

Ryhall CE Academy



part of a Multi Academy Trust
Peterborough Diocese Education Trust



POLICY STATEMENT

THE USE OF FORCE TO CONTROL OR RESTRAIN CHILDREN

Formulation date: November 2014

Senior Team Responsibility: Headteacher

Reviewed: March 2019

Next Review Date: March 2021

Associated Documentation:

- Behaviour Policy
- Anti-Bullying Policy
- [Use of Reasonable Force, DfE, July 2013 \(non-statutory\)](#) (reviewed 2015)
- [Searching, Screening and Confiscation: Advice for Headteachers, school staff and governing bodies, DfE, Jan 2018](#)

Summary:

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.

1. AIMS & OBJECTIVES

The aim of our school policy is to outline to staff the circumstances in which physical intervention might be appropriate and the factors that teachers and other members of staff should bear in mind when deciding whether to intervene.

2. THE LEGAL FRAMEWORK

- a. 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.
- b. 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).
- c. Section 93 also applies to non-teaching staff, who have been authorised by the Headteacher to have control of pupils (e.g. classroom assistants, midday supervisors, caretakers etc).
- d. It also applies to any other person whom the Headteacher has authorised to have control or charge of pupils. This can also include people to whom the Headteacher has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on school-organised visits);
- e. 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:
- f. 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.
- g. 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.
- h. 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.

3. TYPES OF INCIDENTS

- a. There are a variety of situations in which reasonable force might be appropriate, or necessary, to control or restrain a pupil. They will fall into three broad categories:
 - where action is necessary in self-defence or because there is imminent risk of injury
 - where there is developing risk of injury, or damage to property
 - where a pupil is behaving in a way that is compromising good order and discipline.

Examples of situations that fall within 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 rough play or by misuse of dangerous materials or objects;

- a pupil is running anywhere on school premises in a way in which they are likely to injure him/herself or others;
- a pupil absconds from a class or tries to leave school; this applies if it is felt that the child will be at risk if not kept in the classroom.

Examples of situations that fall into the third category are:

- a pupil persistently refuses to obey an order to leave a classroom;
 - a pupil is behaving in a way that is seriously disrupting a lesson or any other supervised activity during the day e.g. at playtime, in PE, a sporting event, etc.
- b. The school is aware that sometimes a particular pupil is likely to behave in a way that may require physical control or restraint. The Headteacher will make all staff aware of any children who may be likely to behave in a way that requires physical control or restraint. When a child is identified as likely to behave in such a way, staff and parents will be involved in drawing up a plan to give guidance as to how to respond if a situation arises. The plan should include the following:
- managing the pupil, (e.g. reactive strategies to de-scale a conflict, holds to be used)
 - briefing staff to ensure they know exactly what action they should be taking
 - ensuring that additional support can be summoned if appropriate;
 - the school may need to take specific advice about the safest way to hold a pupil with specific health needs.
- c. In addition to the general power to use reasonable force described above, Headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following "prohibited items
- knives and weapons
 - alcohol
 - illegal drugs
 - stolen items
 - tobacco and cigarette papers (or related items)
 - fireworks
 - pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.
- d. Force cannot be used to search for items banned under the school rules.

4. DECIDING WHETHER TO USE FORCE

- a. 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.
- b. 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.
- c. 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.
- d. All staff 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

- a. Before using force staff should, wherever practicable, **tell the child to stop misbehaving and communicate in a calm and measured manner throughout the incident.**
- b. Staff should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.
- c. The types of force used could include:
 - i. passive physical contact resulting from standing between children or blocking a child's path;
 - ii. active physical contact such as:
 - gently leading a child by the hand or arm;
 - ushering a child away by placing a hand in the centre of the back;
 - in more extreme circumstances, using appropriate restrictive holds, which may require specific expertise or training.
- d. 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).
- e. 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.
- f. Non-permitted physical intervention includes:
 - 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, pinching or kicking a pupil
 - twisting or forcing limbs against a joint
 - tripping a pupil
 - holding or pulling pupil by hair or ear
 - holding a pupil face down on the ground
 - touching or holding a pupil in a way that might be considered indecent.
- g. 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 to punish a pupil. Emphasis of the intervention should be to de-escalate rather than to escalate a problem.

