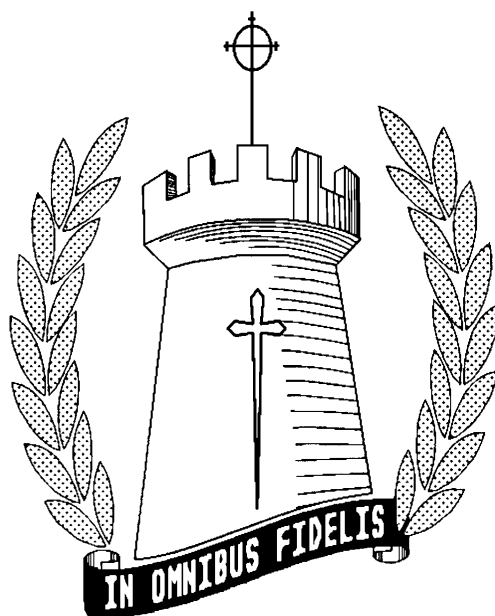


# ST. DAMIAN'S RC SCIENCE COLLEGE



## Reasonable force to control or restrain pupils Policy

Approved by Governors:	November 2017
Date to be reviewed:	Annually

# Use of Reasonable force to control or restrain pupils Policy

## Policy Statement

Teachers and those authorised by the Head Teacher, who have control or charge of children, are allowed to use reasonable force to prevent a child from doing the following:

Committing a crime including behaving in a way that would be an offence if the child were not under the age of criminal responsibility;

- Causing injury to themselves or others;
- Causing damage to property including their own;
- Causing serious disruption, to the extent that good order and discipline could not be maintained.

The policy is only applicable when an authorised person is on the school premises, or has lawful control or charge of the child concerned out of school activity. Corporal punishment is in no way authorised through the following policy. School policy and the law forbids a teacher to use any degree of physical contact which is deliberately intended to punish a pupil, or which is intended to cause pain or injury or humiliation.

## Aims

It is important that we have a policy about the use of reasonable force to control or restrain pupils. All members of staff who may have to intervene physically with pupils must clearly understand the options and strategies open to them. This policy clarifies what is acceptable and what is not and will need to be brought to the attention of the governing body, parents and children. This policy has been drawn up with guidance from The Education Act 1997 including circular 10/98 - Section 550A of the Education Act 1996: The Use of Force to Control or Restrain Pupils. This new section came into force on 1 September 1998 and applies to all schools. It restates principles derived from common law and statute that have, in the past, been misunderstood. Where necessary force can be used to control or restrain pupils. Physical contact with pupils may also be appropriate or necessary in other circumstances.

## Policy and Procedures

### Type of Incident

Situations where reasonable force may be necessary or appropriate fall into three broad categories:

1. Where action is necessary either in self-defence or because there is an imminent risk of injury.
2. Where there is a developing risk of either injury or significant damage to property;
  - a child attacks a member of staff, or another child;
  - Children are fighting;
  - A child is committing or about to commit damage or vandalism to property;
  - A child is causing or likely to cause injury or damage by accident, rough play, or misuse of dangerous materials or objects;
  - A child is running in the building in a way which could cause injury to themselves or others;
  - A child absconds from a class or tries to leave school. Applicable only if a child could be at risk if not kept in class or school.
3. Where a child is behaving in a way that is compromising good order and discipline:
  - A child persistently refuses to obey an order to leave a classroom;

- A child is behaving in a manner that is seriously disrupting a lesson.

### **Reasonable Force**

There is no legal definition of reasonable force. The degree and reasonability of force will depend upon circumstances. Physical force is not justified for:

- Trivial misdemeanours;
- A situation that can be resolved without force.

The degree of force must:

- Be in proportion to the circumstances of the incident;
- Always be the minimum needed to achieve the desired result;
- Take into account the age, understanding and sex of the child.

### **Practical Considerations**

Before intervening physically, a teacher must:

- Tell the child who is misbehaving to stop;
- Tell the child what will happen if he does not stop;
- Continue to talk with the child throughout the incident;
- Make clear that physical contact will stop when it ceases to be necessary;
- Retain a calm and measured approach;
- Not give the impression of loss of temper or that actions is being taken out of anger, frustration or a need to punish the child.

