



# **Archbishop Temple School**

A Church of England Specialist College

## **USE OF FORCE & CONTROL TO RESTRAIN PUPILS POLICY**

**Date Agreed : April 2019**

**To Be Reviewed : April 2024**

**Name of Policy:** Use of Force & Control to Restrain Pupils Policy

**Sub-Committee Responsible:** Governors' Pastoral, Community & Chaplaincy (PCC) Committee

**Lead Responsibility in School:** Assistant Headteacher

**Source of Policy: (Please tick)**

- LA:**
- Diocesan:**
- School: X**
- Other – Please specify:**

This policy supports our work as a Church school as summarised in our Vision Statement:

**Purpose**

Archbishop Temple School seeks to care for young people and prepare them well for adulthood, valuing the whole person.

**Mission**

Through our faith in God, Father, Son and Holy Spirit, we strive to nurture each person's ability, gifts and talents so that they can 'have life and have it to the full' (John 10:10) and use it in the service of God and other people.

The policy has been prepared to support all teaching and support staff who come into contact with pupils and for volunteers working within the school to explain the school's arrangements for controlling and restraining pupils. Its contents should be made available to parents and pupils.

All members of staff and volunteers who may have to intervene physically with pupils must understand the options and strategies open to them. They must know what is acceptable and what is not. These guidelines have been drawn up following the recommendations made by the DfEE in circular 10/98: **"The Use of Force to Control or Restrain Pupils - 1996 Education Act (section 550A)."**

The policy should be read in tandem with other school policies relating to interaction between adults and pupils, notably the School Behaviour Policy and the Safeguarding Policy.

### **Purpose of Policy**

Good personal and professional relationships between staff and pupils are vital to ensure "Good Order" in our school. It is recognised that the majority of pupils in our school respond positively to the discipline and control practised by staff. This ensures the well being and safety of all pupils and staff in school. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required.

This policy seeks to ensure that all the staff in school clearly understand their responsibilities in taking appropriate measures where reasonable force is required. It is essential that staff are well informed and appropriately trained to deal with these difficult situations and understand fully the rationale and implications of this policy document. The policy should also be explained to parents and pupils and made available to parents on request. This policy has been prepared to provide support for all teaching and support staff, who come into contact with pupils and for volunteers working within the school

### **Corporal Punishment**

The use of corporal punishment is not allowed. The law forbids a teacher to use any degree of physical contact, which is deliberately intended to punish a child or which is primarily intended to cause pain or injury or humiliation.

### **Planning for Incidents**

If you are aware that a pupil is likely to behave in a way that may require physical control or restraint, it is important that staff plan how to respond if the situation arises. Such planning needs to address:

- how the pupil will be managed in order to de-escalate conflict
- the holds that can be used to restrain the pupil
- the involvement of parents, informing them about the specific action the school might need to take;
- brief staff to ensure that they know exactly what action they should be taking (this may identify a need for training or guidance);

- the additional support that can be summoned, if necessary;
- taking medical advice about the safest way to hold a pupil with specific health needs, particularly in SEN settings.

### **Using Reasonable Force**

Teachers and others, authorised by the Headteacher to have control or charge of pupils, are allowed to use such force as is reasonable in all the circumstances to prevent a pupil from doing or continuing to do any of the following:

- committing a criminal offence ( including behaving in a way that would be an offence if that pupil were not under the age of criminal responsibility);
- injuring themselves or others;
- causing damage to property ( including the pupil's own property);
- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

The provision applies when a teacher, or authorised person, is on the school premises, and when he or she has lawful control or charge of the pupil concerned elsewhere e.g. on a field trip or other authorised activity.

### **Authorised Staff**

1. All teachers (including supply teachers) in the school can use reasonable force to control or restrain a pupil.
2. Other non-teaching support staff in charge or control of pupils authorised by the Headteacher are included. This includes support assistants, learning mentors, mid-day supervisors, welfare staff, office staff, site supervisors or voluntary helpers including adults accompanying pupils on visits, exchanges or holidays organised by the school.
3. The above mentioned may only use restraint when authorised to have control of the pupils.
4. An up-to-date list of authorised people is kept in school.
5. Training will be provided to make sure staff are aware of what the authorisation involves.

### **Action in self-defence or in an emergency**

Everyone has a right to defend himself or herself against an attack provided they do not use a disproportionate degree of force to do so. Similarly in an emergency, for example, if a pupil were at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene.

## Types of Incidents

There are many situations in which reasonable force might be appropriate, or necessary, to control or restrain a pupil. These fall into three broad categories:

1. Where action is necessary in self-defence or because there is an imminent risk of injury;
2. Where there is a developing risk of injury, or significant damage to property;
3. Where a pupil is behaving in a way that is compromising good order and discipline.

