
The Hayfield School Statement: THE USE OF FORCE TO CONTROL OR RESTRAIN STUDENTS
Reviewed: 22nd June 2011

This policy is based on guidance outlined in "The Use of Force to Control or Restrain Students" – November 2007.

The guidance applies to ALL schools and is NON-STATUTORY but schools are strongly advised to follow it.

THE LAW SAYS...

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a student from doing or continuing to do, any of the following:

- a) committing any criminal offence.
- b) causing personal injury to, or damage to the property of, any person (including the student him / herself).
- c) prejudicing the maintenance of good order and discipline at the school or among any students receiving education at the school, whether during a teaching lesson or otherwise.

The staff to which the power applies are defined in section 95 of the Act. They are:

- a) any teacher who works at the school.
- b) any other person whom the head has authorised to have control or charge of students. This:
 - includes support staff whose job normally includes supervising students such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.
 - can also include people whom the head has given temporary authorisation to have control or charge of students such as paid members of staff whose job does not normally involve supervising students and unpaid volunteers.
- c) does not include prefects.

The power may be used where a student (including a student from another school) is on school premises or elsewhere in the lawful control or charge of the staff member.

There is no legal definition of when it is reasonable to use force. That will depend on the precise circumstances of individual cases. To be judged lawful, the force used would have to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force cannot be justified to prevent trivial misbehaviour. However, deciding whether misbehaviour is trivial also depends on circumstances.

Those exercising the power to use force must also take proper account of any particular special educational needs and / or disability that a student might have. Under the Disability Discrimination Act 1995 all schools have two key duties:

- a) not to treat a disabled student less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification.
- b) to take reasonable steps to avoid putting disabled students at a substantial disadvantage to students who are not disabled.

The statutory power conferred by section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property the statutory power is only available to those authorised to have control or charge of students. In terms of preventing other criminal offences it is not clear that all the behaviours that prejudice school discipline are criminal offences and students may be below the age of criminal responsibility. Therefore authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

Reasonable force may also be used in exercising the statutory power to search students without their consent for weapons. The power applies to Headteachers and staff authorised by them, where they have reasonable grounds for suspecting that a student has a weapon. Reasonable force could be used by the searcher or by the second person required to be present at a search. However the DCSF strongly advises schools not to search students where resistance is expected, but rather to call the police.

It is unlawful to use force as a punishment as this would fall within the definition of Corporal Punishment, abolished by section 548 of the education Act 1996.

POLICY

At The Hayfield School we believe that the use of reasonable force may be necessary to prevent a student from:

- committing a criminal offence.
- injuring themselves or others.
- causing damage to property including their own.
- engaging in any behaviour prejudicial to good order and discipline at the school or among any of its students, whether that behaviour occurs in the classroom during a teaching session or elsewhere.

The use of restraint will always be a last resort and if practical, before intervention, a calm warning or instruction will be given and every effort will be made to achieve a satisfactory outcome without physical intervention.

Help will be sent for if it is possible to achieve this.

Restraint can take a variety of forms, which include:

- a) passive physical contact from standing between students or blocking a student's path
- b) active physical contact such as:
 - leading a student by the hand / arm.
 - ushering a student away by placing a hand in the centre of the back.
 - in more extreme circumstances, using appropriate restrictive holds, which may require specific expertise or training.

Where there is a high and immediate risk of death or serious injury, any member of staff will be justified in taking any necessary action using the minimum force required to achieve the desired result

Staff will make every effort to avoid acting in a way that might reasonably be expected to cause injury. However in extreme circumstances it may not always be possible to avoid injury to a student.

Staff will seek to avoid touching or restraining a student in a way that could be interpreted as sexually inappropriate conduct.

Holds to be avoided except in the most extreme circumstances

The following holds **MUST NOT** generally be used other than in the most extreme emergency to prevent the risk of **SERIOUS** injury or loss of life:

- holding a student around the neck, or by the collar, or in any other way that might restrict breathing.
- slapping, punching, kicking a student.
- twisting or forcing a limb against a joint.
- tripping a student.
- holding a student by the hair or ear.
- holding a student face down on the ground.

Recording an Incident

All incidents that result in none routine / emergency intervention will be recorded in detail.

Notes will be made **IMMEDIATELY** (or as soon as possible) after the incident and certainly before the end of the day on which the incident occurred, by the member of staff involved in the original incident.

Notes will also be made in the same way by any other member(s) of staff involved either giving support or as a witness.

All notes will be signed and dated.

*Notes **MUST** contain the following information:*

- name / job title of member(s) of staff using reasonable force.
- name of student(s) involved.
- when and where incident took place.
- names of any witnesses – staff and students.
- reason why the reasonable force was necessary.
- progress of the incident including details of:
 - behaviour of student which led up to incident
 - any attempts to resolve the situation
 - what was said by staff / students
 - degree of reasonable force used
 - how reasonable force was applied
 - how long for
- student response and eventual outcome.
- details of any injuries suffered by either staff / students.
- details of any medical / first aid treatment required / given (accident form completed where appropriate).
- details of any follow up, including contact with parents / carers of the student involved.
- any other relevant details e.g. involvement of other agencies such as police etc.

Student witnesses may be asked to provide written statements, which will be kept on file.

The parents / carers of the student being restrained will be contacted immediately following the reporting of the incident

Students with Special Needs

Routine incidents of physical intervention, usually for students with identified needs as set out in the their IEP / BSP will be recorded as follows:

- name of student
- date
- name of member of staff who intervened
- name(s) of witnesses
- brief description of reason for intervention
- brief description of action taken
- details of follow up with parents / carers
- first aid record

Post Incident Support

The Hayfield School:

- will ensure that the student and staff have immediate access to first aid for any injuries - this should be recorded.
- will give the student time to become calm while staff continue to supervise him / her.
- when the student is calm, a senior member of staff will discuss the incident giving his / her point of view as soon as is practicably possible.
- will take steps to re-establish the relationship between student and member(s) of staff involved in the incident.
- will ensure all members of staff are allowed a period to recover from the incident and support will be provided where necessary.
- will ensure that the Headteacher is informed of the incident at the earliest possible opportunity.
- will initiate the recording process and review each incident to ensure lessons learned.
- will inform parents / carers of any incident involving physical intervention as soon as possible after the incident and certainly before the student arrives home.
- will ensure that the relevant H & S accident reports are completed where appropriate.

Training of Staff

At least one member of the Leadership Team will attend relevant training on physical intervention and will disseminate the training to staff as appropriate . In cases where it is known that a student may require physical intervention, (eg in the case of special needs) appropriate training will be provided for relevant staff (both teaching and support).

Staff training will be updated at regular intervals.

Risk Assessment

The Hayfield School acknowledges that some students may behave in ways that make it necessary to consider the use of restrictive physical intervention as part of our behaviour management plan.

In the case of students with special needs any techniques and methods for controlling and restraining such students using restrictive physical interventions must be risk assessed to ensure they are safe, suitable and appropriate for the named student. The techniques will be agreed between parents / carers / student / staff and any other agencies working with the student.

Risk Assessments for named students with special needs should be held within the student file.

Arrangements for informing parents of the policy

The policy will be published on the school web site with information to parents as to how to obtain a copy.

Parents / carers will be informed following an incident where physical intervention has been used with their child.

Responding to a Complaint

If a parent / carer or student makes a complaint about the management of an incident requiring physical intervention, they should inform the Headteacher in writing following the normal school complaints procedure.

Review of Policy

The policy will be reviewed annually or earlier if any changes are indicated at national or local level.