

USE OF FORCE TO CONTROL OR RESTRAIN PUPILS

This policy should be read and understood in conjunction with the following documents:

School policies

- Behaviour for Learning
- Complaints Policy
- Exclusion Policy
- Health & Safety Policy
- Safeguarding and Child Protection Policy
- School's Code of Conduct for Staff & School Code of Conduct for Volunteers
- Single Equality Policy & Equality Statements

External guidance and legislation

- [Guidance for Safer Working Practices \(2019\) \(Safer Recruitment Consortium\)](#)
- [Use of reasonable force: Advice for head teachers, staff and governing bodies\(July 2013\)](#)
- [Reducing the Need for Restraint and Restrictive Intervention – Children and young people with learning disabilities, autistic spectrum conditions and mental health difficulties in health and social care services and special education settings \(HM Government June 2019\)](#)
- [Keeping Children Safe in Education \(DfE\)](#)
- [Behaviour and Discipline in Schools - Advice for head teachers and school staff \(DfE 2016\)](#)
- [Searching, screening and confiscation: advice for head teachers, school staff and governing bodies \(DfE Jan 2018\)](#)
- Apprenticeships, Children and Learning Act 2009 (Section 242 & 246)
- Education and Inspections Act 2006 (Section 93)
- The Education Act 1996 (Section 548)
- Equality Act 2010

Aims

This document sets out policy and guidance relating to the use of physical intervention, either planned or unplanned, by staff. It seeks to clarify the legal position regarding the use of physical intervention by members of staff, gives definitions and advises on procedures to be followed in the event of physical intervention being necessary.

Objectives

Its purpose is to ensure that:

- maintaining the safety of pupils and staff is the key objective at all times
- serious breaches of school discipline are prevented
- serious damage to property is prevented
- physical intervention to control and restrain is used as infrequently as possible
- that they are only employed in the best interests of all parties involved
- when they are used, everything is done to prevent injury and to retain the dignity of all concerned.

Minimising the need to use force

At Christ Church Primary School we have a strong ethos and philosophy whereby all individuals are respected and valued. In all our dealings with children we seek to minimise the need for physical intervention by adopting good working practices which reflect our ethos, for example:

- creating a calm, orderly and supportive climate that minimises the risk and threat of violence of any kind
- responding to children in a dignified, considered, polite and respectful manner
- promoting choice
- enabling children to develop a valued reputation
- fostering independence

- ensuring equal opportunities and anti-discriminatory practice
- supporting children in the development and maintenance of relationships
- involving children in the development of key policies (e.g. Bullying and Behaviour for Learning policies)
- ensuring good communication between pupils and adults and developing a positive relationship between pupils and staff
- consistency of approach towards children and the consistent application of school rules
- taking a structured approach to professional development that helps staff to acquire the skills of positive behaviour management and management conflict in a supportive environment
- recognising that situations which trigger challenging behaviours are often foreseeable
- wherever practicable, warning pupils that force may have to be used before using it
- ensuring that the relevant staff are kept informed as to whether there are specific children who may react in a negative way towards physical contact (including that intended to be positive)

Key points:

- School staff have a legal power to use 'reasonable force' and lawful use of force will provide a defence to any related criminal prosecution or other legal action.
- 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'?

- 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.
- 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.
- 'Reasonable in the circumstances' means using no more force than is needed.
- 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.
- 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.
- 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 members of school staff have a legal power to use reasonable force.¹
- This power applies to any member of staff at the school. It can also apply to people whom the head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.
- Only staff who have been specifically authorised and trained in appropriate techniques may engage in **planned physical intervention** with a child, except in an emergency when no suitably trained member of staff is available.

When can reasonable force be used?

- 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.

¹ Section 93, Education and Inspections Act 2006

- The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.
- 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
- Sometimes, for personal safety reasons, a staff member should not intervene in an unplanned situation without help, for example:
 - when dealing with a physically large child
 - where an intervention technique cannot be applied safely by one person
 - if the staff member believes that they may be at risk of serious injury
- In such circumstances, the staff member should:
 - remove other children who may be at risk
 - summon assistance by using the school's 'red card' system
 - inform all concerned that they have sent for help
 - continue to attempt to diffuse the situation orally and try to prevent any escalation until help arrives

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
- 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, head teachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”²
 - knives and weapons
 - alcohol
 - illegal drugs (including psychoactive 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 (including personal mobile devices e.g. smart phones and i-pads).
- Force cannot be used to search for items banned under the school rules. Separate guidance is available on the power to search without consent.³

Unplanned/emergency use of physical interventions

² Section 550ZB(5) of the Education Act 1966

³ <http://www.education.gov.uk/schools/pupilsupport/behaviour/f0076897/screening>

- In an emergency, the use of reasonable force by staff is permissible if it is the only way to prevent injury or serious damage to property. Even in an emergency, the use of force must be 'reasonable'. It must be in proportion to the risk posed by the situation and the person concerned should be confident that any possible outcomes of intervention will be less severe than the possible consequences of not intervening.