### **Examples of situations that fall in categories one and two:**

- a pupil attacks a member of staff, or another pupil;
- pupils are fighting;
- a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- pupils are fighting
- vandalism to property;
- a pupil is causing, or at risk of causing, injury or damage by accident, by rough play or misuse of dangerous materials or objects;
- a pupil is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure him or herself or others;
- a pupil absconds from a class or tries to leave school (**this only applies if the child will be at risk**)

### **Examples of situations that fall into the third category:**

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

## REASONABLE FORCE

Circular 10/98 states "There is no legal definition of reasonable force". It is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on the circumstances.

### **Important considerations:**

1. 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, for example, physical force must not be used to prevent a pupil from committing a trivial misdemeanour, or in a situation that could be clearly resolved without force.
2. 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 should always be the minimum needed to achieve the desired result.

3. Whether it is reasonable to use force, and the degree of force that could reasonably be employed, will depend on the age, understanding and sex of the pupil.

### **Practical considerations**

Before intervening physically the authorised person should wherever practical:

- tell the pupil who is misbehaving to stop, and what will happen if he or she does not.
- continue attempting to communicate with the pupil throughout the incident and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.
- keep a calm and measured approach. The teachers/ authorised person should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.
- not intervene in an incident without help (unless in an emergency) if the authorised person feels they may be at risk of injury, for example, when dealing with an older pupil, or a physically large child, or more than one pupil.
- In difficult circumstances the teacher should remove other pupils who are at risk, and summon assistance from a colleague or colleagues or where necessary call the Police.
- inform pupils that he or she has sent for help.
- until assistance arrives the authorised person should attempt to defuse the situation orally, and try to prevent the incident from escalating.

### **Application of Force**

Physical intervention can take several forms. It might involve staff:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- pushing;
- pulling;
- leading the pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back;
- in extreme circumstances using a more restrictive hold

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any reasonable action that is consistent with the concept of 'reasonable force': for example to prevent a pupil hitting someone or throwing something.

### **Staff should NOT act in a way that may cause injury, for example by:**

- holding a pupil around the neck, or by the collar , or in any other way that might restrict the pupil's ability to breathe;
- slapping, punching or kicking a pupil;
- twisting or forcing limbs against a joint;
- tripping a pupil;

- holding or pulling a pupil by the hair or ear;
- holding a pupil face down on the ground

**Staff should always avoid touching a pupil in a way that might be considered indecent.**

- Where the risk is not so urgent the teacher should consider carefully whether and if so when, physical intervention is right.
- Teachers should always try to deal with a situation through other strategies before using force.
- All teachers need to develop strategies and techniques for dealing with difficult pupils and situations, which they should use to defuse and calm situations.
- That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline.
- Any action which may exacerbate the situation needs to be avoided.
- The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated.
- The age and level of understanding of the pupils is relevant.
- Physical intervention to enforce compliance should never be used as substitute for good behavioural management.

### **Recording Incidents**

It is important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where force is used.

### **Incident log**

**Immediately following any incident the member of staff concerned should tell the headteacher or a senior member of staff and provide a written report as soon as possible using the incident sheets. This should include:**

- the names(s) of the pupil(s) involved
- when and where the incident took place;
- the names of any staff or pupils who witnessed the incident;
- why the use of force was deemed necessary ( e.g. to prevent injury to the pupil, or another pupil or member of staff);
- how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied and for how long;
- the pupil's response
- the outcome of the incident;
- detailed description of any injury suffered by the pupil, another pupil, or member of staff and any damage to property.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should keep a copy.

Incidents involving the use of force can cause the parents of the pupil involved great concern.

Parents should be informed as soon as possible in order to discuss the incident. This can be after school, by telephone or letter.

### **Complaints**

If staff follow the clear guidelines and parents are notified complaints should be avoided. However, this may not prevent all complaints and it could lead to an investigation. Documentation is available in school, on procedures for dealing with allegations against teachers.

The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a pupil or parent, cannot be ruled out. In these circumstances it would be the disciplinary panel or court to decide whether the degree of force was reasonable in the circumstances.

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

There are occasions when physical contact with a pupil may be proper or necessary other than those covered above for example:

- to demonstrate exercises or techniques during P.E. lessons
- sports coaching
- in D & T
- giving First Aid
- cleaning a young child after an accident/wetting or soiling
- Young children and pupils with SEN may need staff to provide physical prompts or help
- when a pupil is in distress and needs comforting

Staff need to use their own professional judgement when they feel a pupil needs this kind of support.

There may be some children for whom touching is particularly unwelcome. For example:

- children sensitive to physical contact because of their cultural background or because they have been abused.

Physical contact with pupils becomes increasingly open to question as pupils get older. Staff should bear in mind that even innocent and well-intentioned physical contact could sometimes be misconstrued.