



Ryhall CE Academy

POLICY STATEMENT

THE USE OF FORCE TO CONTROL OR RESTRAIN CHILDREN

Formulation date: November 2014

Senior Team Responsibility: Headteacher

Reviewed:

Next Review Date: November 2016

Associated Documentation:

Anti-Bullying Policy
Disciplinary Policy

Summary:

Situations involving decisions about whether to use force can occur in any school. Both using force and deciding not to can entail significant risks for children and staff. Establishing a clear school policy on the use of force by staff is an important part of minimising these risks.

The Headteacher should ensure that this is included in the school's discipline policy, making it clear to staff, parents and children what is acceptable and what is not.

The purpose of the policy is to inform all staff of the basis on which they will exercise their powers of restraint.

Our policy has been reviewed using the non statutory guidance issued by the DFE "The use of force to control or restrain children" April 2010 and based on Annex A: School policies – suggested framework.

THE USE OF FORCE TO CONTROL OR RESTRAIN CHILDREN

1) OBJECTIVES

The key objective is to maintain the safety of children and staff.

Section 93 of the Education and Inspections Act 2006 enables school staff to use reasonable force to prevent a child from:

- a. committing a criminal offence (or, for a child under the age of criminal responsibility, what would be an offence for an older child);
- b. causing personal injury or damage to property; or
- c. prejudicing the maintenance of good order and discipline at the school or among any children receiving education at the school, whether during a teaching session or otherwise

2) MINIMISING THE NEED TO USE FORCE

There are a number of steps which schools can take to help reduce the likelihood of situations arising where the power to use force may need to be exercised:

- a. creating a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind.
- b. developing effective relationships between children and staff that are central to good order;
- c. adopting a whole-school approach to developing social and emotional skills. For example, Jigsaw club
- d. taking a structured approach to staff development that helps staff to develop the skills of positive behaviour management; managing conflict and also to support each other during and after an incident.
- e. recognising that challenging behaviours are often foreseeable;
- f. effectively managing and de-escalating individual incidents. It is important to communicate calmly with the child, using non-threatening verbal and body language and ensuring the child can see a way out of a situation. Strategies might include, for example, going with the staff member to a quiet room, away from bystanders or other children, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the child; and
- g. wherever practicable, warning a child that force may have to be used before using it.

3) **STAFF AUTHORISED TO USE FORCE**

The staff to which this power applies are defined in section 95 of the Act. They are:

- a. any teacher who works at the school, and
- b. any other person whom the Headteacher has authorised to have control or charge of children. This:
 - (i) includes support staff whose job normally includes supervising child such as teaching assistants and lunchtime supervisors.
 - ii) can also include people to whom the head has given temporary authorisation to have control or charge of children such as paid members of staff whose job does not normally involve supervising children (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying children on school organised visits).
 - iii) does not include year 6 monitors

The power may be used where the child (including a child from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a child might have. Under the Disability Discrimination Act 1995 schools have two key duties:

- a. not to treat a disabled child less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and
- b. to take reasonable steps to avoid putting disabled children at a substantial disadvantage to children who are not disabled.

4) **DECIDING WHETHER TO USE FORCE**

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result.

Reasonable force may also be used to search children without their consent for weapons. This search power applies to Headteachers and staff authorised by them, where they have reasonable grounds for suspecting that a child has a weapon. Reasonable force could be used by the searcher and/or the second person required to be present at a search. However the Department strongly

advises schools not to search children where resistance is expected, but rather to call the police.

It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1996.

All staff - authorised and unauthorised - need to understand their powers and the options open to them. They need to know what is acceptable and what is not. These are described below.

5) **USING FORCE**

Before using force staff should, wherever practicable, **tell the child to stop misbehaving and communicate in a calm and measured manner throughout the incident.**

Staff should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

The types of force used could include:

- a. passive physical contact resulting from standing between children or blocking a child's path;
- b. active physical contact such as:
 - i) gently leading a child by the hand or arm;
 - ii) ushering a child away by placing a hand in the centre of the back;
 - iii) in more extreme circumstances, using appropriate restrictive holds, which may require specific expertise or training.

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result).

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. Staff should not be alone with children except in exceptional circumstances.

Staff should always avoid touching or restraining a child in a way that could be interpreted as sexually inappropriate conduct.

