



THE USE OF FORCE TO CONTROL OR RESTRAIN PUPILS

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Behaviour Support Service**

BARNSLEY MBC

**DIRECTORATE FOR CHILDREN,
YOUNG PEOPLE AND FAMILIES**

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1. Introduction

i. **Brierley CE (VC) Primary School** recognise its legal and moral duty to promote the well-being of children, and protect them from harm.

We believe that every child regardless of age has at all times and in all situations a right to feel safe.

We agree that we have a primary responsibility for the care, welfare and safety of the pupils in our charge.

ii. We are committed to a **positive behaviour policy** which encourages children to make positive behaviour choices. We do however recognise that children sometimes do make the wrong choices. On rare occasions this may result in a situation that requires some form of physical intervention by staff. Our policy for physical intervention is based upon the following principles:-

- Physical intervention should be used only as a last resort when other appropriate strategies have failed.
- Any physical contact should be only the minimum required.
- Physical intervention must be used in ways that maintain the safety and dignity of all concerned.
- Incidents must be recorded and reported to the Headteacher and Designated Lead for Safeguarding as soon as possible
- Parents will be informed of each incident

iii. We aim to avoid the need for physical intervention and regard this as a last resort in a tiny minority of situations. We always aim to deal with behaviour using a positive approach and therefore this policy should be read in connection with our Behaviour Policy.

iv. It is not possible to define every circumstance in which physical restraint would be necessary or appropriate and staff will exercise their own judgement in situations which arise within the above categories. Staff will always act within the school's policy on behaviour and discipline, particularly in dealing with disruptive behaviour.

v. Staff are aware that when they are in charge of children during the school day, or during other supervised activities, they are acting in loco parentis and have a 'Duty of Care' to all children they are in charge of. They will, therefore, take reasonable action to ensure all pupils' safety and well being. If staff feel that their own safety is threatened they will not be seen to be failing in their duty of care by not using force to prevent injury

2. Aims of the school to minimise the use of force

i. In order to reduce the possibility of force being needed the school will:

- a) Create a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind;
- b) Continue to develop positive relationships between staff and pupils;
- c) Adopt a whole school approach to developing social and emotional skills using The Jigsaw programme;
- d) Take a structured approach to professional development that helps staff acquire the skills of positive behaviour management and managing conflict, as well as supporting each other during and after an incident;
- e) Recognise that situations which trigger challenging behaviours are often foreseeable;
- f) Effectively manage individual incidents, communicating calmly with the pupil, using non threatening verbal and body language, ensuring the pupil can see a way out of a situation;
- g) Use strategies that might include, going to a quiet room, away from bystanders or other pupils, so that staff involved can listen to concerns;
- h) Wherever practicable we will warn a pupil that force may have to be used before using it

3. What the Law Says

i. **Section 93 of the Education and Inspections Act 2006** enables school staff to use reasonable force to prevent a pupil from:

- a) Committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b) Causing personal injury or damage to property;
- c) 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:

ii. The staff to which this power applies are:

- a) Any member of staff at the school;
- b) Any other person whom the headteacher has authorised to have control or charge of pupils. This can also include people to whom the headteacher has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on school organised visits), this does not include any pupils.

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

iii. The law states that there is no definition of “reasonable force”. Whether the force used is reasonable will always depend on the circumstances of individual cases. Deciding on whether the use of force is justified will depend part upon the context in which the misbehaviour takes place. The test is whether the force used is proportionate 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.

iv. 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 or 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. 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.

v. Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006 (and re-enacted by section 242 of the ASCL Act 2009), to search pupils without their consent for weapons. This search power may be exercised by head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force may be used by the searcher. Where resistance is expected school staff may judge it more appropriate to call the police or if they have one, their Safer School Partnership (SSP) officer.

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

4, Deciding if the use of force would be appropriate

i. The judgement on whether to use force and what force to use will depend on the circumstances of each case. In the case of pupils with Special Educational Needs (SEN) and/or disabilities it will depend on information about the individual concerned. Staff will make the clearest possible judgement about:

- a) The potential consequences of not intervening are sufficiently serious to justify use of force;
- b) The chance of achieving the desired result by other means are low;
- c) The risks associated with not using force outweigh those of using force;

ii. Staff (including people with temporary authorisation to have charge or control of pupils) will be kept informed about and advised on how to deal with pupils who present particular risks to themselves or others.

iii. Staff will minimise the highest risks, for example by calling the police if a pupil is suspected of having a weapon seems likely to resist search.

5, The use of force

- i. Any physical intervention used will always be the minimum needed to achieve the desired result. Where ever possible staff will not use force unless another member of staff or responsible adult is present to support observe and call for assistance.

