

Ashfield School



USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN STUDENTS POLICY

Date of policy:

September 2017

Review date:

September 2020

The Governing Body of Ashfield School adopted this policy in October 2017

The policy will be reviewed bi-annually by the Curriculum & Student Committee of the governing body.

USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN STUDENTS

INTRODUCTION

It is important that we have a policy about the use of reasonable force to control or restrain students. All members of staff who may have to intervene physically with students must clearly understand the options and strategies open to them. This policy clarifies what is acceptable and what is not and will be brought to the attention of the governing body, parents and children through its inclusion in the school brochure and newsletter.

Ashfield School has developed its policy to reflect its statutory duties and pastoral responsibilities. It has referred to the procedures and advice to be followed and drawn upon the guidance from circular No. 10/98 - Section 550A of the Education Act 1996: The Use of Force to Control or Restrain Students.

When referring to this policy it is essential that it is read in conjunction with the school's policy document on Child Protection.

Corporal punishment is in no way authorised through the following policy. School policy and the law forbids a teacher to use any degree of physical contact which is deliberately intended to punish a student, or which is intended to cause pain or injury or humiliation.

1. SECTION 550A

The Education Act 1997 clarified the position about the use of physical force by teachers, and others authorised by the Headteacher, to control or restrain students. The clarification was made by adding a section (Section 550A) to the Education Act 1996.

This new section came into force on 1st September 1998 and applies to all schools. It restates principles derived from common law and statute that have, in the past, been misunderstood. Where necessary reasonable force can be used to control or restrain students. Physical contact with students may also be appropriate and necessary in other circumstances.

2. POLICY STATEMENT

Teachers and those authorised by the Headteacher, who have control or charge of children, are allowed to use reasonable force to prevent a child from doing the following:

- committing a crime including behaving in a way that would be an offence if the child were not under the age of criminal responsibility
- causing injury to themselves or others
- causing damage to property including their own
- causing serious disruption, to the extent that good order and discipline could not be maintained.

The policy is only applicable when an authorised person is on the school premises, or has lawful control or charge of the child concerned on an authorised out of school activity.

3. POLICY AND PROCEDURES

3.1 Type of Incident

Situations where reasonable force may be necessary or appropriate fall into three broad categories:

- a) Where action is necessary either in self- defence or because there is an imminent risk of injury.
- b) Where there is a developing risk of either injury or significant damage to property.
 - a child attacks a member of staff, or another child
 - children are fighting
 - a child is committing or about to commit damage or vandalism to property
 - a child is causing or likely to cause injury or damage by accident, rough play, or misuse of dangerous materials or objects
 - a child is running in the building in a way which could cause injury to themselves or others
 - a child absconds from a class or tries to leave school. Applicable only if a child could be at risk if not kept in class or school.
- c) Where a child is behaving in a way that is compromising good order and discipline.
 - a child persistently refuses to obey an order to leave a classroom
 - a child is behaving in a manner that is seriously disrupting a lesson.

3.2 Reasonable Force

There is no legal definition of reasonable force. The degree and reasonability of force will depend upon circumstances

Physical force is not justified for:

- trivial misdemeanours
- a situation that can be resolved without force.
- be in proportion to the circumstances of the incident
- always be the minimum needed to achieve the desired result
- take into account the age, understanding and sex of the child

3.3 Practical Considerations

Before intervening physically a teacher must:

- a) Tell the child who is misbehaving to stop
- b) Tell the child what will happen if he does not stop
- c) Continue to talk with the child throughout the incident
- d) Make clear that physical contact will stop when it ceases to be necessary
- e) Retain a calm and measured approach
- f) Not give the impression of loss of temper or that action is being taken out of anger, frustration or a need to punish the child.

It may be inappropriate for a teacher to intervene in an incident without help unless in an emergency. In such cases the teacher should:

- a) Remove other children who are at risk
- b) Summon help from colleagues
- c) Inform children that help has been sent for
- d) Continue to attempt to defuse the situation orally.

