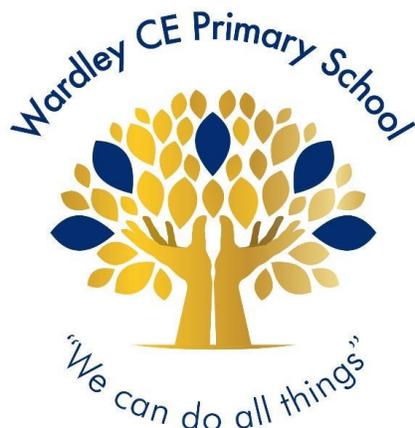


## Wardley CE Primary School

### Use of Reasonable Force to Control or Restrain Unacceptable Pupil Behaviour



Name of Reviewer	Mark Foster
Date of Approval of Governing Body	October 2020
Signature of Chair	<i>John Storey</i>
Signature of Head	<i>Mark Foster</i>
Date Due for Review	October 2021

#### **EQUALITY STATEMENT**

As a school we welcome our duties under the Equality Act 2010. The general duties are to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity
- foster good relations

We review all policies and procedures we operate to ensure there are no negative equality impacts based on the following protected characteristics: age, disability, ethnicity & race, gender (sex), gender identity & reassignment, pregnancy & maternity, sexual orientation religion & belief and non-belief as outlined in the Equality Act 2010. If you feel, on reading this policy that there may be a negative equality impact, please tell us about this. Please also let us know if you need to access this policy in a different format. You can do this by contacting the school office.

# **USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN UNACCEPTABLE PUPIL BEHAVIOUR**

## **GUIDANCE FOR SCHOOLS**

**Produced by the HR Team  
Children's Services Directorate**

Sept 2002

# POLICY ON USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN PUPILS

## 1. INTRODUCTION

1.1 Salford Local Education Authority is committed to working in partnership with schools to ensure the safety and well-being of staff and pupils. This policy has been prepared for the support of all teaching and support staff who come into contact with challenging pupil behaviour and to explain the school's arrangements for care and control.

1.1 The policy has been developed in response to the recommendations of Circular 10/98 "The Use of Force to Control or Restrain Pupils", issued following the enactment of Section 550A of the 1996 Education Act. Section 550A clarifies the powers of teachers, and other staff, who have lawful control or charge of pupils, to use reasonable force to prevent pupils committing a crime, causing injury or damage or causing disruption.

1.2 The policy should be read in conjunction with other school policies relating to interaction between adults and pupils.

## 2. LEGAL FRAMEWORK

### 2.1 **School Standards and Framework Act 1998 (SSAFA 1998) - Behaviour and Discipline Policy**

2.1.1 The SSAFA 1998 requires governing bodies, in consultation with the Headteacher and parents, to agree a written statement of general principles for an overall school behaviour and discipline policy. Although Headteachers continue to have day-to-day responsibility for maintaining discipline, governing bodies have to be satisfied with the **measures** determined by the Headteacher for doing so.

2.1.2 The **measures** determined by the Headteacher should be publicised in a formal written document and should be made generally known throughout the school and to parents of pupils at the school. **In addition, Headteachers must take positive steps at least once a year to bring these measures to the attention of pupils, parents and staff at the school.**

2.1.3 The written statement of general principles prepared by the governing body should include:

- the ethos of the school, offering a clear and defensible set of values and making clear the boundaries of acceptable behaviour;
- the school's moral code;
- positive and constructive rules of conduct; and
- the rewards and punishment which are to be fairly and consistently applied.

2.1.4 The **measures** which are to be determined by Headteachers should be designed to:

- promote self-discipline amongst pupils;
- encourage good behaviour;
- ensure acceptable standards of behaviour; and
- regulate pupils' conduct.

