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Responsibility: Deputy Headteacher

USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN PUPILS

Introduction

This guidance follows the non-statutory advice from the UK's Department for Education "Use of reasonable force" July 2013, and is set within the context of our College behaviour policy, which outlines what is expected of all members of the College community. We expect to only have to use reasonable force in exceptional circumstances.

It is important to state from the outset that it is not illegal to touch a pupil, and there are occasions when physical contact, other than reasonable force with a pupil, is proper and necessary. All members of College staff are required to abide by the College's appropriate staff behaviour policy, and all have a legal power to use reasonable force, but are under no obligation to do so. Lawful use of the power, and the careful recording of any instance, will provide a defence to any related criminal prosecution or other legal action. The power also applies to people whom the Headmaster has temporarily put in charge of pupils, such as unpaid volunteers or parents accompanying students on a College organised visit. Staff should be aware that failure to physically intervene where injury subsequently occurs to a pupil could be seen as a neglect of the duty of care.

This policy document sets out guidelines that enable adults in positions of responsibility to conduct themselves in an appropriate manner on those rare occasions when some form of physical intervention or restraint is deemed necessary. In particular this may apply when the health and safety of pupils or anyone else is seen to be at risk, but also to prevent damage to property and possessions, and in some situations to preserve good order and discipline at the College. The aim is to develop and uphold the consistent application of practices that, above all, are considered to be safe, but which also encompass as a key objective preservation of the dignity and well-being of all those involved. In all cases the intervention should be reasonable and proportionate.

Definitions and context

The term "**reasonable force**" covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.

Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.

Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate. De-escalation techniques, including calm instruction, should always be used first. Staff should try not to act in a way that might cause injury, and only use as much force as is necessary, for the briefest possible time, to secure the required result.

Reasonable in the circumstances means using no more force than is needed.

For the purposes of this document, 'physical restraint or intervention' is defined as the positive application of forceful but reasonable and non-injurious measures in order to:

- prevent pupils from hurting themselves or others, from damaging property, or from causing disorder;
- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a College event or a College trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;
- restrain a pupil at risk of harming themselves through physical outbursts.

The overriding guideline on the use of physical restraint or intervention by a member of staff is that on any occasion when either is applied that member of staff must have good reason to believe that unless he or she does not act immediately injury, harm or damage, as referred to above, will ensue. The decision to act is a matter for individual and professional judgement. In an emergency staff should never hesitate to act provided they follow the guidance set out in this document. However, they must always be prepared to justify their chosen course of action, and may be asked to do so afterwards by the Headmaster or someone acting on his behalf. Furthermore, they should always satisfy themselves that the course of action they choose to take would be considered by consensus to have been justifiable, correct and consistent with the highest standards of the teaching profession.

Use of force must never be used as a punishment, which is against the law.

Power to search pupils without consent

In addition to the general power to use reasonable force, the Headmaster and authorised staff can search for any items with consent, or use such force as is reasonable given the circumstances to conduct a search for, and seize the following **prohibited items**:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers;
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property. This would include personal digital equipment e.g. smartphones.

Force cannot be used to search for items which are not prohibited under College rules. Further details can be found in the Pupil Search Policy.

Incident management

Help should be summoned from any colleagues who happen to be in the vicinity. Pupils should be approached and addressed calmly but firmly; posture and tone of voice are important. If time allows, the consequences of refusing to bring to an immediate end the behaviour or action that is causing concern should be explained.

A member of staff must never give the impression that he or she has panicked, has lost his or her temper, is acting out of anger, frustration or revenge, or seeks only to punish a pupil. He or she should not resort to sarcasm or do anything else that could cause resentment and/or 'loss of face'. There should be no reinforcement of any racial, gender or other stereotypes. Staff are obliged to consider reasonable adjustment to their approach where a child is disabled or has SEN.

In any application of physical restraint the minimum force should be used for the shortest possible time. It should be made clear to pupils, repeatedly if necessary, that any restraint or other physical contact will stop as soon as it ceases to be essential.

Physical restraint or intervention can take several forms. It may amount to no more than placing a calming hand on a shoulder. But if circumstances demand stronger measures staff might be required to:

- interpose themselves between pupils;
- block a pupil's path;
- hold a pupil;
- push a pupil away;
- lead a pupil away by the hand or arm;
- shepherd a pupil away by pacing a hand in the centre of the back;
- use more restrictive holds to withdraw a pupil from a potentially dangerous situation (in extreme circumstances only).

At all times throughout the course of the incident, staff should:

- take steps to reduce the danger of any accidental injury (bearing in mind, for example, jewellery and accessories worn by pupils and staff, and the type of surface on to which a pupil might fall);
- look to any practicable source for assistance;
- be aware of feelings of anger and resentment that have triggered off the incident;
- talk to pupils, offering reassurance, even if they do not reply.

Restraint of a pupil must NOT involve:

- striking, barging or tripping;
- pulling hair or an ear or deliberately inflicting pain in any other way;
- contact with the throat or any other action that could restrict breathing;
- contact with sexually sensitive parts of the body;
- unnecessary restriction of movement;
- three "specific holds" are outlawed. These are:
  - the "seated double embrace, involving two members of staff forcing a person into a sitting position and leaning them forward while a third monitors breathing;
  - the "double basket-hold" which involves holding a person's arms across their chest; and
  - the "nose distraction technique" which involves a sharp upward jab under the nose,

Keeping a record

The Headmaster or Deputy Headteacher Pastoral should be informed without delay of any incident in which physical restraint or intervention is used.

A written report should be written as soon as possible after the event particularly where restraint has been used. It should include:

- the date, time and location of the incident;
- the name(s) of the pupil(s) involved;
- the name(s) of all staff involved;
- the names of any staff or children present who witnessed
- the reason(s) why it was thought necessary to apply restraint or intervene;
- an account of how the incident began and how it progressed;
- the pupils' responses to intervention and the outcome of the incident;
- the nature, extent and cause of any injuries suffered by pupil(s) or members of staff; and
- the nature, extent and cause of any damage to property.

The record will serve to support the action taken should any complaint by the pupil and their parent follow, and enable adequate debrief with the pupil and their parent if appropriate, in order to support improved behaviour and allow for any punishment or restorative action which may be required.

Informing Parents when force has been used

It is good practice to notify a parent the same day if possible, not only to enable discussion about the behaviour leading to the use of force, but also to guard against a complaint to the College or exceptionally by the parent to the police where the first account has been given to them by their aggrieved child.

Dealing with complaints

All complaints about the use of force will be thoroughly, speedily and appropriately investigated. Any accusation that a member of staff has used excessive force will be considered under the guidance for managing allegations. A correctly used approach, well recorded, should not lead to further action against the member of staff, and indeed the guidance requires senior managers to support staff where they have acted accordingly, and not to suspend automatically where such a complaint arises. Appropriate pastoral care will be provided to any member of staff subject to a formal allegation following a use of force incident. Students who are found to have made false or malicious allegations will face disciplinary measures themselves.

Communicating the College's approach to the use of force

The College behaviour policy includes the power to use reasonable force, and the circumstances when it might be used. Parental consent is not required. All members of the College community should therefore be fully aware of the actions which may follow refusal to desist from harmful activity when requested to do so.