

# Use of Reasonable Force and Physical Restraint Policy

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**It is the responsibility of all Cathedral Schools Trust employees, governors and volunteers to familiarise themselves with the contents of all Trust policies and any amendments hereafter.**

**Cathedral Schools Trust**  
**December 2022**

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## 1 Aims

- 1.1 This is the use of reasonable force and physical restraint policy for all schools within Cathedral Schools Trust.
- 1.2 The aims of this policy are as follows:
  - 1.2.1 to maintain the safety and welfare of our pupils, it may sometimes be necessary to use reasonable force on a pupil, as permitted by law;
  - 1.2.2 to actively promote and safeguard the welfare of pupils at the Academy and to protect all who come into contact with the Academy from harm;
  - 1.2.3 to ensure that when reasonable force and physical restraint are required to be used they are used in a safe and controlled manner for the minimum time necessary;
  - 1.2.4 to ensure, so far as possible, that every pupil in the Academy is able to benefit from and make their full contribution to the life of the Academy, consistent always with the needs of the Academy community;
  - 1.2.5 to create a calm, safe and supportive environment free from disruption in which pupils can thrive and flourish both in and out of the classroom and reach their full potential; and
  - 1.2.6 to help promote a whole school culture of safety, equality, inclusion and protection.

## 2 Scope

- 2.1 This policy applies to the whole Academy including the Early Years Foundation Stage (**EYFS**).
- 2.2 This policy (together with the Behaviour Policy, the Sixth Form Code of Conduct, Statement of Behaviour Principles<sup>1</sup> all other Academy policies on behaviour) applies to all pupils at the Academy and at all times when a pupil is:
  - 2.2.1 in or at the Academy;
  - 2.2.2 representing the Academy or wearing school uniform;
  - 2.2.3 travelling to or from the Academy;
  - 2.2.4 on Academy organised trips;
  - 2.2.5 associated with the Academy at any time.

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<sup>1</sup> Drafting note - this requirement is mandatory for maintained schools. Although this requirement is not mandatory for academies, the DfE strongly advises academies to consider one. This is a written statement of general principles to which the Principal / Head is to have regard in determining any measures under the behaviour policy. Academies should note that they may only exclude a pupil for behaviours set out in this policy and follow the DfE Exclusion guidance in all cases.

### 3 Regulatory framework

- 3.1 This policy has been prepared to meet the Academy's responsibilities under:
- 3.1.1 Education Act 2002, as amended by the Education Act 2011;
  - 3.1.2 The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012;
  - 3.1.3 The Education and Inspections Act 2006;
  - 3.1.4 The Education Act 1996;
  - 3.1.5 Statutory framework for the Early Years Foundation Stage (DfE, September 2021);
  - 3.1.6 Education and Skills Act 2008;
  - 3.1.7 Children Act 1989;
  - 3.1.8 Childcare Act 2006;
  - 3.1.9 Data Protection Act 2018 and UK General Data Protection Regulation (UK GDPR); and
  - 3.1.10 Equality Act 2010.
- 3.2 This policy has regard to the following guidance and advice:
- [Keeping children safe in education](#) (DfE, September 2022) (**KCSIE**);
  - [Working together to safeguard children](#) (HM Government, July 2018, updated July 2022);
  - [Information sharing advice for safeguarding practitioners](#) (DfE, July 2018);
  - [Behaviour in schools: advice for head teachers and school staff 2022](#) (DfE, September 2022)
  - [Suspension and Permanent Exclusion from maintained schools, academies and pupil referral units in England, including pupil movement](#) (DfE, September 2022) (**Suspension and Permanent Exclusion Guidance**);
  - [Use of reasonable force](#) (DfE, July 2013);
  - [Searching, screening and confiscation](#) (DfE, July 2022);
  - [Mental health and behaviour in schools](#) (DfE, November 2018);
- 3.3 The following Academy policies, procedures and resource materials are relevant to this policy:
- Safeguarding and child protection policy and procedures;
  - Behaviour policy;

School Rules/Statement of behaviour principles;<sup>2</sup>  
Anti-bullying policy;  
Policy on smoking, alcohol and the misuse of drugs and substances;  
Risk assessment policy for pupil welfare;  
Special educational needs and disability policy;  
Staff code of conduct.

