

# **Use of Force to Control or Restrain Policy**

Preamble: This policy has been drawn up in response to the New Guidance on the Use of Force to Control or Restrain Pupils by the DCSF – please make reference to Section 93 of the Education and Inspections Act 2006.]

## **1. The Law on the Use of Force**

1.1 The law states that a member of Academy staff may use such force as is reasonable in the circumstances to prevent a student from doing, or continuing to cause personal injury to, or damage to the property of, any persons including himself [sic] or others; committing any offence (or doing something that would be a criminal act if the child was of the age of criminal responsibility) or prejudicing the maintenance of good order and discipline at the Academy during a teaching session or otherwise.

1.2. However, all adults in the Academy are advised that they are not required by the Academy to restrain children under any circumstances.

1.3. There remains a common law and child protection 'duty of care' upon all adults in the Academy to protect the wellbeing of every child within school, and to intervene as they personally feel appropriate in any given set of circumstances. The power of restraint operates in addition to this common law duty of care and in addition also to the common law power of any citizen to use reasonable force in self-defence.

1.4. Schools also have the power to be able to use force under the Violent Crime Reduction Act to search students without consent (authorised staff only).

## **2. The Marsh Academy's Position Regarding the Use of Force/Restraint**

2.1 Staff at The Marsh Academy accept that physical restraint is only used as a last resort when the action is in self-defence; where there is a developing risk of injury; significant damage to property; or where a student is behaving in a way that is compromising good order and discipline. Other strategies and techniques will be used before the application of restraint. Please refer to the Behaviour Recognition and Rewards Policy for further information on our behaviour expectations and the means by which we seek to reduce the likelihood of situations occurring where the use of force may be necessary.

2.2 Teachers in the Academy are authorised to use reasonable force to control or restrain students. Other individuals authorised at the Head of School's discretion are:

- Teaching Assistants
- Student Development Leaders
- Senior Pastoral Manager
- Learning Support Assistants
- Learning Mentors
- Mid-day Supervisors
- Unpaid volunteers including parent volunteers

2.3 The Head of School is to keep a record of who is authorised to use force in the school.

2.4 Examples of situations where reasonable force might be appropriate are as follows:

- if a student attacks a member of staff
- if students are fighting
- if a student is deliberately damaging property and will not stop on request
- if a student is causing or at risk of causing damage or injury by accident, by overly rough behaviours or by misuse of dangerous materials or objects
- if a student is behaving in a way that is seriously disrupting a lesson or creating risk to their own or others' safety
- if a student persistently refuses to leave an area, where they may be in danger
- if a student 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 themselves or others.

2.5. The power to restrain students applies on the school premises or elsewhere when under Academy control.

2.6. Any physical intervention used will always be the minimum needed to achieve the desired result. Physical intervention should not take the form of:

- Holding a student around the neck or by the collar in any way which might restrict breathing

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- Slapping, punching or kicking a student
- Twisting or forcing limbs against a joint
- Tripping up a student
- Holding a student by the hair or ear
- Holding a student face down on the ground

2.7. If any of the named people are aware of a situation that is developing, the following steps should be taken in line with the Academy's Behaviour Recognition and Rewards Policy:

- tell the student to stop, and inform them of the consequences should they continue
- warn the child that physical restraint will be used if they do not do as they are asked
- keep calm and do not give the impression you have lost your temper
- send for assistance - in certain circumstances staff should not intervene without help - most obviously where they feel at risk of personal injury if they do so. Assistance from colleagues, and if necessary the police, should be sought.
- send other children away, if possible
- tell the student that you are restraining him / her to avoid the student harming themselves, others or property. Where potential witnesses are present it is helpful if they hear you give this explanation
- physical intervention should be an act of care and control
- use only the minimum force necessary
- attempt to communicate with the child throughout the incident
- be sensitive of your own strength and body weight and to issues of gender
- inform the Head of School immediately, if he or she has not been involved
- record the incident fully in SIMS

2.8. Appropriate force includes:

- physically interposing between students
- blocking a student's path
- holding
- leading a student by the hand or arm
- shepherding a student away by placing a hand in the centre of the back
- using more restrictive holds in extreme circumstances

2.9 The Marsh Academy will ensure that staff are aware of any individual behaviour plans or specific needs of students, especially for any students with disabilities, which may impact on the range, type and appropriateness of any physical intervention.

2.10 Detailed written reports of any occasions where force is used are recorded in SIMS in the usual way. This includes:

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- Date/Time/Place
- Student involved
- Reason force is used, including antecedents to the event
- Type of restraint used
- How long the restraint lasted
- Other details of the incident
- Student's response
- Outcome of the incident
- Any injuries sustained
- Identities of witnesses

2.11 The Academy will keep such written information securely and monitor the use of restraint. The Head of School may also be the first to exercise judgement on whether the restraint used was reasonable, having made initial enquiries, although other procedures will apply, if queries or complaints arise.

2.12 The Mini-School Leader or Student Development Leader will advise the parent / guardian of any incident involving their child either immediately or at the end of the day, according to the seriousness of the incident. If there is the possibility of a claim for compensation, the complainant must be referred to the Director of Education and Youth, as the senior officer of the LEA, with child protection responsibilities without delay.

2.13 Where a member of staff is assaulted or suffers injury as a consequence of using reasonable force or restraint, they are advised to contact their professional organisation or trade union.

2.14 It is not acceptable for staff to use their body as a general method of behavioural control. This should only occur as an intervention on sound Health & Safety grounds. 'Unreasonable' restraint constitutes a criminal offence. Three possible offences for which criminal charges could be brought are, for example:

- False imprisonment - confinement to a room tying to a chair
- Assault – throwing an object, use of threats
- Battery – hitting, pushing someone

### **3. Touching in Other Circumstances**

3.1 The Marsh Academy recognises that touch can often be an effective communication tool. For example:

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- when demonstrating PE- / vocational- / practical skills
- when providing first aid
- comforting a child in distress
- when supporting a child with SEN
- when giving praise or congratulations

3.2 In such situations, staff will apply sound professional judgement – touch will be appropriate and will avoid situations or contact that could be misinterpreted.

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