



# Policy on Restraint & Corporal Punishment 2021-2022

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## Introduction

**Related Policies** (available in the staff handbook and on the school website)

- Safeguarding and Child Protection Policy - Section C1, no. 1
- Code of Conduct - Section C1, no. 2
- Policy on Behaviour and discipline - Section C2, no. 1

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.

The school will, in line with the Equality Act 2010, follow its legal duty in making reasonable adjustments for disabled children and children with special educational needs. As part of our planning for positive and proactive behaviour support, the school may, where necessary, draw up individual behaviour plans for more vulnerable children, agreeing them with parents/carers, in order to reduce the occurrence of challenging behaviour.

## Who can use 'reasonable force'?

All members of school staff have a legal power to use reasonable force

This power applies to any member of staff at the school. It can also apply to people whom the Head has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

## 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'?

- 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.
- 'Reasonable in the circumstances' means using no more force than is needed.
- As mentioned above, schools generally use force to control pupils and to restrain them. 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 without physical intervention.
- School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

## Acceptable Forms of Force

The following examples of acceptable force are taken from DfE guidance (Use of Reasonable Force 2013

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/444051/Use\\_of\\_reasonable\\_force\\_advice\\_Reviewed\\_July\\_2015.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf).

- 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:

A panel of experts identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:

- the 'seated double embrace' which involves 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.

## 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.