

# South Ossett Infants' Academy

## The Use of Force by Staff to Control or Restrain Pupils

Updated September 2021

### Our Vision

To engage children in the challenges of life with a positive attitude of confidence, self-respect and respect for others and to forge ahead regardless of difficulties experienced.

### Our Values

independence  
courage  
nurturing  
happiness  
respect  
learning  
excellence  
integrity  
safety



### Objectives

At South Ossett Infants' Academy, we are justly proud of the way our children conduct themselves. However, we acknowledge that it is important that clear guidelines exist for those few occasions where physical restraint might be necessary. This could be to maintain the safety of pupils and staff, to prevent serious breaches of school discipline or to prevent serious damage to property. As such, the following policy sets out our procedures regarding the use of force by staff to control or restrain pupils. In doing so it follows the guidance set out in DCSF document 'The Use of Force to Control or Restrain Pupils'.

### Principles Governing the Use of Force at South Ossett Infants' Academy

- Physical intervention should be avoided wherever possible.
- Any physical contact should be only the minimum required.
- There are occasions when physical intervention is appropriate.

- Physical intervention must be used in ways that whenever possible maintain the safety and dignity of all concerned.
- Incidents should be recorded and reported to the Headteacher.

### **What the Law Says**

Section 10 of the Education and Inspection Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:

- Committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- Causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- Prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

The staff to which this power applies are defined in section 95 of the Act. They are:

- Any teacher who works at the school, and
- Any other person whom the head has authorised to have control or charge of pupils. This:

Includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.

Can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents/carers when accompanying pupils on school organised visits).

The power may be used where the pupil (including a pupil from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. However, deciding whether misbehaviour is trivial also depends on circumstances. For example, running in a corridor crowded with small children may be dangerous enough not to be regarded as trivial.

Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a pupil might have. Under the Disability Discrimination Act 1995 schools have two key duties:

- a. Not to 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
- b. To take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled (known as the reasonable adjustments duty).

The statutory power conferred by section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils. On preventing other types of criminal offence, section 93 provides essential clarification. It is by no means clear that all the behaviours that prejudice school discipline are also criminal offences and most primary pupils are below the age of criminal responsibility. So section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006, to search pupils without their consent for weapons. This search power applies to head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force could be used by the searcher and/or the second person required to be present at a search. However, the Department strongly advises schools not to search pupils where resistance is expected, but rather to call the police. See sections 4(f), 9 and 13 of the guidance on weapons searching at [www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity](http://www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity)

**It is always unlawful to use force as a punishment.** This is because it would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1996.

### **Minimising the Need to Use Force**

As a school we are committed to;

- Creating an environment that minimises the risk of incidents that might require force arising.
- The school utilises Social and Emotional Aspects of Learning (SEAL) approaches to teach pupils how to manage conflict and strong feelings.
- Staff are aware of the need to de-escalate incidents if they do arise.
- Force is only used when the risks involved in doing so are outweighed by the risks involved in not using force.

- Risk assessments and positive handling plans will be created for individual pupils as appropriate.

## **Staff Authorised to Use Force**

All staff involved in the direct care and supervision of the children are authorised to use physical restraint if appropriate i.e. Headteacher, teachers, teaching assistants and dining room assistants.

## **Deciding Whether to Use Force**

Staff should only use force when:

- the potential consequences of not intervening are sufficiently serious to justify considering use of force;
- the chances of achieving the desired result by other means are low; and
- the risk associated with not using force outweigh those of using force;
- Staff will be kept informed about and advised how to deal with pupils who present particular risks to themselves or others (as a result of SEN and/or disabilities and/or other personal circumstances, such as domestic violence) by the Headteacher.
- Staff should minimise the highest risks, by calling the police if a pupil suspected of having a weapon seems likely to resist a search.

