

## **SOUTH CAVE CE PRIMARY SCHOOL POLICY ON THE USE OF FORCE TO CONTROL OR RESTRAIN PUPILS**

### **Introduction:**

Following the Education and Inspections Act 2006 schools were further empowered to use force to control or restrain pupils. Section 93 of the Act enables school staff to use such force as is reasonable to prevent a pupil from:

- (a) committing an offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- (b) causing personal injury to, or damage of the property of, any person (including the pupil him/herself);
- (c) prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

### **Objectives:**

This policy seeks to:

- Ensure the safety of pupils and staff
- Prevent serious breaches of school discipline
- Prevent serious injury to staff and/or students
- Provide guidelines to staff when faced with situations that may require the use of Force

### **Staff Authorisation:**

#### **Permanent authorisation:**

All teachers and support staff who have control or charge of pupils automatically have the statutory power to use force. This includes teachers and teaching assistants.

Temporary authorisation: May be issued by the Head teacher to other members of staff involved in supervising pupils, e.g. site staff, office staff or volunteers. Any such authorisation will be given in advance, in writing and will be time limited.

#### **Minimising the use of force:**

The use of force should be avoided if at all possible, it is a last resort. The following principles should help to minimise the need to use force:

- Establishing a calm school environment
- Ensuring appropriate levels of supervision, including break and lunchtimes
- Using SEAL (Social and Emotional Aspects of Learning) approaches to teach students how to manage conflict and strong feelings
- Using emotional intelligence to de-escalate incidents if they do arise
- Developing appropriate risk assessments and positive handling plans for individual pupils
- Only using force where the member of staff considers that the risks involved in doing so are outweighed by the risks involved in not using force

#### **Avoiding the use of force:**

Alternative strategies should be tried first. For example it may be more prudent to remove the class to another area than to physically remove a pupil from the classroom. The path of least resistance should be followed provided it does not jeopardise the safety of children and adults.

A risk assessment should be completed where it is known that force is more likely to be necessary to restrain a particular pupil.

**Deciding whether to use force:**

Members of staff should use the following guidelines to decide whether or not force should be used in particular circumstances:

- There is a need to prevent injury to another pupil and/or member of staff or to the pupil themselves
- A pupil fails to comply with a reasonable instruction to stop an action that is potentially dangerous to themselves or others
- A pupil's actions place in jeopardy the health and safety of others
- A pupil's behaviour seriously prejudices good order and discipline in the school
- The potential consequences of not intervening were sufficiently serious to justify considering using force.
- The chances of achieving the desired result by other means were judged to be low.
- The risk associated with not using force outweighs those of using force.

Proper account should be made of any particular Special Education Need and/or disability that a student may have. It is worth noting, however, that decisions often need to be made quickly and that the professional judgement of the member of staff involved is key. Staff should seek to minimise the most serious risks, for example calling the police for assistance if necessary and ensure that any force used is reasonable and proportionate.

**Using force:**

- It is important to use the minimum force necessary to achieve the desired result. It is always unlawful to use force as a punishment.
- A clear verbal warning should be given to the pupil that force may have to be used.
- Restraint that is likely to injure a pupil (particularly anything that could constrict breathing) should only be used in extreme cases or where there was no viable alternative.
- Wherever possible force should not be used unless there is another responsible adult present to support, observe and call for assistance.
- Whenever possible there should be more than one member of staff available to give assistance if it is likely the pupil will need restraining. Ideally, both members of staff should be trained to handle such situations; however duty of care means that we must be prepared to stand in and support if it is needed.

**The types of force used could include:**

a. Passive physical contact resulting from standing between pupils or blocking pupils b.

Active physical contact such as:

- i) leading a student by the hand or arm;
- ii) ushering a pupil away by placing a hand in the centre of the back iii) in more extreme cases using appropriate physical restraint.

Where there is a high and immediate risk of death or serious injury, a member of staff is justified in taking any necessary action (consistent with seeking to use the minimum force required to achieve the desired result) e.g. preventing a pupil running in to a busy road or preventing a pupil hitting someone with a dangerous object such as a hammer or glass bottle.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury.

However it may not always be possible to avoid injuring a pupil.

Staff should avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

Examples of situations that call for judgements of this kind might include:

- A pupil attacking a member of staff, or another pupil
- Pupils fighting
- A pupil deliberately damaging property
- A pupil causing, or at risk of causing, injury or damage by accident, rough play, or by misuse of materials or objects

- A pupil persistently refusing to follow an instruction to leave a classroom
- A pupil behaving in a way that seriously disrupts a lesson, school event or visit
- A pupil placing him/herself at risk by absconding from school

Force, where used, should always be reasonable. There is no definition of 'reasonable force'; it should always be proportional to the circumstances of the incident. It should be used only to control or restrain and never with the intent to cause pain or harm. It must, therefore, be the minimum needed to achieve the desired result. In any action, due regard has to be taken to the age, understanding and sex of the pupil and staff should always avoid touching/ holding a pupil in a way that might be considered inappropriate.

## **RECORDING AND REPORTING INCIDENTS**

### **Recording incidents**

Appendix 1 should be used to record details of any incidents requiring the use of force. This should be completed as soon as is practically possible after the incident and handed to the Head teacher. Parents should be informed of any recordable incident.

### **Complaints**

All complaints made relating to the use of force will be dealt with according to the school's complaints procedure. Allegations about a member of staff will follow ERSCB guidelines.

### **Training**

Staff should receive regular training as part of INSET provision on the appropriate use of force.

### **Monitoring and Review**

The Head teacher and members of the Leadership Team will monitor the use of this policy on a day to day basis. Periodic reports will be made to the Governing Body about the use and implementation of this policy. The policy is subject to regular review, according to the cycle of policy review determined by the Governing Body.

### **Post-Incident Action**

Subsequent to the use of force, the following actions should be completed.

- Support provided for the member of staff involved. Being involved in restraint is an emotionally as well as physically exhausting process. A record of the incident should be made as soon as possible but with tactful consideration for the well-being of members of staff involved.
- Liaison with parents.
- Sanction for the pupil where appropriate.
- Review of the incident and how to avoid a repeat in the future.
- Support for other individuals who may have been affected by the incident.

### **Dealing With Complaints and Allegations**

Parents and pupils have a right to complain about actions taken by school staff. If a specific allegation of abuse is made against a member of staff then the school needs to follow the guidance set out in Safeguarding Children and Safer Recruitments in Education ([www.everychildmatters.gov.uk/resources-and-practice/IG00175](http://www.everychildmatters.gov.uk/resources-and-practice/IG00175)).

All parents must be made aware of this policy. All members of staff will be expected to read this policy.

Appendix 1      Use of Force to Control or Restrain Pupils: Incident Record

Details of pupil or pupils on whom force was used by a member of staff (name, class)	
Date, time and location of incident	
Details of other pupils involved (directly or as witnesses), including whether any of the pupils 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.	
Reason for using force and description of force used.	
Any injury suffered by staff or pupils or 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 pupils.	
Any information about the incident shared with staff not involved in it and external agencies.	
When and how those with parental responsibilities 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: Name and role: Signature: Date:	Report countersigned by: Name and role: Signature: Date: