

Weston Turville CE School

**Mission Statement –
To Pursue Wisdom Within A Christian Ethos**

Addition to Behaviour Policy:

Use of Reasonable Force to Control or Restrain Pupils

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This is an addition to the schools Behaviour Policy to take account of the latest DfE guidance from July 2013 entitled 'Use of Reasonable Force: Advice for Headteachers, Staff and Governing Bodies'.

Key points

- *School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action. [Children Order 1995 (Physical Control) and Article 4 of the Education Order 1998.]*
- *Suspension should not be an automatic response when a member of staff has been accused of using excessive force.*
- *Senior school leaders should support their staff when they use this power.*

What is reasonable force?

1. *The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.*
2. *Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.*
3. *'Reasonable in the circumstances' means using no more force than is necessary.*
4. *As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.*
5. *Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.*
6. *School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.*

Who can use reasonable force?

All Teachers, including the SENCo, and Teaching Assistants are authorised by the Headteacher to use reasonable force. No other categories of staff are authorised, although the Headteacher in exceptional circumstances may give authorisation to individuals. Staff should send for another member of staff where possible, particularly if they assess that two people are required to restrain the pupil.

Use of restraint holds

Only members of staff who are trained are authorised to use approved restraint holds. Examples of suitable training include Team Teach and Norfolk Steps which are both supported by the Local Authority. Staff should ensure that they always use the lowest restraint hold possible.

When can reasonable force be used?

Schools do not require parental consent to use force on a student. Whenever possible staff should try to avoid the need to physically control or restrain pupils. However there will inevitably be occasions when this is unavoidable. Minimum force only should be used and never as a punishment. Where possible staff

should explain to the pupil that physical intervention may be used, and by law account should be taken of any special needs or disabilities they may have. Those with identified behavioural difficulties should have an individual behaviour management plan which is clearly communicated to all staff involved with the child, including lunchtime supervising staff.

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used (Section 93, Education and Inspections Act 2006):

Once all other strategies have been exhausted schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot use force as a punishment – it is always unlawful to use force as a punishment.

Power to search pupils without consent

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
- 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.

Force cannot be used to search for items banned under the school rules.

Force that is not acceptable

Unapproved uses of force are:

- the ‘seated double embrace’ which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;

- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

The school also will not tolerate the following uses of force:

- holding round the neck or any other hold that might restrict breathing;
- kicking, slapping or punching;
- forcing limbs against joints (e.g. arm locks);
- tripping or holding by the hair or ear;
- holding face down on the ground.

Follow Up

All incidents of use of restraint of a child must be recorded before the end of the school day in the form of a written account of the incident in the 'Bound and Numbered Book', and a copy given to the headteacher. Written accounts must include the reason for the use of restraint, name of the child/children involved, the type of restraint used, the date of the last restraint training and any injuries to staff or children.

Following an incident involving the use of a restraint hold the Headteacher (or Deputy in her absence) will;

- Read all the accounts of the incident;
- Interview all staff (both teaching and support) and pupils who witnessed the incident;
- Discuss the incident with the pupil or pupils who were directly involved. It is important that the children are given the opportunity of giving their own version of events, particularly in cases of divergent opinion or fact, and they should be encouraged, and if necessary helped, to prepare a written statement;
- Ensure the parents and/or guardians or other persons with parental responsibility (such as social workers) have been informed of the relevant facts;
- Ensure that the LA and the Chair of Governors have been informed **on a termly basis**;
- Ensure that all concerned are aware of their rights of complaint;
- Review school policies and consider if they serve the best interests of all parties and whether alternative policies or changes to the existing policy need to be considered.
- **Seek advice from the PRU if incidents become frequent.**

What happens if a pupil or parent complains when force is used?

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably. However, staff must always act in accordance with this policy and the behaviour policy.

- *Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see the ‘Further sources of information’ section below) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.*
- *Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.*
- *If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.*
- *Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.*
- *As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.*

What about other physical contact with pupils?

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

Examples of where touching a pupil might be proper or necessary:

- *Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;*
- *When comforting a distressed pupil;*
- *When a pupil is being congratulated or praised;*
- *To demonstrate how to use a musical instrument;*
- *To demonstrate exercises or techniques during PE lessons or sports coaching; and*
- *To give first aid.*