



C of E Primary School

## The Use of Reasonable Force Policy January 2011

One of the 5 main outcomes in the Every Child Matters is that children '**Stay Safe**'.

This means:

- Safe from maltreatment, neglect, violence and sexual exploitation
- Safe from accidental injury and death
- Safe from bullying and discrimination
- Safe from crime and anti-social behaviour in and out of school
- Have security, stability and are cared for

At Surrey Hills C of E Primary School we support this outcome. We aim to keep children safe by:

- Providing a safe environment for children and young people to learn and to play in the educational setting of our school buildings and grounds.
- Promoting respect and valuing each other as individuals and recognising that all members of the school community have the right to live and work in an atmosphere that is free from aggression, violence and intimidation.
- Developing a clear policy and guidance on the controlled use of reasonable force under specific circumstances.

Section 93 of the Education Act and Inspections 2006 clarifies the powers of teachers and other authorised staff to use reasonable force to prevent pupils committing a crime; causing injury or damage; or causing disruption. These guidelines are for all teaching and non-teaching staff so that they may have an agreed understanding of the law and their entitlement. They should be read in conjunction with the following school policies/statements for safeguarding children:

Anti-Bullying  
Anti-Racism  
First Aid  
Health and Safety  
Safeguarding Children-Child Protection

**Section 93 of the Education Act and Inspections 2006 does not in any way authorise the use of corporal punishment.**

## **THE USE OF CORPORAL PUNISHMENT IS NOT AUTHORISED.**

### **Restraint**

Restraint can be interpreted as any physical contact (however minor) with a pupil; intended to prevent him/her pursuing their chosen choice of action.

### **The Legal Framework**

Section 93 of the Education Act makes it clear that teachers may use such force as is reasonable in all the circumstances in order to prevent a pupil from doing - or continuing to do - any of the following;

- committing a criminal offence (or for children under the age of criminal responsibility behaving in a way that would be an offence if they were older)
- injuring themselves or others
- causing damage to property (including their own)
- engaging in behaviour prejudicial to maintaining good order and discipline at the school.

Section 93 applies at any time where a teacher is on the school premises or has lawful charge of the pupil elsewhere (e.g. on a field trip or other authorised out of school activity).

Section 93 also applies to non teaching staff, who have been authorised by the Head Teacher to have control of pupils (e.g. classroom assistants, midday supervisors, caretakers etc).

It also applies to any other person whom the Head Teacher has authorised to have control or charge of pupils. This can also include people to whom the Head Teacher has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on school-organised visits);

There is no legal definition of 'reasonable force' - it always depends on the circumstances of the case. There are three relevant considerations that must be taken into account:

- The use of force can be regarded as "reasonable" only if all the particular circumstances warrant it - otherwise it is unlawful; therefore, physical force must not be used to prevent a trivial misdemeanour or in a situation that could be clearly resolved without it.
- The degree of force used must be in proportion to the circumstances of the incident and the seriousness of the behaviour (or the consequences it is intended to prevent); it should always be the minimum needed to achieve the desired result.
- Whether it is reasonable to use force and in what degree, also depends on the age, understanding and sex of the pupil and whether they have Special Educational Needs or disabilities.

### **Situations in which Physical Intervention may be necessary.**

There are a wide variety of situations in which reasonable force might be appropriate, or necessary, to control or restrain a pupil.

These will fall into three broad categories:

- where action is necessary in self-defence or because there is an imminent risk of injury
- where there is a developing risk of injury or significant damage to property
- 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 objects
- where a child is putting themselves at high risk of death or serious injury
- 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 him or herself or others
- a pupil attempts to abscond from a class and would be at risk out of the classroom or 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
- a pupil blocks the door to prevent others from leaving.

### **Planning for Incidents**

We will endeavour to plan, where it is practicable, for any physical restraint, where it is foreseen that physical restraint may be needed. The planning should address:

- managing the pupil (to de-escalate a conflict)
- involving the parents (so they are clear about the action the school may need to take)
- briefing staff (to be sure they know the action they should be taking)
- ensuring that additional support can be summoned if appropriate, and
- the need to take medical advice about the safest way to hold pupils with specific health needs, Special Educational Needs and disabilities.

This will be done in an Individual Behaviour Plan in consultation with the parents, The Head Teacher and the class teacher.

### **Practical Considerations**

Minimum force only should be used and never as a punishment.