#### **4 Publication and availability**

- 4.1 This policy is published on the Academy's website.
- 4.2 This policy is available in hard copy on request.
- 4.3 This policy can be made available in large print or other accessible format if required.
- 4.4 A copy of this policy is available in the Staff Handbook.

#### **5 Definitions**

- 5.1 Where the following words or phrases are used in this policy:
- References to the **Proprietor** are references to Cathedral Schools Trust, the **Academy Trust**.
  - References to **Parent** or **Parents** means the natural or adoptive Parents of the pupil (irrespective of whether they are or have ever been married, with whom the pupil lives, or whether they have contact with the pupil) as well as any person who is not the natural or adoptive Parent of the pupil, but who has care of, or Parental responsibility for, the pupil (e.g. foster carer / legal guardian).
  - References to **school days** mean Monday to Friday, when the Academy is open to pupils during term time. The dates of terms are published on the Academy's website.

#### **6 Responsibility statement and allocation of tasks**

- 6.1 The Proprietor has overall responsibility for all matters which are the subject of this policy.
- 6.2 The Proprietor is aware of its duties under the Equality Act 2010 and the requirement under S.149 of the Equality Act 2010 to meet the Public Sector Equality Duty. This means in carrying out its functions, the Proprietor is required to have due regard to the need to:
- eliminate discrimination and other conduct that is prohibited by the Act;
- advance equality of opportunity between people who share a protected characteristic and people who do not share it; and

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<sup>2</sup> [See footnote 1]

foster good relations across all characteristics - between people who share a protected characteristic and people who do not share it.

- 6.3 Any use of reasonable force will be legal and proportionate. Staff will take into account the pupil's age, any special educational needs or disability they may have.
- 6.4 To ensure the efficient discharge of its responsibilities under this policy, the Proprietor has allocated the following tasks:

<b>Task</b>	<b>Allocated to</b>	<b>When / frequency of review</b>
Keeping the policy up to date and compliant with the law and best practice	CST Leadership Team	As a minimum annually, ideally termly, and as required
Monitoring the implementation of the policy, relevant risk assessments and any action taken in response and evaluating effectiveness	CEO and Head of Primary Phase	As a minimum annually, ideally termly, and as required
Seeking input from interested groups (such as pupils, staff, Parents) to consider improvements to the Academy's processes under the policy	Headteacher	As a minimum annually, ideally termly, and as required
Formal annual review including trends relating to disciplinary measures taken	Proprietor	Annually
Overall responsibility for content and implementation	Proprietor <sup>3</sup>	As a minimum annually

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<sup>3</sup> Ofsted stated in their commentary on summary evaluation of MATS that HMI will explore "how policies are made, implemented and reviewed and the impact they have & how the MAT trustees work with MAT leadership". It is therefore important to acknowledge this within the policy. Moreover, the Ofsted Education Inspection Framework, under behaviour and attitudes refers to judgements being made by evaluating the extent to which: "leaders, teachers and learners create an environment where bullying, peer-on-peer abuse or discrimination are not tolerated. If they do occur, staff deal with issues quickly and effectively, and do not allow them to spread".]

## **7 Use of reasonable force**

- 7.1 Any use of force by staff will be reasonable, proportionate and lawful. Reasonable force will be used only when immediately necessary and for the minimum time necessary.
- 7.2 Force will never be used as a punishment.
- 7.3 Circumstances in which reasonable force might be used include the following:
- Where it is necessary for a pupil to be removed from the classroom following disruptive behaviour and they have refused the instruction to leave the classroom;
  - Where it is necessary to stop behaviour by a pupil that is disrupting an academy event, trip or visit;
  - Where it is necessary to prevent a pupil from leaving a classroom, where allowing them to leave would risk their safety;
  - Where it is necessary to prevent a pupil from leaving a classroom, because allowing them to leave would lead to behaviour that disrupts the behaviour of others in the Academy;
  - Where it is necessary to stop a pupil from physically attacking another pupil or member of staff, or where it is necessary to break up a fight;
  - Where it is necessary to restrain a pupil who may harm themselves through physical outbursts.
  - Where a member of staff has assessed that it is appropriate to use reasonable force to conduct a search of a pupil without their cooperation to search for a 'prohibited' item as defined in the Academy's Behaviour policy. Force will never be used to search for other items that are banned by the Academy.

## **8 Staff training**

- 8.1 All members of staff will receive training about the use of reasonable force appropriate to their role to enable them to carry out their responsibilities. This will include training on any restraint techniques which must not be used because they are known to present an unacceptable risk when used on children and young people.
- 8.2 Additional and refresher training will be provided where necessary.

