



Use of Reasonable Force to Control or Restrain Students

1. Scope

All members of staff who may have to intervene physically with students must clearly understand the options and strategies open to them. This policy clarifies what is acceptable and what is not.

Corporal punishment is in no way authorised through the following policy. School policy and the law forbids a teacher to use any degree of physical contact which is deliberately intended to punish a student, or which is intended to cause pain or injury or humiliation.

SECTION 550A

The Education Act 1997 clarified the position about the use of physical force by teachers, and others authorised by the Principal, to control or restrain pupils. The clarification was made by adding a section (Section 550A) to the Education Act 1996.

This new section came into force on 1st September 1998 and applies to all schools. It restates principles derived from common law and statute that have, in the past, been misunderstood. Where necessary reasonable force can be used to control or restrain pupils. Physical contact with pupils may also be appropriate or necessary in other circumstances.

Staff should always avoid touching or holding a student in a way that might be considered indecent.

2. Requirements

Teachers and those authorised by the Principal, who have control or charge of students are allowed to use 'reasonable force' to prevent a child from doing the following:

- Committing a criminal offence (or what would be a criminal offence if they were old enough);
- Injuring themselves or others;
- Damaging property;
- Acting in a way that is counter to maintaining good order and discipline at school.

The policy is only applicable when an authorised person is on the school premises, or has lawful control or charge of the student concerned on an authorised out of school activity.

REASONABLE FORCE:

Although there is no legal definition of reasonable force.

The degree of force must:

- be in proportion to the circumstances of the incident;
- always be the minimum needed to achieve the desired result;
- take into account the individual

The degree and reasonability of force will depend upon circumstances.

Physical force is not justified for:

- trivial misdemeanours;
- a situation that can be resolved without force

The Behaviour policy should always be used in the first instance to support both staff and students.

APPLICATION OF FORCE:

Physical intervention can involve:

- coming between students;
- blocking a student's path;
- holding, pushing or pulling;
- leading a student by the hand or arm;
- shepherding a student away by placing a hand in the centre of the back;
- and in extreme circumstances, using more restrictive holds.

On no account can a member of staff act in a way that might cause injury:

- holding a student around the neck, by the collar or way that might restrict breathing.
- slapping, punching or kicking a student;
- tripping up a student;
- holding or pulling by the hair or ear;
- holding a student face down on the ground.

SELF DEFENCE:

All staff have the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so.

RECORDING INCIDENTS (FORM BR1):

A detailed, written report of any occasion where force is used is required. This will help prevent misunderstanding and would be helpful should there be a complaint. This procedure would not be applicable in a minor or trivial incident.

It is recommended that a School First Aider should make a report immediately after there has been a need for restraint to be used.

Immediately following an incident the member of staff concerned should tell the Principal and provide a written report using Restraint Incident Form and this should include:

- The name of the student or students involved;
- Where the incident took place;
- Names of witnesses, staff or students;
- How the incident began and progressed. Include details of student's behaviour, what was said, steps taken to defuse or calm the situation, degree of force used and how applied;
- Student's response and outcome;
- Details of any injuries or damage to property;

Staff may consider informing their professional association.

Parents will be informed of any such incident as soon as possible. This may require a phone call followed up by a letter. Complaints from a parent could lead to an investigation either under the school's disciplinary procedures, by the Police or

Social Services under child protection procedures. It is therefore vital that the policy is carefully followed and all incidents accurately recorded.

3. KEY TERMS and DEFINITIONS

| ACRONYM | TERM | DEFINITION |
|---------|------|------------|
| None | | |

AMENDMENT RECORD

| VERSION | DATE | AMENDED BY | NATURE OF CHANGE |
|---------|-------------|------------|------------------|
| 1.0 | 05.01.2010 | G Warne | Originated |
| 2.0 | 20.05. 2014 | G Warne | Format change |