



Shaftesbury C of E Primary School
(Part of the Southern Academy Trust)

USE OF FORCE TO CONTROL OR RESTRAIN PUPILS POLICY

This policy was adopted by the Governing Body

In April 2019

It will be reviewed annually

The aim of this policy is to ensure that the welfare of pupils and staff remain central to the ethos of Shaftesbury C of E Primary School.

Introduction

Good behaviour and discipline are essential to successful teaching and learning. A school is a community of young people in the care of adults. Within the school, it is possible to establish rules of conduct for the benefit of the community and procedures to deal with any breach of rules.

With two exceptions, the law makes no stipulation about these rules or about the procedures for enforcing them. The law requires only that the rules are reasonable and non-discriminatory and that they are applied in a consistent, fair and objective way.

The first exception is in relation to corporal punishment which is, by virtue of the Education (No.2) Act 1986, unlawful.

The second exception is in relation to exclusions where the Education (No.2) Act, 1986 and later the Education Act 1998 have laid down detailed procedures.

Section 550A of the Education Act 1996 now clarifies the power of teachers and other staff who have lawful control or charge of pupils to use reasonable force to prevent pupils committing a crime; causing injury or damage; causing disruption.

The provision applies when a teacher, or other authorised person, is on the school premises and when he or she has lawful control or charge of the pupil concerned elsewhere e.g. on a field trip or other authorised out of school activity.

Shaftesbury C of E Primary School staff are aware of the wide variety of situations in which reasonable force might be appropriate or necessary to control or restrain a pupil.

These situations will fall into three broad categories:

- A) Where action is necessary in self-defence or because there is an imminent risk of injury;
- B) Where there is a developing risk of injury, or significant damage to property;
- C) Where a pupil is behaving in a way that is compromising good order and discipline.

Examples of situations that fall within one of the first two categories are:

- A pupil attacks a member of staff, or another pupil;
- Pupils are fighting;
- A pupil is engaged in, or is on the verge of committing deliberate damage or vandalism to property;
- A pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or object;
- A pupil is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure himself or herself or others;
- A pupil absconds from a class or tries to leave school

Examples of situations that fall into the third category are:

- A pupil persistently refuses to obey an order to leave the classroom;
- A pupil is behaving in a way that is seriously disrupting a lesson.

Reasonable Force

There is no legal definition of “reasonable force”. So, it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

‘Reasonable force’

The term ‘reasonable force’ covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

‘Reasonable in the circumstance’ means using no more force than is needed.

As mentioned above, schools generally use force to control pupils and to restrain them.

‘Control’ means either passive physical contact, such as standing between pupils or blocking a pupil’s path, or active physical contact such as leading a pupil by the arm out of the classroom.

‘Restraint’ means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

There are two relevant considerations:

The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore, physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.

The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, understanding and gender of the pupil.

Practical considerations

Before intervening physically, a member of staff should, wherever practicable, tell the pupil who is misbehaving to stop and what will happen if he or she does not.

The member of staff should continue attempting to communicate with the pupil throughout the incident and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

Sometimes a teacher should not intervene in an incident without help (unless it is an emergency). For example, when dealing with an older pupil, or a physically large pupil, or more than one pupil, or if the teacher believes he or she may be at risk of injury. In those circumstances the teacher should remove other pupils who might be at risk and summon assistance from a colleague or colleagues, or where necessary phone the police.

The teacher should inform the pupil(s) that he or she has sent for help. Until assistance arrives the teacher should continue to attempt to defuse the situation orally and try to prevent the incident from escalating.

Application of Force

Physical intervention can take several forms. It might involve staff:

- Physically interposing between pupils;
- Blocking a pupil's path;
- Holding;
- Pushing;
- Pulling;
- Leading a pupil by the hand or arm;
- Shepherding a pupil away by placing a hand in the centre of the back; or
- (In extreme circumstances) using more restrictive holds.

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of "reasonable force": for example, to prevent a young pupil running off a pavement onto a busy road, or to prevent a pupil hitting someone, or throwing something.