## **9 Additional needs**

- 9.1 Those exercising the power to use reasonable force will take into account any particular vulnerabilities or Special Educational Needs and / or Disability (**SEND**) a pupil may have. Reasonable adjustments will be made for pupils with special educational needs or disabilities. All use of reasonable force is carried out in accordance with the Academy's statutory duties under the Equality Act 2010.
- 9.2 For pupils with a particular special educational need / s or disability / ies, the use of reasonable force should not only depend on the circumstances

of the case, but also on the information and understanding of the needs of the pupil concerned.

- 9.3 The **SENCO** will discuss the needs of such pupils with the Parents and the members of staff who work with them to ensure that clear guidelines are in place as to the pupil's needs and when physical intervention may be necessary.
- 9.4 If physical restraint is likely to be necessary because of a pupil's disability or Special Educational Needs, a written plan will be put in place following consultation with the Parents setting out the techniques that should normally be used, taking into account the pupil's Education, Health and Care plan where appropriate.
- 9.5 The Academy will ensure that all members of staff involved with such pupils have received the appropriate training to enable them to carry out their responsibilities.

## **10 Risk assessment**

- 10.1 Where a concern about a pupil's welfare is identified, the risks to that pupil's welfare will be assessed and appropriate action will be taken to reduce the risks identified.
- 10.2 The format of risk assessment may vary and may be included as part of the Academy's overall response to a welfare issue, including the use of individual pupil welfare plans (including Education, Health and Care Plans, behaviour plans, as appropriate). Regardless of the form used, the Academy's approach to promoting pupil welfare will be systematic and pupil focused.
- 10.3 The Principal / Headteacher/ name] has overall responsibility for ensuring that matters which affect pupil welfare are adequately risk assessed and for ensuring that the relevant findings are implemented, monitored and evaluated as required.
- 10.4 Day to day responsibility to carry out risk assessments under this policy will be delegated to senior leaders who have been properly trained in, and tasked with, carrying out the particular assessment. [*Refer to Risk Assessment Policy for Pupil Welfare*]

## **11 Recording and reporting incidents**

- 11.1 The Academy will establish and maintain a strong and effective system for data recording including all parts of behaviour culture that is collected from a range of sources and that is regularly objectively analysed and monitored by appropriate skilled staff.
- 11.2 Where a member of staff is involved in any incident in which force is used on a pupil, they should report the incident to the Deputy Principal / Deputy Headteacher / name. Serious incidents involving force will be recorded in writing by the Deputy Principal / Deputy Headteacher / name] and

monitored on a regular basis to establish trends, evaluate the Academy's policy and procedures and assess training requirements.

- 11.3 This record will be reviewed by the Proprietor / Behaviour and Discipline Committee in order to evaluate all data recorded in order to meet their obligations under this policy and, in particular, establish any trends (for example, in respect of particular socio-economic groups, or groups with a protected characteristic).
- 11.4 While the Academy is not required to obtain the consent of Parents to use force on a pupil, Parents will be informed of serious incidents involving the use of force. In the EYFS setting, the pupil's Parents will be informed about any use of reasonable force on the day of the incident or as soon as reasonably practicable.
- 11.5 Any complaints about the use of force will be investigated in accordance with the appropriate procedure as set out in the Academy's complaints policy. Where appropriate, the Academy's Safeguarding and child protection policy and procedures] will take precedence and be followed following receipt of a complaint.

## 12 Record Keeping

- 12.1 All records created in accordance with this policy are managed in accordance with the Academy's policies that apply to the retention and destruction of records.
- 12.2 Sensitive personal information about pupils is disclosed only on a "need to know" basis with careful attention to pupils' rights and needs.
- 12.3 The records created in accordance with this policy may contain personal data. The Academy's use of this personal data will be in accordance with data protection law. The Academy has published on its website privacy notices which explain how the Academy will use personal data.

## 13 Version control

Version	Date	Amended by	Recipients	Purpose
1	[Insert date of change]	[Insert committee name/name of person who made amends]	[Insert recipients]	[Insert purpose of change]

## 14 Approvals

<b>Version</b>	<b>Date</b>	<b>Approved by</b>
Date Trustees adopted this policy	8 December 2022	CST Trustees
Date for next review of this policy	December 2023	