



## Holy Trinity C. E. (A) Primary School Policy on the Use of Force to Control or Restrain Pupils

### INTRODUCTION

- All schools are required to have a policy on the use of force to control or restrain pupils.
- This policy is based on advice contained in the DfEE circular 10/98. It adheres to the model policy prepared by West Sussex Education Authority, in consultation with representatives of the teachers' associations, headteachers' executives and UNISON and in liaison with West Sussex Social Services and Sussex Police. 'The Use of Force to Control or Restrain Pupils'.

The references in this document e.g. (Para. 4) refer to the related paragraphs in the Circular.

### THE LEGISLATION

- 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 causing personal injury or damage to property; committing a crime or causing serious disruption. (Para. 9)
- **Section 550A does not in any way authorise the use of corporal punishment with pupils in maintained schools. The law forbids a teacher to use any degree of physical contact which is deliberately intended to punish a pupil or which is primarily intended to cause pain, injury or humiliation. That ban applies in all circumstances and has done so since 1987. (Para. 2)**

### LEA STATEMENT OF INTENT

West Sussex LEA recognises that the welfare of the child is paramount and the right of every pupil to be protected from harm and seeks to protect all pupils from any form of physical intervention which is unnecessary, inappropriate, excessive or unlawful.

However, it is also recognised that on occasions and as a last resort, situations may arise where, in order to ensure the welfare and protection of children or other adults, staff may need to use physical restraint.

Staff using reasonable and appropriate physical force, in line with this guidance, will have the support of the LEA.

In relation to physical control or restraint of pupils this policy sets out:

1. Staff authorised to use control or restraint in line with this guidance.
2. What is 'reasonable' force in terms of:
  - a. the circumstances where it may be appropriate
  - b. the degree and type of force used
3. The procedures which should be followed when physical restraint is used to control or restrain pupils.

## 1. STAFF AUTHORISATION (Paras. 10, 11 and 12)

The provision in Section 550A of the Education Act 1996 applies when a teacher, or other authorised person, is on the school premises or when he/she has lawful control or charge of the pupil concerned elsewhere e.g. on a field trip or authorised out of school activity.

The Act allows all teachers at a school to use reasonable force to control or restrain pupils. In the first instance action should be taken by the Headteacher or senior member of the teaching staff. Where this is not possible the teacher should take appropriate action within the guidelines of Circular 10/98. (All members of staff who may have to intervene physically with pupils must understand the options and strategies open to them [para 5]).

'Other' members of staff who have control or charge of pupils should follow the guidance, which applies to teachers if they are specifically authorised to do so by the Headteacher. (See Appendix 1 – 'Register of non teaching staff authorised to use force to control or restrain pupils')

It is the Headteacher's responsibility to ensure that members of staff are aware of, and properly understand what the authorisation entails and that they receive appropriate guidance and training.

If, after careful consideration, the Headteacher wishes to authorise members of staff other than teachers to use the physical restraint guidance the following list are examples of staff that may be included:

- Classroom Assistants
- Special Support Assistants
- Midday Supervisors
- Caretakers
- Escorts
- Voluntary Helpers - The law allows adults other than employees to be authorised by the Headteacher but the authority recommends this should only be considered in exceptional circumstances.

If the Headteacher has decided that he/she wishes to authorise a non-teaching member of staff and has determined that the member of staff is willing, he/she (or a member of the SMT) should ensure that the member of staff receives guidance on behaviour management strategies and appropriate training which can be accessed through the County INSET programme. Specific training on the restraint of pupils may be obtained through approved sources (see Training below).

The Headteacher and authorised member of staff should then complete the details on the 'Register of Non-Teaching Staff Authorised to Control or Restrain Pupils'.

## 2. WHAT IS REASONABLE FORCE?

There is no legal definition of 'reasonable force' (Para 16). The expectation is that the force used in restraining a pupil/young person should be both **appropriate to the circumstances** and **reasonable in degree**.

Circular 10/98 (Para.17) details the two relevant considerations as:

"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;”

And:

“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 used should always be the **minimum** needed to achieve the desired result.”

**A) Circumstances where physical restraint may be appropriate.**

Everyone has the right to defend him or herself against an attack, providing they do not use disproportionate force, or to act in an emergency to prevent injury to a pupil or by a pupil to someone else (Para. 13). Section 550A of the Education Act 1996 indicates that teachers and authorised staff may also intervene in less extreme situations.