In other circumstances staff should not act in a way that might reasonably be expected to cause

Injury, for example by:

- Holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;
- Slapping, punching or kicking a pupil;
- Twisting or forcing limbs against a joint;
- Tripping up a pupil;
- Holding or pulling a pupil by the hair or ear;
- Holding a pupil face down on the ground.

Staff should always avoid touching or holding a pupil in a way that might be considered indecent. Where the risk is not so urgent, the teacher should consider carefully whether, and if so when, physical intervention is right.

Staff should always try to deal with a situation through other strategies before using force. All teachers need developed strategies and techniques for dealing with difficult pupils and situations which they should use to defuse and calm a situation.

In a non-urgent situation force should only be used when other methods have failed.

That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline and there is no direct risk to people or property.

As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated. The age and level of understanding of the pupil is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older pupils. It should never be used as a substitute for good behavioural management.

Following any incident of restraint, the Headteacher or Deputy Headteacher must be informed and the child's health must be assessed, and first aid applied if necessary.

Recording Incidents

Staff should keep an up to date record of all such incidents in My Concern with a tag physical intervention by staff immediately following any such incident the member of staff concerned should tell the head or a senior member of staff and complete a written 'incident report' as soon as possible afterwards. Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report.

Incidents involving the use of force can cause the parents of the pupil involved great concern. It is always advisable to inform parents of an incident involving their child and give them an opportunity to discuss it.

The headteacher or member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day and whether parents should be told orally or in writing.

Restraint Procedures

The Law on Restraint:

Current legislation, local procedures and the UN Convention on the rights of the child state; 'that the physical restraint of children should be avoided unless their behaviour is likely to cause immediate risk of harm. In such circumstances it must be the last course of action, when all other attempts to diffuse the situation have failed'. All agencies within their internal Control and Restraint Procedures state that 'physical

restraint should be an act of care and used with care, not an act of punishment, discipline, or reactive aggression' and should only be used 'to contain behaviours which are likely to cause immediate risk to the child and/or other individuals'.

When working with children who are displaying behaviour likely to cause harm always remember; Newton's Law, 'for every action there is an equal and opposite reaction'. Every act of physical restraint may have consequences for you as well as the child or young person.

In order to avoid having to use physical restraint the following may be helpful:

- Give the child the opportunity to remove him/herself to another room to regain control.
- Move calmly and confidently
- Make simple clear statements to the child
- Keep your voice quiet, firm and assured
- Lessen the threat of your presence by sitting down or allowing the child some space
- Talk to the child all the time
- Offer comfort, re-assurance and security
- Maintain eye-contact
- When possible have help at hand
- Allow the child to 'save face'
- Move other children away from the situation

DON'TS

- DON'T make unnecessary physical contact with a child - this can sometimes be misrepresented.
- DON'T use physical restraint until an appropriate assessment of the situation has been made.
- DON'T use physical restraint in place of verbal persuasion.
- DON'T use physical restraint unless there is immediate risk to the child or other individuals.
- DON'T use physical restraint as a punishment.
- DON'T use physical restraint for longer than is absolutely necessary to make safe a situation.
- DON'T (where practicable) use physical restraint without another adult being present.
- DON'T speak quickly or loudly or give complex advice or instructions during an incident.
- DON'T use physical restraint without documenting the incident.

DOS

- DO make sure you are fully aware of school's policy and procedure on the control and physical restraint of children.
- DO remember that it is your responsibility to follow the procedure and document the incident carefully.
- DO (where practicable) try to secure the presence of another member of staff before applying restraint.
- DO seek to minimise movement as quickly and safely as possible.
- DO if possible hold the child's clothes instead of skin.
- DO focus upon helping the child regain control and behaving safely.

- DO be sensitive and alert to the child's verbal communication and body language during the restraint so that control can be given back to the young person as soon as possible.

- DO offer sensitive support to the young person following the restraint and ensure that someone explains to him/her why the restraint was necessary.

It is very important to acknowledge that managing challenging and unacceptable behaviour is difficult. In some situations, the use of physical restraint is necessary but only after verbal persuasion has failed.

SENSITIVITY AND SELF CONTROL ARE ESSENTIAL