

OUR BLESSED SAINTS FEDERATION

Positive Handling Policy



Spring 2021

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USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN PUPILS

(Education Act 1996, Section 550A)

From 1 September 1998, the powers of teachers and others in all schools to use reasonable force when in charge of pupils has been clarified. The use of corporal punishment is not authorised. The details of the DfEE guidance can be found in *Circular 10/98*.

Under the education Act 1996, the headteacher may authorise all teachers in the school to use reasonable force to restrain pupils.

Headteachers should identify people, other than teachers, whom they wish to authorise to have control or charge of pupils and therefore be able to use force if necessary. Authorisation may be on a permanent or long term basis because of the nature of the person's job, or short term for a specific event such as a school trip. The Head should explicitly inform the people concerned, and ensure that they are aware of and properly understand what the authorisation entails. To ensure that, Heads may find it helpful to arrange for a senior member of the teaching staff to provide training or guidance. They should keep an up-to-date list of authorised people and ensure the teachers know who they are.

Section 550A does not cover all the situations in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to defend themselves 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 was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene. The purpose of Section 550A is to make it clear that teachers, and other authorised staff, are also entitled to intervene in other, less extreme, situations.

Types of Incidents

There are a wide variety of situations in which reasonable force might be appropriate, or necessary, to control or restrain a pupil. They will fall into three broad categories:

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

In what situations does the guidance apply?

- When a pupil attacks a member of staff.
- When a pupil attacks another pupil.
- When a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism.

- When a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects (for example, in the lab or on the sports field).
- When a pupil at risk absconds from class or tries to leave the school.
- When a pupil persistently refuses to obey an order to leave a classroom.
- When a pupil is seriously disrupting a lesson.

Reasonable Force

There is no legal definition of 'reasonable force'. So 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 all the circumstances of the case.

There are two relevant considerations:

- 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. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.
- 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 used should always be the minimum needed to achieve the desired result.

Once the staff are aware that a pupil is likely to behave in a way that may require physical control or restraint a Risk Assessment (Appendix A) is completed, this can outline how best to respond if the situation arises. This assessment needs to address

- managing the pupil (which strategies de-escalate a conflict)
- briefing staff or making them aware of the pupil
- methods to summon support.

Parents need to be informed of specific action the school has taken.

Section 550A

The Headteacher can authorise teachers and other persons to use such force as is reasonable in all 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 the 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.

Application of force allowed where staff may need to:

- Physically interpose between pupils

- Block a pupil's path
- Hold (but never round the neck or collar)
- Push
- Pull
- Lead a pupil by the hand or arm
- Shepherd a pupil away by placing your hand in the centre of the back
- In extreme cases (such as self-defence) more restrictive holds.

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

In other circumstances staff should **not** act in a way that might reasonably be expected to 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 up a pupil; holding or pulling a pupil by the hair or ear;
- Holding a pupil face down on the ground.

Advice you can trust – recommendations from the Suzy Lamplugh Trust

Generally

- It is better to diffuse than intervene.
- Be sure that there are whole-school policies on violence and that everyone knows the same drill.
- Establish a code, like taking a specific book to a colleague, which is an alarm call for help.
- Drill everyone in leaving both classroom and, if necessary play ground
- Talk over episodes together, find out what you think might have been a good response in difficult situations. Establish a culture of openness, don't hide behind a notion of professionalism. It is unprofessional not to report incidents.

On breaking up a fight

- Get rid of non-combatants: violence thrives on witnesses.
- Don't put yourself at risk, alert colleagues, enlist their help.
- Assess a situation first.
- Be calm, don't take it personally.
- Use verbal intervention first.
- It may be worse than useless to add another person to a gang situation: better to call the police.

On misuse of dangerous materials

- Minimise the number of people who may be affected. Protect yourself as much as possible.

On vandalism

- Identify the perpetrators. Consider whether the police could then deal with them better.

On stopping a pupil absconding

- If you stop a pupil leaving the premises, think what you do next. You cannot imprison him or her.

For incidents where Physical restraint has been used, staff should complete appendix A

You must record all incidents involving Aggression and Violence on the schools Child Protection Online Management System (CPOMS) following the incident, including:

- the names of everyone involved, time and place and names of any other witnesses
- how the incident began and progressed, with details of behaviour
- what everyone said, as near as possible
- what steps were taken to diffuse the situation
- the degree of force used, how applied, and for how long
- the pupil's response
- the outcome
- details of any injury and any damage to property.

You are advised to:

- report to the headteacher or senior member of staff
- seek advice from a senior colleague or member of your professional association
- keep a copy of the report
- tell the parents immediately, orally or in writing, and give them a chance to discuss the incident.

Where the incident has been prolonged or where considerable force has been used, the following details should also be recorded: (if not already identified on the Risk Assessment)

- names of witnesses, pupils and adults
- signed witness statements
- the reason for force being used
- a description of the way in which the incident developed
- the pupil's response
- details of the outcomes of the incident including injuries and damage.

A general complaints procedure should be made available for parents. This should be used where parents believe inappropriate intervention has been used. However, where the policy documents for the school are clear and understood by both parents and pupils, complaints will be minimised.

Staff should be aware that this new guidance does not allow restraint to be used as a disciplinary action or as punishment. Each and every incident where restraint is used will have to be examined on its merits. Staff and

other authorised people should be extremely cautious about using restraint and must be aware of the school policy on discipline. Everyone has the right to defend themselves against attack provided that they do not use a disproportionate degree of force to do so.

Staff responsible for Children in Care Sarah Staniforth and Governor Dianne Kidd.

Links to other Policies

- Personal Safety Policy
- Positive Behaviour Policy

Appendix A

SS Peter and Paul Catholic Primary School

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:

What steps were taken to diffuse the situation

Reason for force being used:

Description of how the incident developed:

Pupil's response:

Outcome of the incident (injury/damage)