2.2 Education Act 1996 - Authorisation to Use Reasonable Force to Restrain Pupils Section 550A of the 1996 Education Act allows teachers and other persons who are authorised by the Headteacher to

have control or charge of pupils to use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following:-

- (i) Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a training session or elsewhere.
- (ii) Causing damage to property (including the pupils own property).
- (iii) Injuring themselves or others.
- (iv) Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility).

The provision applies when a teacher or any other authorised person is on the school premises, and when he or she has lawful control or charge of the pupil concerned elsewhere e.g. on a field trip or other authorised out-of-school activity. The provision does not, however, authorise any actions that constitute corporal punishment within the meaning of Section 598 of the Act.

2.3 The DfEE Circular 10/98 (The use of force to control or restrain pupils). This Circular sets out Guidance on the use of physical restraint in schools, making a useful distinction between planning for incidents and acting in self-defence in an emergency. It discusses the following issues, which are referred to in this Guidance:-

- factors to consider in deciding when physical intervention is necessary
- the meaning of 'reasonable force'
- formulation of school policies and
- recording and reporting of incidents.

## 2.4 **Duty of Care**

2.4.1 The Authority has a "duty of care" to its employees. In accordance with the Health and Safety at Work Act 1974, the general obligation "*It shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare of all employees*", supports the employer's duty to keep its employees informed and safe.

2.4.2 The school's duties and powers under the common law principle of 'in loco parentis' are well-established. Teachers and other school staff must seek to ensure that pupils are healthy and safe to the same extent that a caring parent would. The duty of care is owed to the individual child rather than the ordinary or reasonable child. There is a need for teachers to take account of all the circumstances surrounding a child, which may be influencing some behaviours. The Headteacher's role, therefore, is to define the school's expectation of support staff and parent helpers in this context.

## 3. **UNDERPINNING VALUES**

Everyone attending or working in a school has a right to:

- be treated with respect and dignity;
- learn and work in a safe environment; and
- be protected from harm, violence ,assault and acts of verbal abuse.

Pupils attending school and their parents have a right to:

- individual consideration of pupil needs by the staff who have responsibility for their care and protection;
- expect staff to undertake their duties and responsibilities in accordance with the school's policies;
- be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school; and
- be informed about the school's complaints procedure.

Each school should ensure that pupils understand the need for and respond to clearly defined limits which govern behaviour in the school.

Parents should have committed themselves through the Home-School Agreement to ensure the good behaviour of their child and that he/she understands and follows the School Behaviour Policy.

#### **4. PURPOSE OF THIS POLICY**

Good personal and professional relationships between staff and pupils is vital to ensure good order in school. It is recognised that the majority of pupils respond positively to the discipline and control practised by staff. It is also acknowledged that in exceptional circumstances staff may need to take action in situations where the use of reasonable force may be required.

Every effort will be made to ensure that all staff in school:-

- (i) Clearly understand the policy and their responsibilities in the context of their duty of care in taking appropriate measures where reasonable force is necessary; and
- (ii) are provided with appropriate training to deal with these difficult situations.

The application of any form of physical control places staff in a vulnerable situation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow the policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

**Reasonable force will only be used as a last resort when all other behaviour management strategies have failed or when pupils, staff or property are at risk.**

#### **5. AUTHORISATION OF STAFF**

##### **5.1 School Staff**

5.1.1 Only staff who are authorised by the Headteacher are able to use powers arising out of Section 550A of the Education Act 1996. The Headteacher will clearly have to consider a range of issues when determining which staff should be authorised, including: the physical location of staff throughout the school; the availability of alternative staff; staff who are likely to accompany a group of children on a visit, etc.

5.1.2 It might be that all teachers and those non-teaching support staff who are likely to have control or charge of pupils at any time would be authorised by the Headteacher.

5.1.3 Authorisation would not normally be given to volunteers or parents.

5.1.4 The Headteacher is responsible for making clear to whom such authorisation has been given, in what circumstances and settings they may use force and for what duration of time this authorisation will last.

5.1.5 The Headteacher will ensure that those authorised are aware of, and understand what the authorisation entails. Those whom the Headteacher has not authorised will be told what steps to take in the case of an incident where control or restraint is needed, for example to contact an authorised member of staff.

