

# **POLICY ON USE OF FORCE TO CONTROL OR RESTRAIN PUPILS**

## **Introduction**

This policy related to DfEE Circular 10/98 'Section 550A of the Education Act 1996: The use of force to control or restrain pupils'. Circular 10/98 should be read in conjunction with this policy.

Section 550A of the Education Act 1996 clarifies the powers of teachers and other staff who have lawful control or charge of pupils to use reasonable force to prevent pupils from committing a crime; causing injury or damage; or causing disruption. It also makes clear that physical contact with pupils may also be appropriate or necessary in other circumstances.

The aim of our school policy is to outline 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.

## **Corporal Punishment**

The law forbids a teacher to use any degree of physical contact that is deliberately intended to punish a pupil, or which is primarily intended to cause pain or injury or humiliation. It is therefore the policy of the school that no member of staff should use corporal punishment in the management of children.

## **Authorised Staff**

All members of staff who are authorised by the headteacher to have control or charge of pupils may use reasonable force to control or restrain pupils.

Staff who are authorised to have control or charge of pupils include: teachers, peripatetic staff eg LSS, EBSS and LSAs, midday supervisory staff, school secretary and site manager.

Helpers on residential and school visits who are authorised to have control or charge of children are also authorised to use reasonable force to control or restrain pupils.

## **Action in Self Defence or Emergency**

Section 550A does not cover all the situations in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to defend themselves provided they do not use a disproportionate degree of force to do so. Similarly in an emergency if a pupil was at risk of injury or at the point of inflicting injury on someone else, any member of staff or voluntary helper would be entitled to intervene. Section 550A makes it clear that teachers and other authorised staff, are also entitled to intervene in other, less extreme situations.

There are a wide 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:

- a) where action is necessary in self defence or because there is 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 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;
- \_ a pupil is running anywhere on the school premises in a way in which he or she might have or cause an accident 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 or school.

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 school day eg: at playtime or in the dining hall.

### **Planning for Incidents**

School is sometimes aware that 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 (eg: reactive strategies to de-escalate a conflict, holds to be used);
- ◆ briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance);
- ◆ ensuring that additional support can be summoned if appropriate;
- ◆ the school may need to take medical advice about the safest way to hold a pupil with specific health needs.

### **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.

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 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 sex of the pupil.

### **Practical Considerations**

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

### **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 on to 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, pinching 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 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. Teachers should always try to deal with a situation through other strategies and techniques for dealing with difficult pupils and situations which they should use to defuse and calm a situation.

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 are 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.

### **Recording Incidents**

Following an incident in which force has been used (excluding minor trivial incidents) the member of staff concerned should tell the head or senior member of staff.

The member of staff concerned should as soon as possible following the incident provide a written report that includes the following:

- the name of the pupil(s) involved and when and where the incident took place;
- the names of any other staff or pupils who witnessed the incident;
- the reason that force was necessary (eg to prevent injury to the pupil, another pupil or member of staff);
- how the incident began and progressed including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied and for how long;
- the pupil's response and the outcome of the incident;
- details of any injury suffered by the pupil, another pupil, or a member of staff or any damage to property.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

The school will inform parents either orally or in writing of an incident when force has been used on their child. (This should not include trivial incidents). The headteacher or a member of staff to whom the incident is reported will decide whether this should be done straight away or at the end of the school day.

### **Physical Contact with Pupils in Other Circumstances**

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by Section 550A of the 1996 Act. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, or CDT, or if a member of staff has to give first aid. Young children and children with special educational needs may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. Teachers will use their professional judgement when they feel a pupils needs this kind of support.

There may be some children for whom touching is particularly unwelcome. For example, some children may be particularly sensitive to physical contact because of their cultural background, or because they have been abused. Where appropriate, staff will receive information on these children.

### **Early Years Physical Contact**

When children first start school, there will be times when they do not want to stay and are clinging on the Mum/Dad or trying to follow them out of the classroom. On such occasions it may be necessary to physically take a child from the adult and pick them up and bring them to the relevant area. They may need to be cuddled/consoled at such times.

## **PHYSICAL CONTACT IN THE INFANT DEPARTMENT**

- 1 If a child needs changing, or is injured, leave the door open.

- 2 If alone with a child, avoid cuddles - stick to hand holding, hand on shoulder.
- 3 Do not touch their head.
- 4 In Reception, in public picking up, cuddles, sitting on laps is fine. This will be tailed off during Year 1 and replaced with holding both hands if possible.
- 5 If restraining a child from injuring another, a written note to be kept.
- 6 All voluntary helpers are to be made aware that there will be no physical contact.

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**GRIMOLDBY PRIMARY SCHOOL**

**Record of Serious Incidents**  
(involving the use of physical force)

Name of Pupil: .....

Member of Staff .....

Date of Incident: ..... Time: .....

Location of Incident: .....

Adult Witnesses: .....

.....

Pupil Witnesses: .....

Reason for use of force: .....

.....

.....

Details of incident:

(trigger/behaviour/what was said/steps taken/degree and duration of force used)