Before force is used staff will:

- a) tell the pupil to stop, and inform them of the consequences should they continue;
- b) warn the child that physical restraint will be used if they do not do as they are asked;
- c) communicate in a calm and controlled manner and will not give the impression they have lost their temper;
- d) attempt to send for assistance;
- e) send other children away if possible;

- ii. If force has to be used staff involved will:

- a) tell the pupil that they are restraining him/her to avoid the pupil harming themselves, others or property;
- b) use only the minimum force necessary;
- c) attempt to communicate with the child throughout the incident;
- d) be sensitive of their own strength and body weight and to issues of gender;
- e) inform the Headteacher if he or she has not been involved;
- f) record the incident fully using the online logging system
- g)

- iii. Types of force likely to be used:

The types of force likely to be used are:

- a) Leading a pupil by the hand or arm
- b) Shepherding a pupil away by placing a hand in the centre of the back
- c) Standing between pupils
- d) Blocking a pupils path (only to be used if a pupil is at risk of harming themselves or others)
- e) In more extreme circumstances, using restrictive holds (which require specific expertise or training),

Such holds include

- A staff member holding a child's arm using one hand, using the other hand to support the child's shoulder or to offer themselves protection.(Single Elbow hold)
- Two staff members holding a child's arm on both sides using one arm and then moving to a seated position. (Seated Hold)

N.B It is recommended that staff are trained in using these particular holds. There are further holds that can be used but these require training.

6. Staff Training

i. Although the absence of accredited training does not preclude a member of staff from using reasonable force where needed. At **Brierley CE (VC) Primary School** all staff who have charge or control of pupils receive Team Teach training. The programme is not just about the physical use of force. Its approach provides a framework to equip schools and individuals with attitudes, skills and knowledge to facilitate environments that are free from fear and safe from harm. The physical techniques are assessed by an expert risk assessment panel. Team Teach is approved by OfSTED and the British Institute of Learning Difficulties (BILD). The Team Teach expectation is that people will communicate, assess, look and listen for opportunities to divert or de-escalate. A core team of staff are trained to intermediate level to ensure that ongoing training, advice and guidance is available to all staff involved.

7. Recording and Reporting of Incidents

i. Section 246 of the Apprenticeships, Skills Children and Learning Act 2009 requires that governing bodies must ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a pupil and reporting each such incident to each parent of the pupil as soon as practicable after the incident. This is to ensure that parents are kept informed of serious events at school involving their child. It also provides a level of transparency to avoid spurious or malicious allegations when use of force has been initiated.

Each significant incident is recorded using the school's online logging system This will be completed as soon as practicable after the incident and parents will be informed.

The member/s of staff involved in the incident will compile the record and ensure that the designated lead for safeguarding checks the record. All records will be treated confidentially and dealt with in accordance with the Data Protection Act 1998.

While ultimately only a court of law can decide what is 'significant' in a particular case, in deciding whether or not an incident must be reported staff will take into account:

- a) An incident where reasonable use of force is used on a pupil would always be significant;
- b) Any Incident where substantial force has been used (e.g. physically pushing a pupil out of a room) would be significant;
- c) The use of a restraint technique is significant;
- d) An incident where a child was very distressed;

8. Post Incident Support

Following a significant incident

Any member of staff who has been involved in a 'significant incident' as defined in paragraph 7, will receive support in a non-blaming and caring manner. They will be given the opportunity to explore thoughts and feelings during and after the incident. This time will also be used to develop and record a strategy or alternatives for any future significant incidents. All staff are encouraged to support, guide and reassure each other.

9. Complaints and Allegations

All complaints that the school receives will be taken seriously. All matters will be dealt in line with the schools complaints policy. A copy is available for perusal.

If a complaint is made following the use of force it will be dealt with by the headteacher of the school. If the complainant is dissatisfied with response then a panel of governors will be convened to address the complaint.

Where an allegation is made that a member of staff has used force inappropriately or unlawfully school will follow the allegations to staff procedure. This means that the headteacher will inform the Local Authorities Designated Officer (LADO) on the same day that the allegation is made.

10. Monitoring and Reviewing

This policy will be monitored and reviewed on an annual basis, or in the event of national and local developments. The senior leadership team and the governing body will ensure that all staff will be trained on a biannual basis. And that any recommendations for developments through post incident support are considered.

11. Relevant Documentation

Government Guidance

The Use of Force to Control or Restrain Pupils

<http://www.teachernet.gov.uk/wholeschool/familyandcommunity/childprotection/usefulinformation/useofforceguidance/>

Safer Working Practice For the Protection of Children and Staff in Education Settings

<http://www.dcsf.gov.uk/everychildmatters/resources-and-practice/IG00311/>

Guidance on Allegations Against staff guidance

<http://www.teachernet.gov.uk/wholeschool/familyandcommunity/childprotection/usefulinformation/allegations/>

School Policies

The Behaviour Policy

The Complaints Policy

Safeguarding Policy

All school policies are available for perusal

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