5.1.6 Supply staff will not be authorised to exercise Section 550A powers unless they are familiar with the school's policy and have undertaken training.

5.1.7 The Headteacher should maintain a written list of those who have been authorised and LEA-accredited training that has been provided (see Appendix A). This list should be reviewed termly and made available to all staff.

5.1.8 It will clearly be important that: new staff receive training where appropriate, possibly as part of their induction training; and trained staff receive 'refresher courses' to maintain their awareness of the relevant issues.

## 5.2 Authority Staff Working in Schools

Support Services will have their own policies of care and control of pupils but service staff will, whilst on school premises, be expected to be aware of and operate within the school's policy. This will apply to Pupil Welfare Officers, Educational Psychologists and support teachers, etc.

## 6. DIFFERENT TYPES OF PHYSICAL INVOLVEMENT

Circular 10/98 contains a number of definitions of the range of physical involvements that might take place with pupils, and these are summarised below.

### 6.1 Physical Contact

Situations in which proper physical contact occurs between staff and pupils, for example in the care of pupils with learning disabilities; and in games/PE.

### 6.2 Physical Intervention

This may be used to divert a pupil from a destructive or disruptive action, for example guiding or leading a pupil by the hand, arm or shoulder with little or no force.

### 6.3 Physical Control/Restraint

6.3.1 This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. All such incidents must be recorded.

6.3.2 This form of physical intervention may involve staff:

- physically interposing themselves between pupils;
- blocking a pupil's path;
- escorting a pupil; or
- shepherding a pupil away.

6.3.3 In extreme circumstances, trained staff may need to use more restrictive holds.

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

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

## 6.4 Circumstances Justifying Physical Intervention

6.4.1 The circumstances described in Circular 10/98 fall into three broad categories:

- (i) Where action is necessary in self-defence or because there is an imminent risk of injury.
- (ii) Where there is a developing risk of injury, or significant damage to property; or
- (iii) Where a pupil is behaving in a way that is compromising good order or discipline.

6.4.2 Examples of situations which fall within one of the first two categories are:

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

6.4.3 Examples of situations which fall into the third category are:

- a pupil persistently refuses to leave a classroom when asked to do so; and
- a pupil is behaving in a way that is seriously disrupting a lesson.

6.4.4 These Guidelines do not specifically address self-defence issues, although the Education Act 1996 makes it clear that:

*"...everyone has the right to defend themselves against 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".*

## **7. STRATEGIES FOR DEALING WITH CHALLENGING BEHAVIOUR**

7.1 Staff consistently use positive strategies to encourage acceptable behaviour and good order.

Every effort will be made to resolve conflicts positively and without harm to pupils or staff, property, buildings or the environment. Where unacceptable behaviour threatens good order and discipline and provokes intervention, some or all of the following approaches may be taken according to the circumstances of the incident:

- Verbal acknowledgement of unacceptable behaviour with request for the pupil to refrain; (this includes negotiation, care and concern).
- Further verbal reprimand stating:
  - that this is the second request for compliance;
  - an explanation of why observed behaviour is unacceptable;
  - an explanation of what will happen if the unacceptable behaviour continues.
- Physical intervention. Reasonable force uses the minimum degree of force to prevent a child harming him or herself, others or property.

7.2 However, physical restraint may have to be chosen as an option and the teacher will have to make a professional judgements as follows:-

- this response is in the best interests of the pupil; and
- not intervening is likely to result in more dangerous consequences than intervening.

This is regardless of whether the previous approaches have been undertaken.

7.3 Moreover, the use of any degree of force can only be deemed reasonable if:

- it is warranted by the particular circumstances of the incident;
- it is delivered in accordance with the seriousness of the incident and the consequences which it is intended to prevent;
- it is carried out as the minimum to achieve the desired result;
- the age, understanding and gender of the pupil are taken into account; and
- it is likely to achieve the desired result.

