



# USE OF FORCE TO CONTROL OR RESTRAIN PUPILS POLICY

# Use of Force to Control or Restrain Pupils

Date	Review Date	Monitoring	Coordinator	Nominated Governor
01/09/2021	01/09/2022	Every 2 years by Sue Davies	Sue Davies	Roger Leake

It is both the policy and the expectation of St David's College that pupils should be taught to behave responsibly at all times. This good behaviour should be taught by calm and rational means, using words rather than force.

However, there may be cases where a staff member is justified in using force, and the paragraphs which follow explain why and how this may be necessary.

This policy takes into account the following:

- Welsh Government's Safe and Effective Intervention guidance March 2013
- Violent Crime Reduction Act 2006
- Education and Inspections Act 2006

## Corporal Punishment

Corporal punishment is defined as the use of any degree of physical contact which is deliberately intended to cause pain or humiliation. Corporal punishment is **not** allowed in St David's College under any circumstances.

## Action in self-defence or in an emergency

This policy does not cover all the situations in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene. The purpose of it is to make it clear that teachers, and other authorized staff, are also entitled to intervene in other, less extreme, situations.

## Types of incidents

There are a wide variety of situations in which reasonable force might be appropriate, or necessary, to control or restrain a pupil. They will fall into three broad categories:

- a) where action is necessary in self-defence because there is an imminent risk of injury;
- b) where there is a developing risk of injury, or significant damage to property;
- c) where a pupil is behaving in a way that is compromising good order and discipline.

Examples of situation that fall within one of the first two categories are:

- a pupil attacks or is on the verge of attacking a member of staff, or another pupil;
- pupils are fighting;
- a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- a pupil is causing, or at risk of causing, injury or damage by accident or vandalism to property;

- a pupil is causing, or at risk of causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- a pupil is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure him or herself or others;
- a pupil absconds from a class or tries to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations that fall into the third category are:

- a pupil persistently refuses to obey an order to leave a classroom:
- a pupil is behaving in a way that is seriously disrupting a lesson.

## **Reasonable Force**

All staff have the legal power to use reasonable force to prevent a pupil committing a criminal offence, injuring themselves or others, or damaging property; and to maintain good order and discipline amongst pupils. There is no legal definition of 'reasonable force'. Therefore it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may be reasonably used. It will always depend on all the circumstances of the case.

## **There are relevant considerations:**

The use of force can be regarded as reasonable only if circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. 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.

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 should always be in proportion to the expected outcome of the situation.

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.

## **Practical Considerations**

Before intervening physically a teacher should, where practicable, tell the pupil who is misbehaving to stop, and what will happen if she or he does not. The teacher should continue attempting to communicate with the pupil throughout the incident, and should make it clear that physical contact or restraint will stop as it ceases to be necessary. A calm and measured approach to the situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

Sometimes a teacher should not intervene in an incident without help (unless it is an emergency). For example, when dealing with an older pupil, or a physically large pupil, or more than one pupil, or if the teacher believes he or she may be at risk of injury. In those circumstances the teacher should remove other pupils who might be at risk, and summon assistance from a colleague or colleagues, or, where necessary, phone the police. The teacher should inform the pupil(s) that he or she has sent for help. Until assistance arrives the teacher should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

## **Application of Force**

Physical intervention can take on several forms. It might involve staff:

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

In exceptional circumstances, where there is an immediate risk to injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force': for example to prevent a young pupil running off a pavement onto a busy road, or to prevent a pupil hitting someone, or throwing something.

In other circumstances staff should not act in a way that might be expected to cause injury, injury, for example by:

- holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupils ability to breathe;
- slapping, punching or kicking a pupil;
- twisting or forcing limbs against a joint;
- tripping up a pupil;
- holding a pupil or pulling a pupil by the hair or ear;
- 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. Teachers should always try to deal with the situation through other strategies before using force. All teachers need developed strategies and techniques for dealing with difficult pupils and situations which they should use to defuse or calm a situation. In a non urgent situation, force should only be used when other methods have failed.

That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline, and there is no direct risk to people or property. As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated.

The age and level of understanding of the pupils is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instruction is likely to be increasingly inappropriate with older pupils. It should never be used as a substitute for good behavior management.

## **Recording incidents**

It is essential there is a detailed, comprehensive, written report of each and every occasion where force is used. Staff are required to provide such a report for each and every incident as soon as possible after the incident. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be any complaint. Where possible reports from witnessing members of staff or responsible adults should be obtained.

St David's College will keep an up to date record of all such incidents. Immediately following any such incident the member of staff concerned must tell the Head or a senior member of staff and provide a written report as soon as possible afterwards. That should include:

- the name(s) of the pupil(s) involved, and when and where the incident took place;
- the names of any other staff or pupils who witnessed the incident;
- the reason that force was necessary (e.g. to prevent injury to the pupil, another pupil or member of staff);
- how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
- the pupils response, and the outcome of the incident;
- details of any injury suffered by the pupil, another pupil, or an member of staff and of any damage to the property.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

Incidents involving the use of force can cause the parents of the pupil involved great concern. It is always advisable to inform parents of an incident involving their child, and give them an opportunity to discuss it. The Headmaster, or a member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing. Parents or careers should be informed on the same day or as soon as possible as reasonably practicable.

## **Complaints**

Informing parents when an incident occurs with their child, plus a clear policy about physical contact with pupils and that staff adhere to, should help to avoid unwarranted complaints from parents. It will not prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, whether under disciplinary procedures or by the Police and Social Services department under the child protection procedures.

## **Physical Contact with Pupils in Other Circumstances**

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by section 93 of the 2006 Act. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, DT or if a member of staff has to give first aid. Young children and children with special needs may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. Teachers will use their own professional judgment when they feel a pupil needs this kind of support.

There may be some children for whom touching is particularly unwelcome. For example, some pupils may be partially sensitive to physical contact because of their cultural background, or because they have been abused. It is important that all staff receive information on these children. Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well intentioned physical contact can sometimes be misunderstood.

## **Equality**

Under the Equality Act 2010, St. David's has a duty not to discriminate against any of the protected characteristics. Due regard has been given to equality law when developing and implementing St David's policies, practices and day-to-day activities. St David's will continually monitor the way this policy operates to ensure it does not unlawfully discriminate, permit harassment or victimisation, or limit equality of opportunity. St David's is committed to meeting its obligations under the Equality Act 2010 at all times.