring that staff understand how reasonable force principles may need to be adapted for pupils with medical conditions.

The DSL is responsible for:

- Ensuring all members of staff use reasonable force in accordance with this policy.

- Reviewing this policy in liaison with the headteacher.

Consideration for pupils with special educational needs and/or disabilities (SEND)

Some children and young people with SEND may react to distressing or confusing situations by displaying behaviours which may be harmful to themselves and others. Triggers may include pain, sensory overload, unfamiliar situations or environments or feelings of fear and anxiety. In particular, pupils who are non-verbal or find verbal communication challenging may express their needs, discomfort or confusion through actions. This can lead to pupils with SEND being disproportionately subject to the use of restrictive interventions. Staff will seek to understand the underlying triggers of challenging behaviour so that we can provide proactive support and create an inclusive environment.

We will utilise staff who know individual pupils well to help identify and manage risk such as trigger points when challenging behaviour is more likely to occur and develop proactive strategies to reduce the likelihood of restrictive interventions being used. Staff will also work with the children, parents and other professionals to develop prevention and de-escalation strategies.

Behaviour support plans will outline any adjustments, such as to address aspects of the school environment which the pupil finds challenging and ways for pupils to communicate their needs effectively. Behaviour support plans detail circumstances where it may be appropriate for staff to have increased physical contact with a pupil. This is discussed in conjunction with the relevant people, such as teachers, parents, the pupil, pastoral staff or health professionals, and parameters around its use stated clearly in the plan. Where there is an identified risk, such as increased likelihood in the need to use reasonable force and/or other restrictive interventions, we will have risk assessments in place and where possible, mitigate risks such as through training and prevention strategies. Whether the use of restrictive interventions is appropriate will depend on the circumstances, irrespective of whether it has been considered as part of a behaviour support plan. Any behaviour support plans will be reviewed with the pupil and their parent periodically and following any significant incident, so that changes can be made based on evidence of what has worked and what has not worked in practice for the individual pupil.

Where a pupil has a disability, we have a duty under the Equality Act 2010 to take reasonable steps to avoid disadvantage so that the pupil can fully participate in the education provided by us, and that they can enjoy the other benefits, facilities and services that we provide for pupils at Holmer Lake.

Where a pupil demonstrates undesirable behaviour, a behaviour safety plan may be put in place. This plan will be discussed with the pupil and their parents. This plan will outline the de-escalation strategies that may be used to support the pupil to regulate his/her emotions. ***Parents will also be referred to the reasonable force policy.***

What is positive handling?

For the purpose of this policy, 'positive handling' is the positive application of force with the intention of protecting pupils and limiting damage to property. Legal framework and national guidance often refers to the 'use of force' – this policy uses the term 'positive handling' whenever possible.

Use of positive handling/reasonable force is used in the school to:

- Restrain a pupil who has lost emotional self-control until the situation is diffused.
- Limit the amount of harm that the pupil involved can do to themselves or others.
- Demonstrate to pupils that they are within a safe environment in which adults can contain pupils' anger and other erratic emotions.
- Protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful.

Use of positive handling/reasonable force will be limited to emergency situations and used only as a measure of last resort.

Where use of reasonable force is required, the school will abide to the following guidance:

- Initial intervention will always be without force (de-escalation strategies).
- Any physical intervention will follow other appropriate actions.
- Staff will take a calm and measured approach.

Failure to positively handle a pupil who subsequently gets injured, or injures another pupil, could lead to an accusation of negligence.

Use of positive handling/reasonable force will never be invasive, humiliating, flirtatious in nature or take a form which could be seen as punishment.

Use of positive handling/reasonable force will be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing the pupil to regain self-control.

What is reasonable force?

There is no statutory definition of reasonable force; it will always depend on the circumstances of the case.

The use of reasonable force is only acceptable to control pupils or restrain them.

- 'Control' refers to either passive physical contact, such as blocking a pupil's path, or active physical contact such as leading a pupil by the arm.
- 'Restraint' refers to physically bringing a pupil under control, such as holding them back. This is typically used in more extreme circumstances, such as to separate two pupils fighting.
- The degree of force that is used will depend on the pupil's circumstances, e.g. age.
- Staff members will always use actions that are appropriate and in proportion to the circumstances of the incidents.
- All incidents that involve the use of reasonable force will be reported to the headteacher and recorded on CPOMs.

The school is able to use reasonable force in situations when (please note these are examples and not an exhaustive list):

- Disruptive children must be removed from a room and have previously refused to leave.
- Members of staff need to control disruptive pupils on school trips, during school events or similar.
- Members of staff must prevent a pupil from leaving a room when doing so would lead to a risk to their safety or the safety of others.
- A pupil is attacking a member of staff or another pupil.
- A pupil is at serious risk of harming themselves and a member of staff must intervene to prevent this.

Physical intervention will never be used as a punishment in accordance with the school's Behavioural Policy.

Use of Reasonable Force

- All members of staff will be permitted to use reasonable force where they believe it to be appropriate, as long as all necessary precautions are taken.
- The power to positively handle pupils also applies to any individual whom the headteacher has identified as temporarily in charge, such as volunteers/student teachers.
- The decision to physically intervene during a situation is down to the professional judgement of the member of staff and always depends on the circumstances.
- Staff will always calmly communicate the reasons for their actions to the pupil and explain why it was necessary in a non-threatening manner.
- Staff will never give the impression that they are acting out of anger or are punishing the child.