7.4 Wherever possible, assistance should be sought from another member of staff before intervening. Sometimes a teacher should not intervene without help e.g. when dealing with a physically large pupil. The teacher should remove other pupils who might be at risk and summon assistance from a colleague or the Police.

## **8. HEALTH AND SAFETY**

8.1 Any member of staff has a right to withdraw from a situation of physical restraint which they feel puts them at risk; provided that they take appropriate action to respond to the situation, such as summon help.

8.2 Individual risk assessment, and management plans will be drawn up for each child who may pose a risk. All staff will have access to the relevant parts of the risk assessments.

8.3 Injuries, however minor, must be recorded in the Accident Report Book - even if no treatment is given.

8.4 Any injury or incident where the person/s need to go for further medical treatment must be recorded in the Accident Book which will be forwarded to the LEA's Health and Safety Advisor.

8.5 Under Reporting of Injuries, Diseases and Dangerous Occurrences (RIDDOR) all incidents of violence should also be reported immediately to the HR Team at Minerva House, who will then complete Form F2508 which will be forwarded onto the Health and Safety Executive as a matter of due course. This should be carried out within 24 hours of the incident occurring.

## **9. RECORDING AND REPORTING INCIDENTS**

In all incidents where physical restraint has been used, the following actions must be taken:

9.1 The Headteacher must be informed as soon as possible.

9.2 The staff involved must complete a detailed, contemporaneous written record as soon as possible, and always within 12 hours of the incident.

9.3 When a member of staff has had to lead a pupil away from a situation using only the low-level intervention of a 'basic hold' (for incidents such as bullying, damage, absconding or other safety issues) this should be recorded on a **Low Level Incident Form** (see Appendix B). This recording will detail the type of incident, date, time and location of the incident, staff and pupils involved. It will also include a brief outline of the causes of the incident, the techniques used and the follow up actions.

9.4 Any injury to a person or persons will be logged in the Accident Book and a **Serious Incident Record Form** (see Appendix C) should be completed and handed in to the Headteacher as soon as possible after the event. These forms will then be kept in a **Serious Incident File** in the Headteacher's office. Staff should keep a copy of each form they complete.

9.5 The Headteacher is responsible for ensuring that parents/carers are informed (see suggested model letter attached at Appendix D).

9.6 Staff may find it helpful to seek advice from a senior colleague or representative of their professional association/union when compiling a report. They should also keep a copy of the report. It will be very important and in staff's own best interests for them to ensure that they do complete the necessary documentation within a reasonable period of time.

9.7 The Headteacher should ensure that each incident is reviewed and investigated further as required. If further action is required in relation to a member of staff or a pupil, this will be pursued through the appropriate procedure:

- Child Protection Procedure (this may involve investigations by Police and/or Social Services);
- Exclusions Procedure;
- School's Behaviour Policy; or
- Discipline at Work Procedure
- Potential Health and Safety Executive Investigation.

9.8 The member of staff will be kept informed of any action taken.

9.9 In the case of any action concerning a member of staff s/he will be advised to seek advice from his/her professional association/union.

9.10 Where staff have been involved in an incident involving reasonable force they should have access to counselling and support. Staff may contact the Authority's Counselling Careline on 0800 919 765 or by contacting the Authority's Personnel Section for advice and support.

9.11 Staff may also contact the Authority's HR Team or their Professional Association/Trade Union representative for support.

## **10. COMPLAINTS**

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them. Any complaints about staff will be dealt with through the Complaints Procedure which is initially via the Headteacher.

If they are not happy with the outcome then parents have the option of approaching the Chair of Governors. The Chair of Governors will be informed of complaints but other governors will not be involved as a complaint may require further action on their part.

### **10. Monitoring Of Incidents**

10.1 Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documented. Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Headteacher for the needs of any pupil(s) whose behaviour can only be contained by the use of reasonable force.

This process will address patterns of incidents and evaluate trends which may be emerging.

