



ST PIRAN'S SCHOOL

USE OF FORCE OR CONTROL TO RESTRAIN A PUPIL POLICY

Introduction

Section 550A of the Education Act 1996 has clarified the powers of teachers and other staff who have lawful control of pupils, to use reasonable force to prevent pupils 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.

This provision applies when a teacher, or other authorised person, is on the school premises, and when s/he has lawful control or charge of the pupil concerned elsewhere e.g. on a field trip or other authorised out of school activity.

Planning for Incidents

Where St. Piran's School is aware that a pupil is likely to behave in a way which may require physical control or restraint, an individual plan will be drawn up. It will address:

- Managing the pupil (e.g. reactive strategies to deescalate a conflict, holds to be used)
- Involving the parents to ensure that they are clear about what specific action the school might need to take
- Briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training)
- Ensuring that additional support can be summoned if appropriate
- In some cases the school may need to take medical advice about the safest way to hold pupils with specific health needs

Action in self-defence or in an emergency

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, if, for example, 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.

Types of incidents:

The wide variety of situations in which reasonable force might be appropriate, 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 which is compromising good order and discipline.

Examples of situations which fall within one of the first two categories:

- a pupil attacks a member of staff, or another pupil
- pupils are fighting
- a pupil is engaged in or is on the verge of committing deliberate damage or vandalism to property
- 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
- a pupil is running in a corridor or on a stairway in a way which s/he might have or cause an accident likely to injure him or herself or others
- a pupil absconds from a class or tries to leave school

An example of a situation that falls into the third category:

- a pupil is behaving in a way that is seriously disrupting a lesson

Reasonable Force

The definition of “reasonable” 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 involved must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is trying to prevent. Any force used should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, understanding and sex of the pupil.

Practical Considerations

Before intervening physically, a teacher should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if s/he does not. The teacher should continue attempting to communicate with the pupil throughout the incident and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

Sometimes a teacher should not intervene in an incident without help (unless it is an emergency). For example when dealing with an older pupil, or a physically large pupil, or more than one pupil or if the teacher believes s/he may be at risk of injury. In these circumstances the teacher should remove other pupils who might be at risk and summon assistance from a colleague or colleagues, or where necessary telephone the Police. The teacher should inform the pupil(s) that s/he has sent for help. Until assistance arrives, the teacher should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

Application of Force

Physical intervention can take several forms. It might involve staff:

- Physically interposing between pupils.
- Blocking a pupil's path.
- Holding.
- Pushing.
- Pulling.
- Leading a pupil by the hand or arm.
- Shepherding a pupil away by placing a hand in the centre of the back;
- or, (in extreme circumstances) using 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 out 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 which 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.

Staff should always avoid touching or holding a pupil in a way that might be considered indecent. Teachers should always try to deal with a situation through other strategies before using force. This is particularly appropriate where the aim is to maintain good order and discipline and there is no direct risk to people or property. As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically need to be carefully evaluated.

The age and level of understanding of the pupil is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older pupils.

It should never be used as a substitute for good behavioural management.

Recording Incidents

It is important that there is a detailed, contemporaneous, written report of any occasion where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint.

An up-to-date record of all such incidents must be kept in the incident book in Matron's room. Immediately following any such incident, the member of staff concerned should tell the Headmaster, Deputy Head or Matron and provide a written report as soon as possible afterwards. The report should include:

- The name of the pupil(s) involved and when and where the incident took place.
- The names of any other staff or pupils who witnessed the incident.
- The reason that force was necessary (e.g. to prevent injury to the pupil, another pupil, a member of staff).
- How the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long.
- The pupil's response and the outcome of the incident.
- Details of any injury suffered by the pupil, another pupil, or a member of staff and of any damage to property.

Staff may find it helpful to seek advice when compiling a report. They should also keep a copy of the report and must give a copy to the school office for filing in relevant pupils' files.

It is always advisable to inform parents of an incident involving their child, and give them the opportunity to discuss it. Incidents involving the use of force can cause parents great concern. The Head, Deputy Head or Matron will consider to whom the incident is reported, and whether it should be reported straight away or at the end of the school day, and whether parents should be told orally or in writing.

Complaints

Involving parents when an incident occurs with their child, and showing them this policy which staff adhere to, should help to avoid complaints from parents. It will not prevent all complaints and a dispute about the use of force by a member of staff could lead to an investigation, either under disciplinary procedures or by the Police and Social Services department under Child Protection Procedures. In those circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances. It would be likely to take account of the school's policy on restraint, whether that had been followed, and the need to prevent injury, damage or disruption in considering the circumstances of the case.

Reviewed by: **Headmaster**
Date: **July 2016**
Next Review Date: **July 2017**