



Positive Handling

THE USE OF FORCE TO CONTROL OR RESTRAIN PUPILS

1. Introduction

Since the Children Act 1989, there has been a common misconception that any physical contact with a child is in some way unlawful. This is not true.

First, everyone has the right to defend himself or herself against attack, provided that a disproportionate degree of force is not used to do so.

Secondly, any member of staff may intervene in an emergency if a pupil is at immediate risk of injury or on the point of inflicting injury on someone else.

Thirdly, teachers have always had the power to use 'reasonable force' in order to control or restrain pupils.

It is concerning this third category, where circumstances may be less extreme, that teachers have become uncertain about what they are entitled to do.

Therefore, to clarify the position, the 1996 Education Act was amended by the addition of circular 10/98. This has now been replaced and superseded by the non-statutory guidance "The Use of Force to Control or Restrain Pupils" released in 2007.

2. The legal framework

Section 550A of the 1996 Education Act has now been replaced by section 93 of the Education and Inspections Act 2006. This enables school staff to use 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, behaving in a way that would be an offence if they were older);
- causing personal injury to, or damage to the property of, any person (including the pupil himself);
- 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. At Rendell this is:
 - support staff whose job normally includes supervising pupils: Learning Support Assistants, Cover Supervisors, HLTA's, and Lunchtime Supervisors.

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).

There is no legal definition of 'reasonable force' – it always depends on the circumstances of the case. There are two relevant considerations which must be taken into account:

- The use of force can be regarded as 'reasonable' only if all the particular circumstances warrant it – otherwise it is unlawful; therefore, physical force must not be used to prevent a trivial misdemeanour or in a situation that could clearly be resolved without it.



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- The degree of force used must be in proportion to the circumstances of the incident and the seriousness of the behaviour (or the consequences it is intended to prevent); it should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use force and in what degree, might also depend on the age, understanding and sex of the child.

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.

3. A school policy

This document constitutes the school policy setting out guidelines about the use of force to control or restrain pupils so that members of staff, governors and parents know what is acceptable and what is not. It is important that those who may have to intervene physically with pupils clearly understand the options and strategies open to them. This policy will be reviewed regularly, particularly with reference to any policy developed by the LEA and the DCSF's guidance on pupil behaviour and discipline.

A statement on the school's policy will be included with the information given to parents and parents will always be informed when their child has been involved in any incident involving the use of force.

4. Situations in which physical intervention may be necessary if there is non compliance with verbal instructions:

The use of reasonable force might be appropriate if, for example:

- A pupil attacks a member of staff or another pupil;
 - Pupils are fighting;
 - A pupil is engaged in, or about to commit, deliberate damage or vandalism to property.
 - A pupil is causing, or at risk of causing, injury or damage by accident (e.g. by rough play or the misuse of dangerous materials/objects);
 - A pupil is running on a corridor or stairway in a way which might cause an accident or injury;
 - A pupil persistently refuses to obey an order to leave the classroom;
 - A pupil is behaving in a way that is seriously disrupting a lesson;
 - A pupil is behaving in a way that seriously disrupts a school sporting event or school visit;
 - A pupil absconds from a class or tries to leave the school other than at an authorised time.
- Refusal of a pupil to remain in a particular place is not enough on its own to justify use of force. It would be justifiable where allowing a pupil to leave would:
- Entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils, or of damage to property; or
 - Lead to behaviour that prejudices good order and discipline, such as disrupting other classes.
- A pupil is suspected of having a weapon. If there are reasonable grounds for believing a weapon is hidden on their person, a member of staff supported by a second member of staff could use reasonable force to search the pupil.

5. Planning for incidents



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If a school is aware that a pupil is likely to behave in a way that might require physical restraint, it should plan how to respond. Such planning will address:

- Managing the pupil (e.g. re-active strategies to de-escalate a conflict, what holds might be used);
- Involving the parents (so that they are clear about what action the school may need to take);
- Briefing staff (to ensure they know what action they should be taking);
- Ensuring that additional support can be summoned if appropriate; and
- The need to take medical advice about the safest way to hold pupils with specific health needs (particularly for children with SEN).

6. Practical considerations

Before intervening physically, a member of staff should – where practicable – tell the pupil to stop misbehaving and what will happen if s/he does not. The member of staff should attempt to communicate with the pupil throughout the incident and make it clear that physical restraint, if used, will stop as soon as it ceases to be necessary.

Sometimes a member of staff should not intervene without help (except in an emergency), for example when dealing with an older or physically large pupil, or more than one pupil, or if s/he might be at risk of injury. In these circumstances, s/he should remove other pupils who might be at risk and summon help from colleagues (or, where necessary, the police). The teacher should inform the pupils(s) that s/he has sent for help and until this arrives, attempt to defuse the situation orally or prevent it from escalating.