10.2 Good practice would suggest that every pupil who has been physically restrained on more than one occasion will be expected to have an individual behaviour management programme in place. This programme will identify:-

- The nature of the challenging behaviour
- The triggers leading to/causing the challenging behaviour
- Teaching targets for more effective behaviours
- A programme of positive reinforcement and appropriate interventions
- The early warning signs of challenging behaviours
- Defusing strategies to employ.

10.3 Identification of the pupils, special educational needs (SEN) should be considered and support should be implemented, in accordance with the SEN Code of Practice.

10.4 Parents/carers must be informed if physical restraint has been employed and should be consulted with, and involved in, the development of the behaviour management programme.

## **11. LIAISON WITH OTHER AGENCIES**

11.1 It is important that other agencies involved in the care and/or support of pupils be informed and involved in management programmes for pupils with challenging behaviour.

11.2 If the pupil is in Public Care (Looked After by the Local Authority), then the Social Services Department should be involved.

11.3 A pastoral support programme should be developed to support pupils with challenging behaviour.

## **12. TRAINING**

Working in Partnership with Schools, training for all staff will be made available, on a rolling programme, and will be the responsibility of the Headteacher. It is highly recommended that all staff receive training in de-escalation techniques and the use of reasonable force to control or restrain unacceptable pupil behaviour. Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development. The teaching staff at Wardley have all been trained in the Team Teach program:

“Team-Teach techniques seek to avoid injury to the service user, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the service user remains safe”.  
(George Matthews - Director)



**SUGGESTED MODEL LETTER TO PARENTS/CAREERS FOLLOWING  
AN ACCIDENT REQUIRING THE USE OF PHYSICAL RESTRAINT**

Dear Parent/Carer

I regret to have to inform you that I understand that there has been a serious incident in school today, involving your child.

I am currently looking into the exact details of the incident. This may take me a little time, as it is likely to involve identifying and speaking to anyone who witnessed the incident.

At this stage I am able to inform that I have been informed that it was necessary for a member of staff to physically restrain your child, as she/he is entitled to do in certain circumstances.

I will, of course, speak to you and your child about the incident as part of my review of what happened. In due course, I shall inform you of any further action that I feel that it is necessary to take.

While I am happy to talk to you about the incident, as I have indicated I do not yet have a full picture about what happened. Therefore, I would suggest that I contact you again in the next few days in order to arrange a meeting in school to discuss the matter fully.

Yours sincerely,

Headteacher

Dear Parent/Carer

An incident has occurred in school today involving your son/daughter ..... I am at the moment investigating the circumstances of the incident and would appreciate it if you could contact me tomorrow between ..... and ..... This will give me the opportunity to share the information I have already gathered and for you to share information if any, related to yourself. From this conversation we can make an appointment to meet should we feel this is necessary.

Thanking you for your co-operation.

Yours sincerely,

Headteacher

**APPENDIX B**

**LOW LEVEL INCIDENT FORM  
WARDLEY CE PRIMARY SCHOOL**

<b>SECTION A</b>	
<b>Report compiled by</b>	
<b>Name:</b>	<b>Designation:</b>
<b>Date:</b>	<b>Time:</b>
<b>SECTION B</b>	
<b>Date of incident:</b>	<b>Time of incident:</b>
<b>Name/s of pupil/s involved:</b>	
<b>Name/s of staff member/s involved:</b>	
<b>Name/s of any witness/es (staff or pupils). (Please attach to this Report any witness statements gathered)</b>	
<b>SECTION C</b>	
<b>Brief description of incident:</b>	
<b>Please describe the staff intervention, including any physical control used.</b>	
<b>SECTION D</b>	
<b>Young person's account of the incident. (Must be completed)</b>	