3.4 Application of Force

Physical intervention can involve:

- coming between children
- blocking a child's path
- holding, pushing or pulling
- leading a child by the hand or arm
- shepherding a child away by placing a hand in the centre of the back
- and in extreme circumstances, using more restrictive holds.

The above could take place in order to prevent a child running off a pavement on to a busy road, or to prevent a child hitting someone, or throwing something.

The power to restrain may be used where the member of staff is lawfully in charge of the pupils, and this includes while on school trips.

On no account can a member of staff act in a way that might cause injury:

- holding a child around the neck, by the collar or way that might restrict breathing
- slapping, punching or kicking a child; twisting or forcing limbs
- tripping up a child
- holding or pulling by the hair or ear
- holding a child face down on the ground.

Prior to using physical intervention consider:

- Can the situation be dealt with using other strategies
- Development of strategies for individual children which can be used to defuse or calm situations
- Whether such action will exacerbate the situation
- The age, needs and level of understanding of the child
- Whether the action is being used as a substitute for good behavioural management.

N.B. Staff should always avoid touching or holding a child in a way that a reasonable person might consider indecent.

The use force will never be used as a punishment – it is always unlawful to use force as a punishment.

3.5 Self Defence

Everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so.

3.6 Authorised staff

All teachers at a school are allowed to use reasonable force to control or restrain students. This school additionally authorises the following members of staff to control or restrain students when they have control or charge of children:

- Learning and Progress Assistants / Learning Mentors
- Midday supervisors and assistants
- Site manager.
- Voluntary helpers accompanying students on visits.

In respect of voluntary assistants, teaching staff should ensure that they are aware of and properly understand what the authorisation entails.

3.7 Recording incidents

A detailed, written report of any occasion where force is used is required. See Appendix 1. This will help prevent misunderstanding and would be helpful should there be a complaint. This procedure would not be applicable in a minor or trivial incident.

Immediately following an incident the member of staff concerned should tell the Headteacher or Deputy Headteacher and provide a written report that should include:

- The name of the child or children involved
- Where the incident took place
- Names of witnesses, staff or children
- How the incident began and progressed. Include details of child's behaviour, what was said, steps taken to defuse or calm the situation, degree of force used and how applied
- Child's response and outcome
- Details of any injuries or damage to property.
- (A form on which to log incidents is included in appendix A)

Staff may consider informing their professional association.

Parents will be informed of any such incident. Wherever possible this will be done orally.

Records are held by the Deputy Head Teacher responsible for Pastoral and reported to Governors on a termly basis.

3.8 Parental Consent

In accordance with Department for Education schools do not require parental consent to use force on a student.

3.9 Complaints

Complaints from a parent could lead to an investigation either under the school's disciplinary procedures, by the Police or Social Services under child protection procedures.

Any complaint would take into account the school's policy on restraint and whether it had been followed.

4. PHYSICAL CONTACT WITH CHILDREN IN OTHER CIRCUMSTANCES

It is unnecessary and unrealistic to suggest that teachers should only touch children in emergencies. Particularly with younger children, touching them is inevitable and can give welcome reassurance to the child. However, teachers must bear in mind that even perfectly innocent actions can sometimes be misconstrued. It is important for teachers to be sensitive to a child's reaction to physical contact and to act appropriately. It is also important not to touch children, however casually, in ways, or on parts of the body, that might be considered indecent.

In extreme cases, which while rare do occur, a teacher might have to physically restrain a child to prevent him or her causing injury to themselves, to others or to property. In

such instances no more than the minimum necessary force should be used and the teacher should seek to avoid causing injury to the student. Such an incident must be reported to the designated teacher.

Where a teacher has concerns that their actions may be misconstrued, it is essential that incidents are reported to the Headteacher or the Deputy Headteacher.

General Data Protection Regulation

All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.

APPENDIX A

ASHFIELD SCHOOL

USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN STUDENTS

INCIDENT SHEET

Name(s) of Student(s) involved:

Time and date of incident:

Place where incident occurred:

Names of staff or authorised adults involved:

Names of witnesses:

Staff:

Students:

Reason for force being used:

Description of way in which the incident developed:

Student response:

Outcome of incident (injury / damage):