Planned intervention

- Pre-arranged strategies and methods to deal with a situation should be planned where a risk assessment has identified the likelihood of the need for physical intervention. (See **Appendix 1** for a copy of the Risk Assessment form to be used.)
- Planned physical interventions should be:
 - by a written agreement by relevant professionals working with the child, in consultation with the child (where possible) and/or his/her parents or those adults with parental responsibility, bearing in mind the school's responsibilities under DDA legislation and the specific needs of SEN children, children on the autistic spectrum and those with behavioural and/or learning difficulties implemented under the supervision of no less than two identified members of staff who have relevant qualifications, training and experience
 - recorded in writing so that the method of physical intervention and the circumstances when its use has been agreed are clearly understood
 - included as part of a care plan for a child
 - routinely reviewed
- Special guidance is available regarding children with learning disabilities and/or on the autistic spectrum disorders or behavioural, emotional and social difficulties as well as children with severe behavioural difficulties.⁴ All staff dealing with such children should also read these more detailed guidelines. Key points to note are:
 - all members of staff working with such children should be involved in developing any policy that might require the use of force
 - positive handling plans need to be developed and further advice on these can be found at <http://www.conceptsineducation.com/phpcontext.htm>
 - as far as possible ensure that all staff who come into contact with such children are aware of their profile, situations which are likely to spark a violent reaction/difficult behaviour, if and when intervention is likely to be needed and which strategies/types of intervention have been agreed with parents/carers and agreed methods of support following an incident
 - it is important for children to be as well-informed as possible about their rights in relation to decision making and that, as far as practicable, their views, wishes and feelings are taken into account
 - it is important for the child and his/her parents to be provided with the information and support necessary to enable them all to participate in the decision making process
 - as much information as possible should be obtained from parents/carers, some of which might be sensitive, therefore it will be necessary to obtain permission from the parents/carers before sharing it with staff
 - appoint designated members of staff to deal with incidences involving specific pupils; this does not mean that other staff should wait if there is an emergency, but that the named staff should be summoned to attend as soon as possible
 - help the pupils involved to develop techniques to cool down and respond to signs (verbal and non-verbal)

Guidelines:

⁴ [Reducing the Need for Restraint and Restrictive Intervention – Children and young people with learning disabilities, autistic spectrum conditions and mental health difficulties in health and social care services and special education settings \(HM Government June 2019\)](#)

- Before intervening physically, wherever practicable, give the child a clear oral warning that force may have to be used if they do not follow instructions.
- Continue to attempt to communicate with the child throughout the incident.
- Make it clear that physical contact/restraint will stop as soon as it ceases to become necessary.
- Keep calm, never give the impression that you have lost your temper or that the child will be punished.
- Whenever possible, but not to compromise the need for immediate action, it is preferable to have another witness to both verify the adverse behaviour and the subsequent intervention.

The use of physical intervention needs to be considered very carefully. As the key issue is to establish a safe environment, any action which could exacerbate the situation should be avoided. Physical intervention solely to enforce compliance with staff instructions in situations which present no risk is unacceptable.

Staff Training

- De-escalation training will be undertaken by the Inclusion Team, ELSA and senior leaders in 'Team Teach'.
- A record of training will be maintained by the Inclusion Manager

Recording and reporting incidences

- The Governing Body has a legal responsibility to ensure that a system is in place for recording each incident where physical intervention has been necessary and for reporting these incidences to parents as soon as possible.
- If there is a need to use physical intervention during an incident, it will be necessary to complete a report in the 'Red' incident book: Behaviour Management/Physical Intervention – Serious Incident Record Book (which is kept in the school office). A scanned copy of the report form should be sent to County Hall (IYSRReferrals@wiltshire.gov.uk) together with a copy of the 'Behaviour Management/Physical Intervention – School Incident Report and Investigation Form' within 24 hours of completion. It is the responsibility of the Head teacher or, in his/her absence the Deputy Head teacher to ensure that this happens. Pages are not to be removed from the Serious Incident Book as each report is sequentially numbered. A flow chart details the procedures that should be followed.
- Both parents/carers should be informed of the incident as soon as possible and invited in to discuss it. This means that if parents are not living together, the school has a responsibility to ensure that both parents are made aware of the incident.
- Where the school believes that a child will be put at significant risk of harm were the incident to be reported to their parents/carers, the school can choose to withhold that information from parents/carers. Such a child may already be subjected to safeguarding procedures.
- Where applicable, multi-agency partners should also be informed of the incident.

Post-incident procedures and support

- Staff involved may need support and this should be recognised by managers. All staff involved should be debriefed about the intervention. Staff who have been subjected to an assault may wish to make a report to the police and/or seek the advice of their trade union.
- Head teachers should ensure that any individual care plans, or other formal plans be reviewed in the light of any intervention.
- Where intervention has involved the use of force to an extent that someone has been, or alleges to have been injured, then medical attention/examination should be an immediate priority.
- The pupil involved should be held to account for their behaviour and sanctions should be considered in line with the school's Behaviour for Learning Policy. In some incidences this might lead to a decision to exclude a pupil. In these instances statutory guidance must be followed.
- Both the staff and pupils involved should be given support to develop strategies to avoid incidences reaching crisis point in future.

Complaints and Allegations

- The school needs to make it clear that parents/carers and pupils have the right to complain about actions taken by school staff, including any use of force.
- All complaints about the use of force will 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.
- 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” guidance⁵ 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.

Monitoring and Review

- It is good practice for governors to monitor incidents where force has been used. Head teachers have an important role in reporting such incidents to the governing body.
- By reviewing the nature and type of incidences, it is possible to determine whether or not there are specific areas of difficulty which might lead to a review in procedures (e.g. more volatile situations, children with specific problems or staff being put in difficult situations).
- This policy will be reviewed every 3 years or in the event of a change in legislation.

APPENDICES:

1	Risk Assessment form http://www.bradfordnut.org/info/health/risk%20assessment/pupil%20behaviour%20RA.pdf
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DATE RATIFIED	22/04/21
REVIEW DATE	04/24
RATIFIED BY	Head Teacher

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<http://media.education.gov.uk/assets/files/pdf/d/dealing%20with%20allegations%20of%20abuse%20august%202011.pdf>