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<b>SECTION E</b>	
<b>Details of any resulting injury, including to whom and any medical treatment received.</b>	
<b>Any other relevant information.</b>	
<b>SECTION F</b>	
<b>Who was the incident reported to?</b>	
<b>Senior member of staff's comment / further action taken.</b>	
<b>Letter sent to parents/carers. (Please tick to confirm sent).</b>	
<b>Headteacher's signature:</b>	<b>Date:</b>

## SERIOUS INCIDENT RECORD FORM

## WARDLEY CE PRIMARY SCHOOL

<b>SECTION A</b>	
Report compiled by	
<b>Name:</b>	<b>Designation:</b>
<b>Date:</b>	<b>Time:</b>
<b>SECTION B</b>	
<b>Date of incident:</b>	<b>Time of incident:</b>
<b>Name/s of pupil/s involved:</b>	
<b>Name/s of staff member/s involved:</b>	
<b>Name/s of any witnesses (staff or pupils). (Please attach to this Report any witness statements gathered).</b>	
<b>SECTION C</b>	
<b>Description of events leading up to incident:</b>	
<b>Describe the staff intervention, including in particular any attempts made to calm the situation:</b>	
<b>How did the pupil respond?</b>	

<b>Why was force deemed necessary? (Please tick as appropriate)</b>	Prevent/interrupt a crime Prevent/interrupt injury Prevent/interrupt serious damage to property Interrupt seriously disruptive behaviour Prevent leaving the premises.
<b>Please describe the nature of the physical control used, including an estimate of the duration of its use.</b>	
<b>SECTION D</b>	
<b>Young person's account of the incident. (Must be completed)</b>	
<b>SECTION E</b>	
<b>Details of any resulting injury, including to whom and any medical treatment received.</b>	
<b>Any other relevant information.</b>	
<b>SECTION F</b>	
<b>Who was the incident reported to?</b>	
<b>Senior member of staff's comment / further action taken.</b>	
<b>Letter sent to parents / carers. (Please tick to confirm sent).</b>	
<b>Headteacher's signature:</b>	<b>Date:</b>

## SUGGESTED EXAMPLE OF A PAGE FROM A PHYSICAL RESTRAINT LOG BOOK

Date of incident	Time of incident	Name/s of staff involved	Name/s of pupil/s involved	Does an Individual Behaviour Programme (IBP) exist?	Summary of action taken, for e medical att
1					
2					
3					
4					
5					
6					

To: All Headteachers

**GUIDANCE TO HEADTEACHERS AND AUTHORISED STAFF ON THE USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN UNACCEPTABLE PUPIL BEHAVIOUR**

Dear Colleague,

The LEA has produced the attached guidance for schools on the use of reasonable force to control or restrain unacceptable pupil behaviour in response to a number of developments:-

- (i) In response to the recommendations of the DfES Circular 10/98 on "The use of force to Control or Restrain Pupils" following the enactment of Section 350A of the 1996 Education Act, which clarified

the use of reasonable force to prevent pupils committing a crime, causing injury or damage or causing disruption.

(ii) Following a number of complaints by pupils against teachers regarding the inappropriate use of force, which has led to investigations under the Child Protection procedures being enacted.

(iii) The teacher associations concerns about the perception of their members that there is a rise in the number of incidents of unacceptable pupil behaviour and their request for a policy to be in place within schools to deal with such problems.

In order to support this guidance the LEA has reviewed the training requirements within schools and training providers who are accredited to train in restraint techniques. The Price Training Scheme is recommended by the LEA for providing restraint training for mainstream schools. The cost of the training per delegate is very reasonable at £45.00 per individual. For special schools comparisons are currently being made of different training providers and further details will follow on the most suitable provider recommended by the LEA.

Further details of the price training programme and the availability of such training from September 2002 be made available to schools shortly. Due to the anticipated demand for such courses it is recommended that, in the first instance, schools initially identify 2 staff who will be authorised to undertake restraint techniques, following the training. We will arrange to accommodate training for 2 authorised staff within each school as a priority before widening the opportunity for other school based staff to attend the course.

Yours sincerely,

**Lisa Linden**  
**Principal HR Advisor**