

# **Policy Statement On The Use Of Reasonable Force To Restrain Or Control Students**

---

## **RATIONALE**

It may occasionally be necessary for school staff to restrain or control a student using reasonable force. It is important that students, staff, parents and the school community know when this may be the case, what constitutes 'reasonable force' and school procedures following such incidents.

## **AIMS**

1. To outline circumstances when it may be necessary to use reasonable force on a child;
2. To indicate what constitutes reasonable force and what does not;
3. To set out a procedure for the recording, investigation and review of all incidents when the use of reasonable force is needed.

## **GENERAL PRINCIPLES**

- Reasonable force will only be used on a student when absolutely necessary under one of the following circumstances outlined below.
- Teachers have a duty to act in 'loco parentis' and treat student in the manner of a caring and reasonable parent.
- No form of corporal punishment is allowed. Corporal punishment is the use of force as a punishment.
- Teachers are required to maintain good order among the students and to safeguard their health and safety, both on school premises and on other authorised school activities.
- The Headteacher may authorise the teaching staff, and other staff if necessary, to use reasonable force to control or restrain a child. This may be on a long term basis, or a fixed period, depending on the circumstances.
- If it is anticipated that a particular child's behaviour may require the use of reasonable force, a specific plan will be drawn up for that student and communicated to all involved (parent, staff, student)
- All incidents where reasonable force is used must be reported to the Headteacher, who will record the circumstances as outlined below.

## **CIRCUMSTANCES REQUIRING THE USE OF REASONABLE FORCE**

Reasonable force can be used in the following circumstances:

- where a criminal offence is being committed;
- where students may injure themselves or others;
- where there is a risk of significant damage to the school property;
- where the behaviour is prejudicial to maintaining good order and discipline at the school or among the students;
- when the action occurs on the school premises or during an authorised activity off the premises.

Examples of situations that fall within these categories are:

- a student attacks a member of staff, or another student;
- students are fighting;
- a student is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- a student is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- 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 him or herself or others;
- a student attempt to abscond from a class or tries to leave who would be at risk out of the classroom or school.

## **'REASONABLE FORCE'**

There is no legal definition of 'reasonable force', but these three aspects are for guidance:-

- reasonable force will only be used if the circumstances of the particular incident warrant it;
- the degree of force must be in proportion to the circumstances;
- consideration must be taken of the age, understanding and sex of the student.

Minimum force should only be used and never as a punishment.

- physical intervention can take a number of forms, for example;
- physically interposing between students;
- standing in the way of a student;
- holding, pushing or pulling;
- leading a student away from an incident by the hand or by gentle pressure on the centre of the back;
- in extreme cases, more restrictive holds might be used.

### **Force that should NOT be used includes;**

- holding round the neck or any other hold that might restrict breathing;
- kicking, slapping or punching;
- forcing limbs against joints (e.g. arm locks);
- tripping or holding by the hair or ear;
- holding face down of the ground.

The School will contact the Police for support in dealing with serious incidents.

## **RECORDING OF INCIDENTS**

All incidents when restraint is used will be recorded by the Headteacher as soon as possible. The following information (as a minimum) will be detailed on an incident sheet.

- names of students involved;
- the time of the incident;
- the place where the incident occurred;
- the names of staff or other authorised adults involved.
- names of all witnesses, students and adults;
- signed witness statements;
- the reason for force being used;
- a description of the way in which incidents developed;
- details of the outcome of the incident including injuries and damage.

## **REVIEW AND MONITORING**

Following the detailed recording of a serious incident, good practice dictates that a Headteacher or delegated person should:

- read all accounts of the incident;
- interview all staff (both teaching and support) and students who witnessed the incident;
- discuss the incident with the student or students who were directly involved. It is important that students be provided with the opportunity of giving their own version of events, particularly in cases of divergent opinion or fact, and they should be encouraged, if necessary helped, to prepare a written statement;
- ensure that parents and/or guardians or other persons with parental responsibility (such as social workers) have been informed of all relevant facts;
- ensure that the LA (in LA maintained schools) and the Chair of the Governing Body have had the incident drawn to their attention;
- ensure that all concerned are aware of their rights of complaint;
- review school policies and consider if they serve the best interest of all parties and whether alternative policies or changes to the existing policy need to be considered.

Following an incident involving physical intervention or restraint by a member of staff involving a student, it is important to monitor the effects of the incident on the student as well as on the member of staff.

Cases of students with special needs, or who provoke confrontation as a means of seeking attention, or who are testing the boundaries of the school's disciplinary policies, may require referral to, or consultation with specialist agencies.

## **COMPLAINTS**

After an incident in a school, there is always the possibility of a formal complaint. A number of persons might feel aggrieved by the incident, whether they be students, parents, teachers, other employees or even visitors to the school and members of the public. Any of these persons can lodge a complaint and expect it to be investigated diligently and fairly. As a precursor to such a possibility heads should be aware of the need to review and monitor the reactions of all parties involved in an incident, and to consider the effects on the current school policies, and have a total awareness and understanding of all aspects of the case.