- All staff members will develop strategies and techniques for dealing with difficult pupils and situations, which they will use to diffuse and calm a situation – our school use CPI Safety Intervention in line with the Local Authority.
- In non-urgent situations, staff will always try and deal with a situation through other strategies before using force (de-escalation strategies).
- Staff members will always avoid acting in a way that could cause injury; however, dependant on the circumstances, this may not always be possible.
- Where a member of staff believes that they are at risk, such as where an injury is likely to occur, they will not intervene in an incident without help and assistance of another staff member.
- Emergency intervention is necessary when there is a high risk of pupils being injured or property being damaged.
- Following the event, the pupil involved may be subject to separate disciplinary procedures, in which strategies should be formed to help avoid reoccurrence of such incidents.
- Where necessary, external agencies, such as the LA or the police if a crime has been committed, will be informed of the incident.

Use of reasonable force techniques which present an unacceptable risk and are therefore in question include:

- The 'seated double embrace' where two staff members force a pupil into a sitting position and lean them forward whilst a third staff member monitors their breathing.
- The 'double basket-hold' in which a pupil's arms are held across their chest.
- The 'nose distraction technique' which involves a sharp upward jab under the pupil's nose.
- The 'Prone Floor Hold' technique which involves holding down a child to the floor.

What is Seclusion?

This is a non-disciplinary intervention involving keeping a pupil confined to a place away from others and prevented from leaving. It will only be used as a safety measure to protect others from harm when a pupil is experiencing high levels of emotional or behavioural dysregulation.

In such circumstances, the pupil is not acting with intent. Seclusion will not be implemented by staff through threat of punishment.

The place to which a pupil is confined will always be safe and not feel threatening or intimidating to the pupil. The pupil will be supervised at all times during the period of seclusion.

As soon as the immediate risk of harm has reduced, the pupil will be allowed to leave.

An incident involving the use of seclusion will be recorded and reported.

Seclusion is not a disciplinary response to deliberate or wilful misbehaviour. There are disciplinary measures that are similar, such as removal from the classroom.

Recording and reporting the use of seclusion and non-force related restraint

Incidents will be recorded as soon as practicable after the event. They will be recorded by the staff member(s) involved who will endeavour to do this no later than the same day. The procedure will require that a record of any such incident is made in writing as soon as practicable after the incident. The requirement to record applies even if the use of seclusion or restraint in certain circumstances is agreed with parents as part of a pupil's behaviour support plan.

Staff will record the following details as a minimum:

- names of pupil and staff directly involved
- time, date, location and approximate duration of the intervention
- any relevant needs or circumstances of the pupil, including whether the pupil involved has an identified special educational need or disability and their SEN status code
- brief account of why the intervention was assessed as necessary in that instance
- details of any physical injuries sustained, if applicable
- any post-incident support, such as details of any medical treatment for injuries or other adverse impacts

Even if the use of restrictive interventions in certain circumstances is agreed with parents as part of a pupil's behaviour support plan the parent will still be updated. We will also invite parents into school for a follow-up discussion about the incident where appropriate. This will involve a discussion about:

- any behavioural triggers or warning signs of an impending incident
- whether any agreed behaviour support plans were followed
- what de-escalation strategies were used and how effective they were
- what might be done differently in the future. We may use this information to amend any existing behaviour support plans, as needed.

Reporting all other Incidents

Governors will ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a pupil.

Incidents will be recorded as soon as practicable after the event. They will be recorded by the staff member(s) involved who will endeavour to do this no later than the same day.

A record of any such incident will be made in writing as soon as practicable after the incident. The requirement to record applies even if the use of restrictive interventions in certain circumstances is agreed with parents as part of a pupil's behaviour support plan.

Staff will record the following details as a minimum:

- names of pupil and staff directly involved
- any relevant needs or circumstances of the pupil, including whether the pupil involved has an identified special educational need or disability and their SEN status code

- time, date, location and approximate duration of the intervention
- brief account of the incident, including what led up to the incident, identified or potential triggers if known, any preventative or de-escalation strategies used, and (where relevant) what type of reasonable force was applied, the degree of force, and details of any physical injuries sustained
- brief account of why the use of force was assessed as necessary in that instance
- any post-incident support, such as details of any medical treatment for injuries or other adverse impacts.

Parents will be informed as soon as practicable after the incident and we will endeavour to do this no later than the same day.

Complaints

- All members of staff will be made fully aware of the consequences and legal retributions that can occur following the incorrect use of reasonable force and force.
- All complaints regarding the use of reasonable force will be investigated in a thorough and speedy manner.
- The person making the complaint is responsible to prove that their allegations are true, and therefore, it is not for the member of staff to prove that their actions were made reasonably.
- In extreme circumstances, parents may take civil action or pursue a criminal prosecution.
- In the case where a member of staff has acted within the law, this will provide a defence to any civil or criminal prosecution.
- Members of staff accused of using excessive force will not be automatically suspended as a response to the allegations. The following procedure will be adhered to:
- Any allegations against staff will be dealt with as a matter of urgency, and in accordance with the procedures outlined in the Council's Whistleblowing Policy / Allegations Against Staff Policy.
- The headteacher will be responsible for conducting a thorough investigation to find out the correct details of what occurred; this may include talking to other pupils and staff about the incident, for instance those who witnessed the event.
- Careful consideration will be given to whether the case warrants a person being suspended until the allegation is resolved. Advice can be sought from the LADO.
- The headteacher will always take into account whether a staff member has acted within the law when considering whether or not to take disciplinary action against a staff member involved in an incident.
- Where a member of staff is suspended, the school will ensure that the staff member has access to a named contact that can provide support and guidance.

- The school will provide pastoral care to any member of staff who is subject to a formal allegation.

If the complaint is against the headteacher, then the chair of governors will investigate the complaint.

Staff Training

Members of the Senior Leadership Team and the Pastoral Team may be further trained in CPI Safety Intervention.

Further Reading

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>