Physical intervention can take a number of forms, for example:

- physically interposing between pupils
- standing in the way of a pupil
- holding, pushing or pulling
- leading a pupil away from an incident by the hand or by gentle pressure on the centre of the back

Force that should NOT be used includes:

- holding round the neck or any other hold that might restrict breathing
- kicking, slapping or punching
- forcing limbs against joints (e.g. arm locks)
- tripping or holding by the hair or ear
- holding face down on the ground.

### **Recording**

All incidents when restraint is used must be recorded as soon as possible and passed on to Mrs Weaver who will co-ordinate their collection. The following criteria should be used when considering the need for recording:

- Did the incident cause injury or distress to a member of staff or pupil?
- Even though there was no apparent injury or distress, was the incident sufficiently serious in its own right? Any use of restrictive holds, for example, fall into this category.
- Can the incident justify force? This is particularly relevant where the judgement is finely balanced.
- Does recording it help to identify and analyse patterns of pupil behaviour?

If the answer to any of the questions is 'yes', a written record should be made.

The record should be written in a page-numbered bound book. Where the incident has been prolonged or where considerable force has been used the record should provide evidence of defensible decision making in case there is subsequent complaint or investigation. A record should be written in a page-numbered bound book and should include:

- signed witness statements
- personal data about the pupil on whom the force was used
- context data (day, time, date and location)
- staff involved (directly and as witnesses)
- other pupils involved
- nature of the incident
- events leading to the use of force

- any de-escalation or other strategies used to minimise need for the use of force
- reason for using force
- description of force (type, duration)
- subsequent actions, including those related to the welfare of the pupil and staff involved
- information given to other staff, parents and external agencies.

All injuries should be reported and recorded in accordance with school procedures and relevant injuries will be reported to the Health and Safety Executives's Incident Contact Centre.

### **Post-incident Support**

Serious incidents can create upset and stress for all concerned. After the incident ends it is important to ensure all staff and pupils are given first aid treatment for any injuries and emotional support.

Immediate action should be taken to access medical help for any injuries that go beyond basic first aid.

The school will then make a decision about how and when to contact the parents of the pupil to engage them in discussing the incident and setting out subsequent actions.

After the incident we will:

- ensure the incident has been recorded;
- decide whether multi-agency partners need to be engaged and, if so, which partners;
- hold the pupil to account so that he or she recognises the harm caused or which might have been caused. This may involve the child having the chance to redress the relationship with staff and pupils affected by the incident. It may mean the child is excluded. (See DCSF Guidance on exclusions available on <http://www.teachernet.gov.uk/whole-school/behaviour/exclusion/guidance>)
- help the pupil develop strategies to avoid such crisis points in the future and inform relevant staff about these strategies and their roles;
- ensure that staff and pupils affected by the incident have continuing support as long as necessary in respect of:
  1. physical consequences
  2. emotional stress or loss of confidence
  3. analysis and reflection of the incident

### **Lessons Learned**

In many cases there will be a follow-up meeting of key personnel to discuss the restraint incident and perhaps review the Individual Behaviour Plan or other plans for pupils. It might also be appropriate to review the behaviour policy.

### **The Possibility of a Complaint**

A clear policy should help to avoid complaints. However, it will not avoid them all - and so the use of force might lead to an investigation either under disciplinary procedures or child protection procedures. In such circumstances any disciplinary panel would take into account adherence to the schools' restraint policy (See Parental Concerns Policy).

Staff should be aware that this guidance does not allow restraint to be used as a disciplinary action or punishment. Each and every incident where restraint is used will have to be examined on its merits. Staff and other authorised people should be extremely cautious about using restraint and must be aware of the school policy on discipline. Everyone has the right to defend themselves against attack provided that they do not use a disproportionate degree of force to do so.

### **Staff Training**

All new staff will be required to address this policy and guidance with their line manager **before** undertaking their duties. Existing staff should revisit policy every two years (through INSET/Staff meetings).

Staff authorised to use reasonable force to restrain a pupil at Surrey Hills C of E Primary School within the guidance of this policy are:

- Head Teacher
- All members of the teaching staff
- Administrative Officer and School Secretary
- TAs and lunchtime supervisors
- Learning support staff (for the pupil they are supporting)

A volunteer helping in school would not be expected to work with a child who may need restraining.

**Suitable training will be arranged as and when necessary.**

### **Useful Guidance**

'The Use of Force to Control or Restrain Pupils' (DCSF 2010)

### **Monitor and Review**

This Policy will be monitored and reviewed annually along with the Behaviour Policy or earlier if any new Guidelines are issued.

