

John Randall Primary School and Nursery

Policy Regarding the Reasonable Use of Force to Control or Restrain pupils

Agreed by Staff and Governors: Feb 2007

Reviewed Nov 2009

Reviewed Oct 2011

Reviewed April 2015 - Agreed by governors May 2015

Reviewed by staff and governors May 2016

Reviewed by governors Feb 2017

This needs to be read alongside the LA Physical Intervention Guidance 2008

Use of Force to Control or Restrain Pupils

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INTRODUCTION

It is important that we have a policy about the use of reasonable force to control or restrain pupils. All members of staff who may have to intervene physically with pupils must clearly understand the options and strategies open to them. This policy clarifies what is acceptable and what is not and has been brought to the attention of the Governing Body. It must also be brought to the attention of parents of children who have to be controlled in this way.

This policy reflects the statutory duties and pastoral responsibilities of staff at John Randall Primary School and Nursery. The school 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 Pupils.

It is essential that this policy is referred to in conjunction with the school's Child Protection Policy.

School policy and the law forbid a teacher/member of staff to use any degree of physical contact which is deliberately intended to punish a pupil, or which is intended to cause pain, injury or humiliation.

1. SECTION 550A

The Education Act of 1997 clarified the position about the use of physical force by teachers and others authorised by the Headteacher to control or restrain pupils. 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 pupils. Physical contact with pupils may also be appropriate or 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 cannot 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 during an authorised out of school activity.

3. POLICY AND PROCEDURES

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 or significant damage to property. For instance:
 - 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;

- b) Where there is a developing risk of either injury or significant damage to property. For instance:
 - 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 that could cause injury to themselves or others;
 - a child absconds from a class or tries to leave the school site.

- c) Where a child is behaving in a way that is compromising good order and discipline. For instance:
 - a child persistently refuses to obey an order to leave the classroom;

- a child is behaving in a manner that is seriously disrupting a lesson.
- We would in the first instance try to remove the class rather than the individual

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.

The degree of force must:

- be in proportion to the circumstances of the incident;
- always be the minimum to achieve the desired result;
- take into account the age, understanding and sex of the child.

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 s/he does not stop.
- c) Continue to talk with the child throughout the incident.
- d) Make it 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 a child.

It may be inappropriate for a teacher/member of staff to intervene in an incident without help unless in an emergency. **In such cases the teacher/member of staff must:**

- a) Remove other children who are at risk.
- b) Summon help from colleagues (Mapa trained staff: William Thorndyke and Clare Ellis)
- c) Inform children that help has been sent for.
- d) Continue to attempt to defuse the situation orally.

Application of Force

Physical intervention can involve:

- coming between children;
- blocking a child's path;
- holding, pushing or pulling a child out of harm's way;
- leading a child by the hand or arm;
- shepherding a child away by placing a hand in the centre of the back;
- 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 from hitting someone or throwing something.

On no account can a member of staff act in a way that might cause injury. Such as by

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

Prior to using physical intervention consider:

- Whether such action will exacerbate the situation.
- Whether the situation can be dealt with using other strategies.
- Whether strategies may be developed for individual children which can be used to defuse or calm situations.
- The age and level of understanding of the child.
- Whether the action is a substitute for good behaviour management.

- Self-defence

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

Authorised Staff

All teachers at the school are allowed to use reasonable force to control or restrain pupils. The school additionally can authorise the following members of staff to control or restrain pupils when they have control or charge of children:

- Teaching assistants (including HLTAs)
- Learning mentors
- Administration staff
- Learning support assistants
- Midday supervisors

NB. Care must be taken to ensure that authorised personnel are aware of and understand what the authorisation entails. *All teaching staff have been trained in non-confrontational behaviour management techniques - June 09*

June 2010

The following have been MAPA trained:

Denise Walford (TA) Christine Hodson (TA) Clare Ellis SSA

Recording Incidents

A report of any occasion where force is used is required. This will help prevent misunderstanding and would be helpful should there be a complaint. This procedure would not be necessary in a minor or trivial incident.

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

- The name of the child/ren involved;
- Where and when the incident took place;
- Names of witnesses, staff or children;

- How the incident began and progressed, including details of the child/ren's behaviour, what was said, steps taken to defuse or calm the situation, the degree of force used and how it was applied;
- The child/ren's response and the outcome
- Details of any injuries or damage to property;

A copy of the form on which to record incidents is attached as Appendix A.

Staff may consider informing their professional association.

Parents of children involved will be informed orally.

Complaints

Any procedure instigated to investigate the basis of a complaint would take into account the school's policy on restraint and whether it was followed.

4 PHYSICAL CONTACT WITH CHILDREN IN OTHER CIRCUMSTANCES

It is unnecessary and unrealistic to suggest that staff should only touch children in emergencies. Particularly with younger children, touching them is inevitable and can sometimes give welcome reassurance to the child.

However, staff must bear in mind that even perfectly innocent actions can sometimes be misconstrued. It is important for staff to be sensitive to a child's reaction to physical contact and to act appropriately. It is also important never to touch children, however casually, in ways, or on parts of the body, that might be considered indecent.

When a member of staff has to physically restrain a child to prevent him or her from causing injury to themselves or others or from causing damage to property, no more than the minimum necessary force should be used and the member of staff should seek to avoid causing injury to the pupil. Such incidents should be reported to the designated teacher for Child Protection.

Where a member of staff has concerns that their actions may be misconstrued, it is particularly important that incidents are reported to the Headteacher immediately.

(Protecting children from abuse, paragraph 3.2 H.P.S. Policy Document)

Appendix A

John Randall Primary School and Nursery

**USE OF REASONABLE FORCE TO CONTROL OR
RESTRAIN PUPILS
INCIDENT SHEET**

Name(s) of pupil(s) involved:

Time and date of incident:

Place where incident occurred:

Names of staff or other authorised adults involved:

Names of witnesses:

Staff:

Pupils:

Reason for force being used:

Description of how the incident developed:

Pupil's response:

Outcome of the incident (injury/damage)