The Circular identifies three broad categories where, **as a last resort**, reasonable force might be ‘appropriate or necessary to control or restrain a pupil’ (Para. 14):

- a) where action is necessary in self-defence or because there is an imminent risk of injury;
- b) where there is a developing risk of injury, or significant damage to property; and
- c) where a pupil is behaving in a way that is compromising good order and discipline  
**(particular caution should be exercised in these circumstances - see below).**

These are examples of situations, referred to in the Circular (Para. 15), that fall within one of the first two categories:

- a pupil attacks a member of staff or another pupil;
- pupils are fighting and the teacher feels they can intervene without placing themselves at risk;
- a pupil is running in a corridor or on a stairway in a way that may cause an accident likely to injure him or herself or others;
- a pupil absconds from a class or tries to leave school (N.B. this will only apply if a pupil could be at risk if not kept in the classroom or at school);
- a pupil is on the verge of committing deliberate damage or vandalism to property (N.B. staff members should only intervene where they feel it is safe to do so. Personal safety is always more important than property).

Examples of situations, referred to in Circular 10/98, as falling into the third category are:

- a pupil persistently refuses an order to leave a classroom;
- a pupil is behaving in a way that is seriously disrupting a lesson.

However, members of staff should be particularly cautious about the use of force in non-urgent circumstances like these. Teachers should always exhaust all other appropriate behaviour management strategies before ever considering using force (Para. 25).

In situations where there is no direct risk to people or property and 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 disruption or provoking attack, need to be very carefully evaluated (Para. 26).

Other than in emergencies, members of staff are not expected to attempt to restrain a child/young person if they may put themselves at risk. They should remove others from the

scene, monitor the safety of the pupil/s initiating the incident, where possible, and summon assistance from a senior member of the teaching staff.

**B) What is a 'reasonable' degree/type of force?**

Special needs, which render an individual child physically more vulnerable, should obviously be taken into account as should the age, understanding and sex of the pupil (Para. 18).

**The intervention can take several forms but the force used should always be the minimum necessary in the circumstances.**

- Physically interposing between pupils
- Blocking a pupil's path
- Pushing
- Pulling
- Leading a pupil by the hand
- Shepherding a pupil away by placing a hand in the centre of the back
- Holding, which is specifically intended to avoid causing injury to the pupil or others in the vicinity
- (in extreme circumstances) Using more restrictive holds (**only where specific training has been received**)
- In exceptional circumstances, where there is immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force' (Para. 22). An example of this is; to prevent a young pupil running off a pavement onto a busy road.

Actions identified in the Circular (Para. 23) and considered '**unacceptable**' by the LEA (as they might reasonably be expected to lead to injury) include;

- holding a pupil round the neck, or by the collar, or in any way that might restrict the pupil's ability to breathe;
- slapping, punching or kicking a pupil;
- twisting or forcing limbs against a joint (e.g. forcing a child/young person's arm up his/her back);
- tripping a pupil;
- holding or pulling a pupil by the hair or ear;
- shaking a pupil;
- tying up or binding a pupil;
- lifting a child/young person off the floor as a means of control;
- jabbing a child/young person with a finger or implement;
- exerting excessive pressure on any part of a child/young person's body
- holding a pupil face down on the ground

Staff should always avoid touching or holding a pupil in a way that might be considered indecent (Para. 24).

**3) PROCEDURE**

The school's policy regarding physical restraint has been agreed with the governing body and the staff and is available to parents for information. (Paras. 5, 6 and 7).

Although the school makes clear through this policy the procedures which should be followed, it is vital that staff exercise sound judgements and act with discretion in reacting to a particular set of circumstances.

### **BEFORE INTERVENING**

In many instances, particularly where a child has serious and/or complex individual needs, parents will be involved in establishing programmes of behaviour modification with the school. This includes addressing:

- that parents are clear about the circumstances and type of physical intervention that maybe necessary;
- that briefings for staff ensure they are aware of what action they should be taking (this may identify a need for training or guidance);
- the arrangements for staff needing to summon additional support; and
- the need to seek medical advice if dealing with pupils who have specific health considerations.

In any school, if a child or young person is likely to commit a crime, cause injury, damage or serious disruption, a member of staff may decide that physical intervention is necessary as a last resort, or, in an emergency.

Before using force to control or restrain he/she should (Paras. 19 and 20):

- 1 (except in emergencies) try to deal with the situation through other behaviour management strategies;
- 2 (except in emergencies) consider whether they will place themselves at risk of injury by intervening, for example when dealing with older, larger pupils. Where they judge this to be the case teachers should remove other pupils who might be at risk and summon assistance from colleagues, or where necessary the police;
- 3 tell the child to stop and warn the child of the consequences of his/her behaviour;
- 4 where possible summon a senior member of the teaching staff or additional staff support and tell the child this has been done. This has the dual purpose of reducing the risk to the member of staff and providing a witness should the situation develop. Until assistance arrives continue to attempt to defuse the situation orally.

### **WHILST INTERVENING**

The member of staff must:

- 1 employ minimum force for the minimum period necessary to restrain the pupil;
- 2 keep talking to the pupil, making it clear to him/her that the physical contact or restraint will stop as soon as it ceases to be necessary;
- 3 avoid threatening or committing any act of punitive violence;
- 4 keep his/her temper under control;
- 5 have regard to others in the vicinity.