## **Using Force**

**DO.....**

- Wherever possible plan appropriate positive intervention and involve parents, carers and colleagues.
- Know the procedures within the school's guidelines for the use of physical restraint, as outlined in the document.
- Be aware of pupils who have been physically restrained before and what happened.
- Send for adult help early if things begin to get out of hand and restraint seems likely.
- Assess the situation before acting.
- Issue a clear oral warning to the pupil that force is likely to be used.
- Stay calm – do not over-react.
- Use minimum restraint for minimum time until the situation is calm.
- Report the incident to the Headteacher as soon as possible and complete a report form.
- Consult your Line Manager, Professional Association or Trade Union if you have any concerns.
- Remember your professional obligations to all pupils in your care.
- Ensure that the incident is recorded on the correct form and reported to the Key Stage Leader, Headteacher, who will inform parents

## **DO NOT....**

- Place yourself at risk : do not attempt to restrain a pupil who obviously carries a “weapon”.
- Attempt to restrain a pupil when you have lost your temper.
- Use any form of restraint that is likely to injure a pupil, particularly by restricting breathing
- Allow the situation to get out of control.
- Wherever possible, use force until another responsible adult is present to support, observe and call for assistance.
- Use unreasonable force.
- Place yourself at risk of false allegation: avoid being alone with any pupil.
- Come into physical contact with a child in the context of discipline, unless you have made a conscious decision to use force to control or restrain them and as such have worked through the above stages.

## **Staff Training**

All staff members required to use force in repeated circumstances will receive training in appropriate handling techniques.

## **Recording Incidents**

Any incidents where a staff member engages force to control or restrain a pupil must be recorded on the incident sheet attached in Appendix 1.

## **Reporting Incidents**

The Headteacher, or in their absence the senior manager, will report to parents of the children involved any incidents where a staff member had to use force to restrain or control their child.

As appropriate and in consultation with the SENCO, class teacher, they will also make contact with any other agencies in the authority e.g. Behaviour Support, Educational Psychology.

## **Post Incident Support**

The Headteacher and/or the SENCO will work with both the staff member and the child involved as appropriate.

## **Complaints & Allegations**

The school has a clear complaints policy which would be followed for any complaint regarding the use of force to control or restrain a child. This policy is available from the office.

## **Monitoring & Review**

This policy will be reviewed in conjunction with the behaviour policy annually by the Full Governing Body.

## **Further Information**

The DCSF Guidance 'The Use of Force to Control or Restrain Pupils' can be obtained from the link below.

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/444051/Use\\_of\\_reasonable\\_force\\_advice\\_Reviewed\\_July\\_2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf)

Reviewed by Headteacher 17<sup>th</sup> September 2021

Reviewed with Staff 1<sup>st</sup> October 2021

Reviewed and approved by governors October 2021

## USE OF FORCE TO CONTROL OR RESTRAIN PUPILS: INCIDENT RECORD

<b>Details of pupil or pupils on whom force was used by a member of staff (name, class)</b>	
<b>Date, time and location of incident</b>	
<b>Names of staff involved (directly or as witnesses)</b>	
<b>Details of other pupils involved (directly or as witnesses), including whether any of the pupils involved were vulnerable for SEN, disability, medical or social reasons.</b>	
<b>Description of incident by the staff involved, including any attempts to de-escalate and warnings given that force might be used.</b>	
<b>Reason for using force and description of force used.</b>	
<b>Any injury suffered by staff or pupils and any first aid and/or medical attention required.</b>	
<b>Reason for making a record of the incident.</b>	
<b>Follow up, including post-incident support and any disciplinary action against pupils.</b>	
<b>Any information about the incident shared with staff not involved in it and external agencies.</b>	
<b>When and how those with parental responsibility were informed about the incident and any views they have expressed.</b>	
<b>Has any complaint been lodged (details should not be recorded here)?</b>	
<b>Report compiled by: Name and role:</b>	<b>Report countersigned by: Name and Role:</b>
<b>Signature:</b>	<b>Signature:</b>
<b>Date:</b>	<b>Date:</b>