



Apprenticeships, Skills, Children and Learning Act 2009

2009 CHAPTER 22

PART 11

LEARNERS

PROSPECTIVE

Recording and reporting use of force

246 Recording and reporting the use of force in schools: England

After section 93 of the Education and Inspections Act 2006 (c. 40) (power of members of staff to use force) insert—

“93A Recording and reporting the use of force by members of staff: England

- (1) The governing body of a school in England must ensure that a procedure is in place for—
 - (a) recording each significant incident in which a member of the staff uses force on a pupil for whom education is being provided at the school (a “use of force incident”); and
 - (b) reporting each use of force incident (except those where the pupil is aged 20 or over or provision made under subsection (5) applies) to each parent of the pupil as soon as practicable after the incident.
- (2) The governing body must take all reasonable steps to ensure that the procedure is complied with.

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Recording and reporting use of force is up to date with all changes known to be in force on or before 03 March 2024.

There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- (3) The procedure must require that a record of a use of force incident is made in writing as soon as practicable after the incident.
- (4) In discharging their duty under subsection (1), the governing body must have regard to any guidance issued by the Secretary of State for the purposes of that subsection.
- (5) A procedure under subsection (1) must include provision to the effect—
- (a) that a person (“R”) who would otherwise be required by the procedure to report an incident to a parent must not report it to that parent if it appears to R that doing so would be likely to result in significant harm to the pupil; and
 - (b) that if it appears to R that there is no parent of the pupil to whom R could report the incident without that being likely to result in significant harm to the pupil, R must report the incident to the local authority^{F1}... within whose area the pupil is ordinarily resident.
- (6) In deciding for the purposes of provision made under subsection (5) whether reporting an incident to a parent would be likely to result in significant harm to the pupil, R must have regard to any guidance issued by the Secretary of State about the meaning of “significant harm” for those purposes.
- (7) In this section—
- “governing body”, in relation to a school which is not a maintained school, means the proprietor of the school;
- “maintained school” means—
- (a) a community, foundation or voluntary school;
 - (b) a community or foundation special school;
 - (c) a maintained nursery school;
- “parent”, in relation to a pupil, has the meaning given by section 576 of EA 1996 in relation to a child or young person, but includes a local authority which provides accommodation for the pupil under section 20 of the Children Act 1989.”

Textual Amendments

- F1** Words in s. 246 repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 16(12), [Sch. 3 Pt. 1](#)

247 Recording and reporting the use of force in FE institutions: England

After section 85C of the Further and Higher Education Act 1992 (power of members of staff to use force) insert—

“85D Recording and reporting the use of force by members of staff: England

- (1) The governing body of an institution within the further education sector in England must ensure that a procedure is in place for—

Status: This version of this cross heading contains provisions that are prospective.

Changes to legislation: Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Recording and reporting use of force is up to date with all changes known to be in force on or before 03 March 2024.

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- (a) recording each significant incident in which a member of the staff uses force on a student at the institution (a “use of force incident”); and
 - (b) reporting each use of force incident (except those where the student is aged 20 or over or provision made under subsection (5) applies) to each parent of the student as soon as practicable after the incident.
- (2) The governing body must take all reasonable steps to ensure that the procedure is complied with.
 - (3) The procedure must require that a record of a use of force incident is made in writing as soon as practicable after the incident.
 - (4) In discharging their duty under subsection (1), the governing body must have regard to any guidance issued by the Secretary of State for the purposes of that subsection.
 - (5) A procedure under subsection (1) must include provision to the effect—
 - (a) that a person (“R”) who would otherwise be required by the procedure to report an incident to a parent must not report it to that parent if it appears to R that doing so would be likely to result in significant harm to the student; and
 - (b) that if it appears to R that there is no parent of the student to whom R could report the incident without that being likely to result in significant harm to the student, R must report the incident to the local authority^{F2}... within whose area the student is ordinarily resident.
 - (6) In deciding for the purposes of provision made under subsection (5) whether reporting an incident to a parent would be likely to result in significant harm to the student, R must have regard to any guidance issued by the Secretary of State about the meaning of “significant harm” for those purposes.
 - (7) In this section, “parent”, in relation to a student, has the meaning given by section 576 of EA 1996 in relation to a child or young person, but includes a local authority which provides accommodation for the student under section 20 of the Children Act 1989.”

Textual Amendments

- F2** Words in s. 247 repealed (5.5.2010) by [The Local Education Authorities and Children's Services Authorities \(Integration of Functions\) Order 2010 \(S.I. 2010/1158\)](#), art. 1, Sch. 2 para. 16(13), **Sch. 3 Pt. 1**

Status:

This version of this cross heading contains provisions that are prospective.

Changes to legislation:

Apprenticeships, Skills, Children and Learning Act 2009, Cross Heading: Recording and reporting use of force is up to date with all changes known to be in force on or before 03 March 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

[View outstanding changes](#)

Commencement Orders yet to be applied to the Apprenticeships, Skills, Children and Learning Act 2009

Commencement Orders bringing provisions within this Act into force:

- [S.I. 2009/3341 art. 2](#) commences (2009 c. 22)
- [S.I. 2010/2413 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/829 art. 2](#) commences (2009 c. 22)
- [S.I. 2011/882 art. 2](#) amendment to earlier commencing [SI 2010/303 art. 7 Sch. 6](#)