6. MINIMISING THE NEED TO USE FORCE

- a. There are a number of steps all staff can take to help reduce the likelihood of situations arising where the power to use force may need to be exercised:
 - i. creating a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind.
 - ii. developing effective relationships between children and staff that are central to good order;
 - iii. adopting a whole-school approach to developing social and emotional skills e.g. Jigsaw club
 - iv. taking a structured approach to staff development that helps staff to develop the skills of positive behaviour management;
 - v. managing conflict and also to support each other during and after an incident;
 - vi. recognising that challenging behaviours are often foreseeable;
 - vii. 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

- viii. wherever practicable, warning a child that force may have to be used before using it.

7. STAFF TRAINING

- a. Where possible and practicable, staff will be offered training in the use of particular techniques e.g. Positive Handling or Team Teach for example.
- b. Training of any particular techniques is not required in order to use physical force.
- c. All staff, as part of their induction training (and reviewed with existing members of staff at appropriate intervals), will receive a copy of this policy and be reminded of its use.
- d. All staff are reminded that they do not have to use physical force if they choose not to for any particular incident.

8. RECORDING AND REPORTING INCIDENTS

- a. The member of staff who has used physical force should immediately tell the Headteacher (or a senior member of staff in her absence) of the need to use force (any use of force whether they deem it to be significant or not). This should be done verbally.
- b. In order to safeguard all staff, we will keep systematic records of every significant incident in which force has been used.
- c. 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.
- d. 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. They will also be recorded in the 'Red & Bound book' which can be found in the school office.
- e. Staff may wish to contact their Union for advice when compiling the report.
- f. Staff will be supported in their decision to use reasonable force.
- g. **After any recordable incident, parents should always be informed**
 - i. Wherever possible, parents should be telephoned as soon as possible after the incident before confirming details in writing.
 - ii. Members of staff who have been assaulted have a right to report the incident to the police but will offered post-incident support through the school.

9. POST INCIDENT SUPPORT

- a. All injuries should be recorded in accordance with school procedures using the medical reporting forms and noted on the incident log also.
- b. A meeting should be convened with the parents and the child. Both staff and child(ren) should be supported, physical needs met and relationships rebuilt but aimed at ensuring that lessons are learnt from the incident.
- c. A decision should be made as to whether multi agency partners need to be involved if they are not already.

10. DEALING WITH COMPLAINTS AND ALLEGATIONS

- a. 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 seek Trust HR advice and may need to involve the LADO (Local Authority Designated Officer) at Rutland County Council.

- b. 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.

11. SAFEGUARDING

We are committed to safeguarding and promoting the welfare of all children and young people. We expect all staff, volunteers and parents to share this commitment. All safeguarding concerns should be reported immediately to the Designated Safeguarding Lead (DSL), Ms Walker (Headteacher) or one of her Deputy DSLs in her absence (Mrs Jesson, Mrs Dyer or Mrs Jibb). However, please note that any adult may contact the Social Care Duty Team at the County Council should they have a concern about a child. Looking after children is everyone's responsibility.

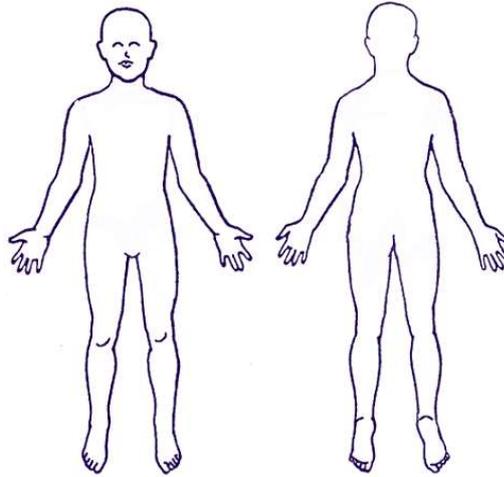
12. MONITORING AND REVIEW

- a. Governors will be informed of incidents where force has been used.
- b. This policy will be reviewed every three years or before if necessary (i.e. following a review of any incident where reasonable force is used or following governmental guidance changes).

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