

POLICY ON USE OF FORCE TO RESTRAIN PUPILS

The Education Act 1996 forbids corporal punishment but allows all teachers to use *reasonable force* to prevent a pupil from:

- Committing a criminal offence
- Injuring themselves or others
- Damaging property
- Acting in a way that is counter to maintaining good order and discipline at the school

The Act does not cover more extreme cases, such as action in self-defence or in an emergency, when the Law already judges it to be acceptable for someone to use a reasonable degree of force.

Staff, other than teachers and volunteer helpers, are also able to use force if necessary, provided they have been authorised by the Headteacher to have control or charge of pupils. People with such authorisation might include teaching assistants, midday supervisors, specialist support assistants, education welfare officers, people accompanying pupils on visits, etc. An up-to-date list of authorised people should be kept. Training or guidance should be provided to ensure that everyone is clear on the policy.

Records

Detailed and up-to-date records should also be kept of any incidents where force is used. It is always advisable to inform parents of such an incident and to allow an opportunity to discuss it.

Records of incidents should include the following information:

- The name(s) of the pupil(s) involved
- When and where the incident took place
- Why the use of force was deemed necessary

- Details of the incident, including all steps taken to diffuse the situation and resolve it without force and the nature of the force used
- The pupil's response
- The outcome of the incident
- A description of any injuries suffered by the pupil and others and/or any property damaged during the incident.

What is 'reasonable force'?

There is no legal definition of *reasonable force* so it is not possible to set out comprehensively when it is *reasonable* to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case and may, ultimately, be resolved in a court of law.

There are two relevant considerations:

1. The use of force can be regarded as *reasonable* only if the circumstances of the particular incident warrant it; 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.

2. The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended 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.

There are a wide variety of situations. For example, where

- A pupil attacks a member of staff, or another pupil
- Pupils are fighting
- A pupil is vandalising property.
- A pupil is causing, or at risk of causing, injury or damage, by rough play, or by misuse of dangerous materials or objects.
- A pupil is running in a corridor or stairway and might have, or cause, an accident.

- A pupil absconds from a class, or tries to leave school - but this will only apply if a pupil could be at risk if not kept in the classroom or at school.
- A pupil persistently refuses to obey an order to leave a classroom.
- A pupil seriously disrupts a lesson.

Acceptable Forms of Force

The following examples of acceptable force are taken from DfCSF guidance.

- 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 back; or (in extreme circumstances) using more restrictive holds.

Unacceptable Forms of Force

The following are likely to be unacceptable:

- Holding a pupil around the neck, by the collar, or in any way that might restrict breathing.
- Slapping, punching or kicking.
- Twisting or forcing limbs against a joint.
- Tripping up a pupil.
- Holding or pulling by the hair or ear.
- Holding a pupil face down on the ground.
- Holding a pupil in a way that might be considered indecent.

Avoid Physical Intervention Wherever Possible

Always try to avoid physical intervention and the use of force - particularly where the risk is not so urgent. In most cases it should be possible to use strategies other than force to diffuse difficult situations:

- Tell pupils to stop the inappropriate behaviour.
- Try to calm the situation.

Remember that physical intervention can actually increase disruption or actually provoke attack.

- If force is necessary, the teacher should continue trying to communicate with the pupil throughout the incident, making clear that physical contact or restraint will stop as soon as it is no longer necessary.
- It is crucial that the teacher take a calm and measured approach. He/She must never appear to lose his or her temper, or to act out of anger or frustration simply to punish the pupil concerned.

Legal Implications

Teachers faced with a situation where a pupil needs to be restrained or where force is necessary are particularly vulnerable to accusations of assault by pupils or parents. Allegations may be made in the heat of the moment; as a result of misrepresentations and misunderstandings - or they may be false, malicious or misplaced.

School staff must bear in mind that it is a criminal offence to use or threaten physical force (for example by raising a fist or making a verbal threat) - unless there is lawful excuse, or justification, for the use of force. A court that sees staff have acted within the guidelines on using force is likely to conclude that there was lawful excuse for that force to have been used.

Similarly, it is an offence to lock an adult or child in a room without a court order (even if they are not aware that they are locked in) except in an emergency when, for example, locking someone in while seeking help would be justified.

Physical intervention may also lead to a civil negligence action if it results in injury, including psychological trauma, to the person concerned.

POLICY ON CORPORAL PUNISHMENT

Corporal punishment is unlawful and cannot be justified by the position of the teacher acting in *loco parentis*.

Corporal punishment is defined as any intentional application of force for the purpose of punishment, which would constitute battery. This does not preclude the use of force in certain situations, where force is not being used as a disciplinary sanction but to prevent personal injury or damage to property.

Policy review: these policies will be due for review in September 2011.