### **AFTER INTERVENING**

The Circular states that, 'It is important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) that force is used'. Unless forms are completed for every incident, decisions as to whether an incident is minor or trivial will therefore be a matter of judgement. The following procedure attempts to balance the protection of pupils and staff on one hand and keeping bureaucracy to reasonable levels on the other.

- 1 Report the necessity of intervention to a senior manager.
- 2 A brief, dated report should be made on a school 'incident log'.
- 3 If the senior manager judges it is necessary a 'Use of Physical Restraint Report Form' (see attached) should also be completed (Paras. 28 and 29). (N.B. These are for internal use but the LEA, police and social services would have access to the report form if investigating a complaint).
- 4 **If the incident results in injury an 'Accident/Incident Reporting Form- HSW3' must be completed.** This can be instead of, or in addition to, the 'Use of Physical Restraint' form.

The management of the school will:

- 1 Investigate incidents (not minor or trivial) and evaluate them in the light of the school's risk assessment procedures, disseminating any conclusions reached;
- 2 Initiate appropriate follow-up with the child/young person involved and others present if appropriate;
- 3 Notify parents/carers of the action taken and initiate appropriate follow-up (Para. 30).
- 4 Offer support, as appropriate to staff involved.

#### **Complaints/Allegations (Paras. 31 and 32)**

Involving parents when an incident occurs with their child, and adherence to the school's policy about physical contact with pupils, should help to avoid complaints from parents. Clearly it will not prevent all complaints and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and social services department under child protection procedures.

The Schools' Personnel Manual (Appendix 8.4) 'Employees in Schools Facing an Allegation of Physical/Sexual Abuse: Procedures and Guidelines' offers advice to the Headteacher and members of staff should the use of physical restraint lead to an allegation of physical abuse which is to be investigated under disciplinary procedures.

DfEE Circular 10/95: Protecting Children from Abuse gives guidance about investigations under child protection procedures and includes advice relating to allegations against teachers.

#### **Training**

Behaviour management courses are available through West Sussex Inset provision and can be accessed in the normal way. Courses in the avoidance and diffusion of aggression are also available from the Health and Safety group in PSU (Personnel Services Unit).

The training needs for different schools will clearly vary considerably. For many schools the best approach may be the identification of key individuals to receive training. In order to make this cost effective schools may wish to organise training for key individuals from groups of schools at an appropriate venue.

Julian Lee (Head of Education Other Than at School) will help arrange such training and will be able to offer general advice and guidance on the training requirements at your school (01243 788015).

### **Related Information**

- The LEA leaflet 'Guidance for School Staff on Relationships with Children and Young People' provides a code of conduct regarding the wider issues of physical contact and relationships with pupils. Copies of this are available from the Headteacher.
- DfEE Circular 8/94 'Pupil Behaviour and Discipline' is still current.

*This policy should be read in conjunction with The Staff Handbook*

*Established March 08 JLD*

*Reviewed February 2010*

*Reviewed and approved by Staffing & Curriculum Committee March 2012; March 2014;*

*March 2017*

### **Appendix 1**

#### **Staff trained to undertake physical constraint**

<b>Name</b>	<b>Designation</b>	<b>Date</b>
Sam Dann	SENCO	June 2017
Emma Fagarazzi	LSA	June 2017
Ann MacGregor	DSL	June 2017
Sandra Saker	LSA	June 2017
Sally Smitherman	DSL	June 2017

**APPENDIX 1**

**Use of Physical Restraint Report Form**

\_\_\_\_\_ School

*(The staff member(s) involved in using restraint should complete Part A. Reports are not required for 'minor or trivial incidents'.)*

**PART A**

Incident date: \_\_\_\_\_ time: \_\_\_\_\_ location: \_\_\_\_\_

Name of the staff member(s) involved:

\_\_\_\_\_

\_\_\_\_\_ Signature(s) \_\_\_\_\_ Date \_\_\_\_\_

Name(s) of the pupil(s) involved:

\_\_\_\_\_

\_\_\_\_\_

Name(s) of any witnesses: *(indicate if pupil(s) or staff)*

\_\_\_\_\_

\_\_\_\_\_

Reason that force was judged necessary: *(e.g. to prevent injury to another pupil)*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Details of how the incident progressed: *(include details of pupil's behaviour, what was said by all parties, the steps taken to defuse the situation – the type and degree of force used and for how long)*

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**Outcome of the incident: *(including pupil response)***

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**Details of any injuries to any parties/ damage to property:**

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***NB: Physical intervention resulting in injury will require the completion of an 'Accident/Incident Reporting Form-HSW3'.***

**PART B *(e.g. external agencies contacted, discussion with parents)***

**Action taken by Headteacher (SMT) if appropriate:**

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***(Staff may seek advice from a senior colleague or a representative of their professional association when compiling a report.) This form is for retention by the school. A copy can be retained by the member(s) of staff involved.***