It may be inappropriate for a teacher to intervene in an incident without help unless in an emergency. In such cases the teacher should:

- Remove other children who are at risk;
- Summon help from colleagues;
- Inform children that help has been sent for;
- Continue to attempt to defuse the situation orally.

### **Application of Force**

Physical intervention can involve:

- Coming between children;
- Blocking a child's path;
- Holding, pushing or pulling;
- Leading a child by the hand or arm;
- Shepherding a child away by placing a hand in the centre of the back;
- And in extreme circumstances, using more restrictive holds.

The above could take place in order to prevent a child running off a pavement on to a busy road, or to prevent a child hitting someone, or throwing something.

**On no account can a member of staff act in a way that might cause injury:**

- Holding a child around the neck, by the collar or way that might restrict breathing;
- Slapping, punching or kicking a child;
- Twisting or forcing limbs;
- Tripping up a child;
- Holding or pulling by the hair or ear;
- Holding a child face down on the ground.

Prior to using physical intervention consider:

- Can the situation be dealt with using other strategies;
- Development of strategies for individual children which can be used to defuse or calm situations;
- Whether such action will exacerbate the situation;
- The age level of understanding of the child;
- Whether the action is being used as a substitute for good behavioural management.

**N.B. staff should always avoid touching or holding a child in a way that might be considered indecent.**

**Self Defence**

Everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so.

**Authorised Staff**

All teachers at a school are allowed to use reasonable force to control or restrain pupils. The school additionally can authorise the following members of staff to control or restrain pupils when they have control or charge of children:

- Teaching assistants, support staff;
- Lunchtime Supervisors and assistants
- Voluntary helpers accompanying pupils on visits.

In respect of voluntary assistants, teaching staff should ensure that they are aware of and properly understand what the authorisation entails.

**Recording Incidents**

A detailed, written report of any occasion where force is used is required. This will help prevent misunderstanding and would be helpful should there be a complaint. This procedure would not be applicable in a minor or trivial incident.

Immediately following an incident, the member of staff concerned should tell the Head Teacher or Deputy Head Teacher and provide a written report that should include:

- The name of the child or children involved;
- Where the incident took place;
- Names of witnesses, staff or children;
- How the incident began and progressed? Include details of child's behaviour, what was said, steps taken to defuse or calm the situation, degree of force used and how applied;
- Child's response and outcome;
- Details of any injuries or damage to property;
- (A form on which to log incidents is included in Appendix A).
- Staff may consider informing their professional association;
- Parents will be informed of any such incident. Wherever possible, this will be done orally.

## **Complaints**

Complaints from a parent could lead to an investigation either under the school's disciplinary procedures, by the Police or Social Services under child protection procedures. Any complaint would take into account the school's policy on restraint and whether it had been followed.

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

It is unnecessary and unrealistic to suggest that teachers should only touch children in emergencies. Particularly with younger children, touching them is inevitable and can give welcome reassurance to the child. However, teachers must bear in mind that even perfectly innocent actions can sometimes be misconstrued. It is important for teachers to be sensitive to a child's reaction to physical contact and to act appropriately. It is also important not to touch children, however casually, in ways, or parts of the body, that might be considered indecent.

In extreme cases, which while rare do occur, a teacher might have to physically restrain a child to prevent him or her causing injury to themselves, to others or to property. In such instances, no more than the minimum necessary force should be used and the teacher should seek to avoid causing injury to the pupil. Such an incident must be reported to the designated teacher.

Where a teacher has concerns that their actions may be misconstrued, it is essential that incidents are reported to the Head Teacher or the Deputy Head Teacher.

## **Appendix 1**

Serious Incident Report Form.

## **Force to Control or Restrain: Incident Record**

Details of learner(s) on whom force was used by a member of staff (name, course)

Date, time and location of incident

Names of staff involved (directly or as witnesses)

Details of other learners involved (directly or as witnesses), including whether any of the learners involved were vulnerable/LDD.

Description of incident by the staff involved, including any attempts to de-escalate and warnings given that force might be used.

Reason for using force and description of force used.

Follow up, including post-incident support and any disciplinary action against learners.

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: