



Policy on the Use of Reasonable Force to Control or Restrain Pupils Warwick Junior School and Warwick Senior School	
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Policy on the Use of Force to Control or Restrain Pupils

This policy has been written using advice taken from Use of Reasonable Force in Schools, Advice for Headteachers, Staff and Governing Bodies DfE 2013 which relates to legislation 'Education and Inspections Act 2006'. The school acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEND). Equality Act 2010, SEN and Disability Code of Practice 0-25 years 2015.

Warwick School recognises that all school staff members have a legal power to use reasonable¹ force but it is only one of the strategies available to secure pupil safety and also to maintain good order and discipline. This policy should be read in conjunction with our Child Protection and Safeguarding Policy and our Behaviour Policy.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. 'Reasonable in the circumstances' means using no more force than is needed. Force can be used to control pupils and to restrain them. The 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.

We would want to highlight that most pupils at Warwick School will never require any form of the use of force and it should only ever be used as a last resort. It is always unlawful to use force as a punishment.

Our policy on the use of force to control or restrain aims to:

- Protect every person in the school community from harm
- Protect all pupils against any form of restrictive physical intervention, which is unnecessary, inappropriate, excessive or harmful
- Provide adequate information and training for staff, so that they are clear as to what constitutes appropriate behaviour and to deal effectively with violent or potentially violent situations
- Give full support to staff, who have been assaulted or have suffered verbal abuse from pupils or others

Reasonable force may be used, *as a last resort*, to prevent pupils from doing, or continuing to do, any of the following:

- committing a criminal offence
- causing self-injury or injury to others
- causing damage to property

¹ There is no statutory definition of "reasonable" but it will depend in part upon the context in which it is used and whether it is proportional to the consequences it is intended to prevent. 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 The policy should be read in conjunction with our general pastoral care guidelines and the policies on managing pupil behaviour in our *Behaviour Policy* and our *Child Protection and Safeguarding Policy*.

The provision applies when a teacher, or other authorised person³, 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 out of school activity⁴.

Although preventative measures will not always work, Warwick School and its staff aim to create a calm, orderly and supportive school environment that minimises the risk and threat of violence; develop positive working relationships between staff and pupils; effectively manage individual incidents, using calm non-threatening behaviour and recognise that challenging behaviours are often unforeseeable.

The use of physical intervention and restraint must comply with the law and if it is applied it must be reasonable, proportionate, necessary and in the best interests of the pupil.

In addition to the general power to use reasonable force, the Head and authorised staff can use such force as is reasonable given the circumstances, to conduct a search for prohibited items:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be, used
 - i) to commit an offence,
 - ii) to cause personal injury to, or damage to the property of, any person (including the pupil)

Reasonable force **cannot** be used for any other items which are not on this list even if they are banned by the school rules.

Deciding when to use force

The scale and nature of any use of force must be proportionate to both the behaviour of the individual to be controlled, and the nature of the harm they might cause. Ideally, more than one adult should be present. In addition, those exercising power to use force must also take proper account of any special educational need (SEN), vulnerability and/or disability that a pupil may have and the Disability Discrimination Act 1995 states that school must not 'treat a disabled pupil less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification'; and should 'take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled.'

The judgement on whether to use force and what force to use should always depend on the circumstances of each case and information about the individual concerned (especially SEN/disabilities).⁵ The decision to use force calls for a serious assessment of the situation by a member of staff who must deem the use of force to be necessary and be clear that without using it, the seriousness of the incident would be much more severe than if they had used other strategies.

Examples of situations, in which members of staff in schools may have to use reasonable force are:

- 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;

³ Those who the Head has given authorisation to, including those staff who do not normally supervise pupils and these authorised staff are known to those staff who have permanent authorisation

⁴ This does not include prefects or other supervising pupils

⁵ Staff will be informed about and advised how to deal with pupils who present particular risks to themselves or others through individual education plans

- a pupil is causing, or is at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- a pupil is running in a corridor or on a stairway in a way 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 (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school).
- a pupil is behaving in a way that is seriously disrupting a lesson.
- where there are reasonable grounds for suspecting that a pupil has a prohibited item

Using Force

Where unacceptable behaviour threatens good order and discipline and warrants intervention, the member of staff should use defusing or diversion strategies such as:

- effectively manage the situation using calm non-threatening verbal communication and body language e.g. going with pupil to a quiet room or away from bystanders so concerns can be listened to
- verbally warn the pupil;
- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- shepherding a pupil away by placing a hand in the centre of the back, or leading a pupil by the hand or arm;
- staff should always avoid touching or restraining a pupil in a way that may be interpreted as sexually inappropriate conduct

There are circumstances where a member of staff should not intervene without help unless in an emergency and in these situations help should be summoned. Such incidences may include if that member of staff believes they may be at risk or if there is more than one pupil involved. In such circumstances the member of staff should take alternative steps such as remove other pupils from the situation who may be at risk.

The following restraint techniques should never be used though as they present an unacceptable risk when used on children and young people. The techniques in question 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.

Staff should realise that the use of force should never be used as a punishment.⁶

Reporting incidents

Staff should record all significant⁷ incidents (see Incident Recording Form)⁸ as soon as is practicable (within 24 hrs) where force has been used and inform the Head immediately. Details should include the name of pupil(s), when and where the incident took place, details of the incident including the physical intervention, the pupil's response, the outcome and any injuries. This is to ensure that parents are kept informed of serious events at school concerning their child⁹. The person who makes the report to the parent¹⁰ needs to be the

⁶ Falls under corporal punishment, abolished by section 548 of the Education Act 1996

⁷ Only a court of law can decide what is "significant" but see Appendix B

⁸ See appendix A

⁹ The member of staff must not report the incident to a parent if it appears to the member of staff that doing so would be likely to result in significant harm to the pupil. If this is the case, the incident needs to be reported to the local authority where the pupil lives

¹⁰ Each parent - notify both e.g mother and father who both have responsibility, or where care order or Social Services

person who compiles the report. The record forms part of the pupil's educational record. Where an incident may not be considered significant in itself but it forms part of a pattern of repeated behaviour, it is advisable to let the parents know.

Post incident support

Where an incident results in injuries to pupil or staff, immediate action should be taken to provide first aid or access medical help for any injuries that go beyond first aid. In addition, it is important to ensure that rebuilding relationships occurs and emotional support is also provided.

It is also important that a review is made of the incident and strategies put in place such as an individual pupil behaviour plan, to deal with any reoccurrence of behaviour that could lead to the use of force (employ Behaviour policy). Relevant parties - senior staff, pupil, parents and where appropriate multi-agency partners e.g. Warwickshire Safeguarding, Health and Safety Executive, Police - would be involved.

Complaints and allegations

Staff have a duty of care to the children in school, which includes a moral responsibility to take appropriate action when necessary. We will, of course, always closely involve parents when an incident occurs with their child. Where a parent wishes to make a complaint about actions, which may include the use of force, taken by school staff, the School's Complaints policy procedure should be followed. If a specific allegation of abuse is made against a member of staff, the School will follow the procedures set out in the Child Protection and Safeguarding Policy: Staff Facing an Allegation of Abuse.

In addition:

- 1) All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- 2) 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.
- 3) 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.
- 4) 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 Associated Resources 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.
- 5) 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.
- 6) 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.
- 7) 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.
- 8) 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.

Physical Contact in Other Circumstances

Staff will be alerted if any pupil with whom they are liable to come into contact has particular sensitivities about physical contact due to their cultural background or individual backgrounds. Staff should be encouraged to bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

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

Staff Training

Warwick School will ensure that staff identified as requiring training are appropriately trained and regularly updated not only in the safe and effective use of the type of force sanctioned by the school, but also in all other aspects of physical intervention and restraint - from prevention and de-escalation through to post incident management.

Any training approach to physical intervention will be clear about the dangers of positional asphyxia, which has resulted in various settings in situations where an individual's breathing has been compromised.

Monitoring and Review

This policy will be reviewed annually and in the light of any incidences.

Incident Recording Form of Use of Force

[illegible]

<u>Section D:</u> Follow-up action	
Date parent/guardian informed of incident:	Time:
Informed by whom , and means:	

Outline of parent/carer response:	
Follow up, including post incident support and any disciplinary action against pupils Any information about incident shared with staff not involved in it and external agencies	
Report compiled by (Signature): Name and role: Designated Safeguarding Lead (signature): Report countersigned by (Signature) Head Teacher:	Date: Date: Date: Date:
Brief description of any subsequent inquiry/complaint or action (details should not be recorded here)?	

cc. report compiler, Head, Parent,

Please note: The names of pupils should be removed before the completed form is sent to parents and the names of the members of staff should only be included with their consent (Data Protection Act 1998)¹¹.

Staff may find it useful to consult a senior colleague or a union representative when compiling the report.

¹¹ Retain copies of incident until member of staff as reached normal retirement age, or for 10yrs from the day of any allegation if that is longer.

Appendix B

Taken from DfE March 2012 “Use of reasonable force: guidance for Head teachers, staff and governing bodies”

In determining whether incidents are significant, schools should consider:

- a) The pupils/ behaviour and the level of risk presented at the time.
- b) The degree of force being used and whether it was proportionate in relation to the behaviour
- c) The effect on the pupil or the member of staff
- d) The child’s age