## **PROCEDURE FOR DEALING WITH A COMPLAINT**

The general complaints procedure adopted by the governing body should always be followed – it should include the following elements:

A student wishing to complain should be treated courteously and without prejudice and be requested to write the complaint in his or her own words. In the event that the student has difficulty with writing, or cannot write fluently, or where English is not the first language, a member of staff not involved in the incident should record the complaint, verify and read through with the student and ask the student to sign and date the report where possible.

If a complaint is received from a parent or guardian which alleges some form of student abuse or injury, whether inflicted during the restraining of a student or not, the head or designated person must record the complaint in writing, if the parent has not already done so. This recorded information must include where and when the incident occurred, and include as much detail of the alleged injuries or abuse as possible. At this point, it is important that the head confirms to the complainant that a full and detailed investigation will be conducted immediately.

If a complaint is received from a member of staff who has been verbally or physically assaulted, there is a sequence of prescribed actions which the head will undertake. These are:

- offer immediate support and help to the member of staff to deal with any trauma and re-establish confidence;
- offer medical support if any physical injury has been sustained and recommend a visit to the doctor as soon as possible;
- report the incident to the Director of Children's Services and to the Chair of Governors;
- compile a list of witnesses, conduct interviews and collect statements;
- provide the member of staff with a copy of the incident report and notes on any subsequent interviews and statement of witnesses;
- where appropriate, inform the police;
- advise the member of staff to contact their union or professional association immediately before responding to any aspect of the complaint.
- 

## **CONDUCTING AND CONCLUDING AN INVESTIGATION**

In conducting an investigation the Head, or appointed investigator, will need to ensure that all appropriate evidence is considered. If, having examined all the facts, the head is satisfied that the course of action taken during the incident complied with the school's policies as approved by the governing body, and the Local Authority guidelines and directives, and that in the circumstances there was no other reasonable course of action available, or no case to answer, then the following procedures will conclude the matter:

- notify the complainant of the outcome of the investigation;
- notify the student's parents or guardians or responsible person or agency of the outcome of the investigation. (It is not a requirement to reveal the details);
- notify the Local Authority (where appropriate) and Chair of Governing Body;
- record the outcome of the investigation, sign the record of the incident, ensuring a copy is placed on the appropriate file.

Subsequent to this conclusion, consideration will be given to the possibility of disciplinary action against the member of staff or student. This will be pursued in accordance with approved school policies on discipline and behaviour.

## **CASES REQUIRING FURTHER ACTION**

If a head concluded, after investigation, that a complaint has substance, then further action will be required. Depending on the nature of the complaint, and the person to whom it is directed, one or more of the following courses of action may become necessary.

- Local Child Protection procedures will dictate when complaints should be referred. Heads must be familiar with such procedures and closely follow directions.
- In a case of complaint from a student, the incident may require further investigation under the Child Protection procedures appertaining to the school. Parents or guardians must be immediately informed in writing if this is the outcome.
- In a case requiring disciplinary proceedings against a member of staff, the governing body, and the local Authority in LA schools, will need to be informed and all statutory employment legislation and agreed procedures followed. Staff must make themselves aware of the requirements of the Child Protection procedure and act accordingly.
- In the case of a complaint by a member of staff, the school ensure appropriate action is taken against the student or member of staff if the complaint is found to have substance.

## **RIGHT OF APPEAL**

A parent or guardian will have been informed in writing of the outcome of any investigation. Further action, whether it be of a disciplinary nature or referral for further investigation under the child Protection procedures, will have been communicated. The right for a member of staff to appeal will be through the grievance procedure. The parent or guardian's Right to Appeal must be an integral part of the complaints' procedure. In these circumstances, the parent/guardian should be given access to the following information:

- copies of relevant approved and adopted policies and procedure of the school and the Local Authority on discipline, care and control, and behaviour management;
- copies of all recorded documentation appertaining to the incident which has been investigated and determined.

## **CONCLUSION**

It is extremely important that the relationship between student and adult is set on a firm professional basis which leaves no room for the misinterpretation of any act or instruction. Staff dealing with students should not place themselves in any situation which does not comply with school policy. Staff must be aware that this guidance does not allow restraint to be used as a disciplinary action or as punishment. Each and every incident where restraint is used will have to be examined on its merits. Staff and other authorised people should be extremely cautious about using resistant and must be aware of the school policy on discipline. Everyone has the right to defend themselves against attack provided that they do not use a disproportionate degree of force to do so. This policy should be read in conjunction with the school's policies for Behaviour, Child Protection and Anti-Bullying.

Reviewed and updated September 2009

DRAFT POLICY subject to ratification by the Governing Body