Members of staff should take a calm, measured approach to a situation and never give the impression that they have lost their temper, or are acting out of anger, frustration or to punish the pupil.

7. The application of force

Physical intervention can take many forms such as:

- Physically interposing between pupils or blocking a pupil's path;
- Touching, holding, pushing, pulling or leading a pupil by the arm;
- Shepherding a pupil away by placing a hand in the centre of the back;
- (in extreme circumstances) using more restrictive holds.

Teachers should always avoid touching or holding a pupil in a way that might be considered indecent.

In exceptional circumstances, when there is an immediate risk of injury, (e.g. to prevent a pupil running onto a busy road, hitting someone or throwing something) staff may need to take any necessary action that is consistent with the concept of 'reasonable force'.

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 in any way that might restrict breathing;
- slapping, punching, kicking, tripping or forcing limbs against a joint;
- holding or pulling a pupil by the hair; or
- holding a pupil face down on the ground.

Where the risk is not so urgent, the teacher should:

- consider carefully whether – and if so when – physical intervention is right;
- always attempt to deal with the situation through strategies other than force;
- use force only when other methods have failed.



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The key issue is establishing good order and so any action which could exacerbate the situation should be avoided. The age and level of understanding of the pupil is very relevant in these 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.

8. Recording incidents

Immediately following an incident where force is used (except for minor or trivial ones), the member of staff should tell the head or senior member of staff and then provide a written report as soon as possible afterwards. This may help prevent any misunderstanding and will be helpful should there be a complaint. The school will record such incidents on an incident form (appendix a). These forms are located in the secretary's office.

The written report should include:

- The name(s) of the pupil(s) involved;
- When and where the incident took place;
- The names of any staff or pupils who witnessed the incident;
- The reason that force was necessary;
- How the incident began and progressed, including details of:
 - the pupil's behaviour and what was said by each of the parties;
 - the steps to calm/diffuse the situation;
 - the degree of force used, how it 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 member of staff; and
- details of any damage to property

When compiling the report, staff might find it helpful to seek advice from a senior colleague or representative of their professional association. They should keep a copy of the report.

Parents will be informed of the incident and given the opportunity to discuss it. Parents will be told immediately if possible, or at the end of the school day and will be informed orally and in writing.

9 The possibility of a complaint

Involving parents when an incident occurs, plus a clear policy about physical contact, will help to avoid complaints. However, it will not avoid them all – and so the use of force might lead to an investigation either under disciplinary procedures or child protection procedures (see circular 10/95) with the possibility of a disciplinary hearing, a criminal prosecution or a civil action.

If this happens, it is for the disciplinary panel or court to decide if the use and degree of force was reasonable in all the circumstances of the case. In reaching their decision, they would have regard to the provisions of Section 93 of the Education and Inspections Act 2006. Also, it is likely that they would take account of:

- the school's policy regarding restraint
- whether this had been followed and
- the need to prevent injury, damage or disruption.

10. Physical contact with pupils in circumstances not covered by section 93



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There are situations, other than those covered by section 93, where physical contact with a pupil may be appropriate or necessary – for example in PE lessons, sports coaching or CDT, or if a member of staff has to administer first aid. Also, young children or those with SEN may need staff to provide physical prompts or help. Touching may be appropriate to comfort a child in distress. However, there may be some children for whom touching is particularly unwelcome perhaps because of their cultural background or because they have been abused and all staff will receive information on these.

Schools should bear in mind that physical contact between members of staff and pupils can sometimes be misconstrued, especially as pupils reach adolescence.

11. Staff Training

Training for staff will be planned on a regular basis. Further training will be necessary when:

- There are new members of staff
- A pupil with particular difficulties is admitted and where restraint may be more regular and challenging occurrence.

12. Further guidance

1. DCSF - The Use of Force to Control or Restrain pupils
2. The Education and Inspections Act 2006, particularly
 - a. Section 93
 - b. Section 95
3. The Violent Crime Reduction Act 2006, particularly
 - a. Section 45
4. www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity
 - a. Section 4(f)
 - b. Section 9
 - c. Section 13
5. www.teachernet.gov.uk/wholeschool/sen/disabilityandthedda/ddapart0/

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Use of Force to Control or Restrain Pupils: Incident Report

Details of pupil or pupils on whom force was used by a member of staff	
Date, time and location of incident	
Name of staff involved (directly and as witnesses)	
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	
Description of the incident by the staff involved, including any attempts to de-escalate and warnings given that force might be used	
Reason for using force and description of force used	
Any injury suffered by staff or pupils and any first aid given or any medical attention required	
Reasons for making a record of the incident	
Follow up, including any post incident support and any disciplinary action against pupils	
Any information about the incident shared with staff not involved in it and external agencies	
When and how those with parental responsibilities were informed about the incident and any views they have expressed	
Has any complaint been lodged (do not record details here)	
Report compiled by Name and role Signature Date	Report compiled by Name and role Signature Date



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