

Use of Force to Control or Restrain Pupils Policy

Date of policy: September 2010

Date last review adopted by governing body: 27 March 2018

Frequency of review: 3 years

1. Introduction

Section 93 of the Education and Inspections Act 2006 enables staff to use 'reasonable' force (no more than is necessary) in order to avert danger. Use of force in an educational establishment is only lawful if it is reasonable, proportionate and necessary.

In the context of challenging behaviour, physical intervention is the positive use of 'reasonable force'. In order to avert danger by preventing or deflecting a child's or young person's actions, or by removing the physical object which could be used to harm themselves or others. Force is only used to control or restrain. Control means passive physical contact (standing between pupils) and restraint means physically holding in order to bring control. Physical intervention is always a last resort after all strategies from the school behaviour policy have been implemented.

The use of force as an integral part of a pupil's care should be defined by a specific individualised programme involving parents/ guardians and the pupil where appropriate.

2. Aims

To maintain good discipline and order where people and property are respected at all times (Our school Behaviour Policy provides information on how this is achieved)

To use minimum 'reasonable force' to prevent a child: causing harm to themselves or others, seriously damaging property, or behaving in a way that compromises good order and discipline only when other strategies will not control the behaviour.

3. Reasonable force

There is no legal definition of 'reasonable force'. It will always depend on all the circumstances of the case. However, the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it and after other strategies have been tried. Any force should always be the minimum needed to achieve the desired result and which takes account of the age, cultural background, gender, stature and medical history of the child.

4. Authorised persons

At Writtle Infant School the Headteacher has authorised the following staff to use, when necessary, 'reasonable force' to restrain pupils: all teaching staff, teacher assistants, office staff and midday assistants. However, it is expected that the Headteacher or Deputy is consulted immediately if 'reasonable force' has to be used. On school outings a voluntary helper will also be authorised to use 'reasonable force' in extreme or exceptional conditions where there is an immediate risk of injury, e.g. a

child running off a pavement onto a busy road, or to prevent a child hitting someone or throwing something.

5. Use of 'reasonable force'

Before intervening physically an authorised member of staff should try to deal with a situation through other strategies, e.g. in a calm, controlled voice:

- tell the child to stop what they are doing and why
- ask them to come over and talk about what is concerning them
- reassure them that you will listen and sort out any problem/dispute
- 'time out' could be offered to a pupil within the classroom as a means of calming down and might involve a change of activity.
- 'withdrawals' could be offered if 'time out' has not resolved the issue or was not appropriate. This would be an opportunity to discuss the difficulty with another adult outside the classroom. Each class has a 'please assist' card which, when sent to the office, triggers immediate assistance.
- 'seclusion' would be applied if the issues were not able to be resolved with the other 2 methods and could result in the pupil completing work / activity by the Head teacher's office, monitored closely by Headteacher or a member of the Senior Leadership Team
- In extreme circumstances exclusion will be considered

As the key issue is to establish good order, staff should avoid any action which could exacerbate a situation. On rare occasions there may be no alternative to restraining children physically, in their own and others' interests and safety. In such instances no more than minimum necessary force should be used, taking into account all the circumstances. Ideally and except in emergencies, more than one adult should be present. Before 'reasonable force' is used the member of staff should explain to the child what will happen if they do not stop. Staff should continue to communicate with the child throughout the incident and explain physical contact or restraint will stop if it ceases to be necessary.

Physical contact should never be carried out in anger by staff or to punish a child. When restraining, gender or cultural differences should be taken into account.

6. Application of force

At Writtle Infant School, physical intervention might involve staff;

- physically interposing between children
- blocking a child's path
- holding a child gently if there is risk to themselves or others
- leading a child by the hand or arm
- (in extreme circumstances) using more restrictive holds, e.g. an embrace, carrying a child away from conflict/imminent risk of injury

Staff are not expected to restrain a child if by doing so they will put themselves at significant risk.

In any circumstances staff should not act in a way that might be expected to cause injury, e.g.:

- Holding a child by the neck or collar or any other way which may restrict breathing;

- Slapping, punching or kicking a child;
- Twisting or forcing limbs against a joint;
- Tripping up a child;
- Holding a child by the hair or ear;
- Holding a child face down on the ground;
- Touching or holding a child in a way that may be considered indecent.

Children with Special Needs – who require complex or repeated physical management, may have a prescribed written consistent management policy/Risk assessment which has been agreed by their parent and all involved adults. Where a child frequently displays challenging behaviour, but has not been assessed as having special needs, a written agreement may be sought with the parents as to the use of restraint. This written agreement will be entitled ‘Positive Handling Plan’ and will include broader strategies to support therapeutic and educational interventions as part of the longer term support of individual pupils.

The use of force must take proper account of any Special Educational Need or disability in line with the Disability Discrimination Act 1995. When restraint has been used it is to be recorded using a form in the Head’s office.

7. Physical contact with pupils in other circumstances

A ‘no-touch’ policy is considered by the LA to be impractical. When physical contact is made with a child it should be:

- In response to the needs of the child at the time
- Of limited duration
- Appropriate given age, stage of development, gender, ethnicity and background
- Staff should at all times use their professional judgment
- If a member of staff believes an action could be mis-construed they should report it immediately to senior staff and it will be logged

Extra caution should be used where it is known that a child has suffered previous abuse or neglect. It is recognised that such children are extremely needy and seek out inappropriate physical contact. In such circumstance staff should sensitively deter the child and encourage development of personal boundaries.

8. Pupils in distress

When children are upset or distressed staff should remain self-aware at all times in order that their contact is not perceived as threatening intrusive or subject to misinterpretation, again recording situations which may give cause for concern.

9. Complaints

We hope that by involving parents when an incident occurs with their child and having a clear policy about physical contact with pupils that staff adhere to, this will help to avoid complaints. However,

disciplinary and child protection procedures are in place should the use of force by a member of staff lead to an investigation.

10. Monitoring and evaluation

The Headteacher or Deputy will log all incidents and ensure procedures have been followed in accordance with this policy. This policy will be updated and amended when further DCSF/local authority advice is provided and in the light of school experience.

11. Role of Governors

Governors determine, support, monitor and review the school policies.

12. Equality statement

The governors and staff are committed to providing the full range of opportunities for all pupils regardless of gender, disability, and ethnicity, social, cultural or religious background. All pupils have access to the curriculum and the right to a learning environment which dispels ignorance, prejudice or stereotyping.