6) **EXAMPLES OF SITUATIONS**

Examples of situations that particularly call for judgments of this kind include:

- a. a child attacks a member of staff, or another child;

- b. children are fighting, causing risk of injury to themselves or others;
- c. a child is committing, or on the verge of committing, deliberate damage to property;
- d. a child is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or object;
- e. a child absconds from a class or tries to leave school other than at an authorised time. Refusal of a child to remain in a particular place is not enough on its own to justify use of force. It would be justifiable where allowing a child to leave would:
 - i) entail serious risks to the child's safety (taking into account age and understanding), to the safety of other children or staff, or of damage to property; or
 - ii) lead to behaviour that prejudices good order and discipline, such as disrupting other classes;
- f. a child persistently refuses to follow an instruction to leave a classroom;
- g. a child is behaving in a way that seriously disrupts a lesson; or
- h. a child is behaving in a way that seriously disrupts a school sporting event or school visit.

7) CHILDREN WITH SPECIAL EDUCATIONAL NEEDS AND/OR DISABILITIES

The following advice is particularly relevant to children with SEN and/or disabilities:

- a. Involve the SEN Coordinator or other named member of staff and parents in developing the school's policy and practice on the use of force.
- b. Develop positive handling plans for individual children assessed as being at greatest risk of needing restrictive physical interventions in consultation with the child and his or her parents.

8) STAFF TRAINING

It is good practice for schools to set out their approach to relevant training in their school policy on use of force. A school may decide that all staff who supervise children should have such training. However, individuals have statutory power to use force by virtue of their job.

Schools are advised to ensure that training covers ways of avoiding or defusing situations in which physical intervention might become necessary as well as methods of physical intervention.

Decisions about training are made three times a year by the Senior Team and may be provided in house or out of school to an individual, a group or whole staff.

9) **RECORDING AND REPORTING INCIDENTS**

Schools are strongly advised to keep systematic records of every significant incident in which force has been used, in accordance with school policy and procedures on the use of force and its child protection requirements. The purpose of recording is to ensure policy guidelines are followed, to inform parents, to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

When recording such incidents, staff should bear in mind that, if this information is later passed to the police, it may be included in a Criminal Records Bureau disclosure. Schools should retain records of such incidents until the member of staff involved has reached normal retirement age or for 10 years from the date of the allegation if that is longer.

All major incidents that involve the use of force will involve the completion of the form provided as an annex to this policy.

After any recordable incident, parents should always be informed

Wherever possible, it is best to telephone parents as soon as possible after the incident before confirming details in writing. It is also good practice for parents to be given a copy of the school's policy on the use of force and information on post-incident support.

Members of staff who have been assaulted will wish to consider reporting that to the police.

10) **POST INCIDENT SUPPORT**

All injuries should be recorded in accordance with school procedures. The school should take action to report relevant injuries to staff or children to the Health and Safety Executive's Incident Contact Centre.

A meeting should be convened with the parents and the child. Both staff and child(s) should be supported, physical needs met and relationships rebuilt but aimed at ensuring that lessons are learnt from the incident.

The school should decide whether multi agency partners need to be involved; if they are not already.

11) **DEALING WITH COMPLAINTS AND ALLEGATIONS**

Parents and children have a right to complain about actions taken by school staff. This might include the use of force. If a specific allegation of abuse is made against a member of staff then the school needs to follow the guidance set out in *Safeguarding Children and Safer Recruitment in Education*

www.everychildmatters.gov.uk/resources

In such circumstances it would be for the Headteacher to respond to the complaint in the light of school policy and procedure. Parents may choose to appeal against the Headteacher's response. At this point a panel of governors may be convened.

12) **MONITORING AND REVIEW**

It is good practice for governors to monitor incidents where force has been used. The Headteacher will report, as part of the report to Governors, when an incident form has been completed.

This policy will be reviewed every two years.



USE OF FORCE TO CONTROL OR RESTRAIN CHILDREN: INCIDENT RECORD

Details of child or children on whom force was used by a member of staff (name, class)
Date, time and location of incident
Names of staff involved (directly or as witnesses)
Details of other children involved (directly or as witnesses), including whether any of the children involved were vulnerable for SEN, disability, medical or social reasons.
Description of incident by the staff involved, including any attempts to de-escalate and warnings given that force might be used.

Any injury suffered by staff or children and any first aid and/or medical attention required.	
Reasons for making a record of the incident.	
Follow up, including post-incident support and any disciplinary action against children.	
Any information about the incident shared with staff not involved in it and external agencies.	
When and how those with parental responsibility were informed about the incident and any views they have expressed.	
Has any complaint been lodged (details should not be recorded here)?	
Report compiled by:	Report countersigned by:
Name and role:	Name and role:
Signature:	Signature:
Date:	Date:

PLEASE PASS THIS FORM TO THE HEADTEACHER WITHIN 1 DAY OF THE INCIDENT