



# ABINGDON

## RESTRAINT (USE OF FORCE) POLICY

Abingdon School seeks to provide an atmosphere of mutual trust and respect within which learning and personal development can be fostered. To create such an atmosphere, it is vitally important that, as a community, the school nurtures positive and supportive relationships between pupils and between staff and pupils. While spontaneity is an important part of all relationships, it is important that wisdom plays a central role in reducing the opportunities for misunderstandings between staff and pupils. There may be very rare circumstances when a pupil at the school needs to be physically restrained by a member of staff. This policy is intended to clarify when such occasions might occur and the procedures that should be adopted.

[Use of Reasonable Force – Advice for Headteachers, Staff and Governing Bodies](#) (July 2013) has clarified *The Education and Inspections Act 2006*, outlining when teachers and other staff who have lawful controls of pupils, are permitted to use reasonable force.

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

In a school, force is used for two main purposes – to control pupils or to restrain them.

**The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.**

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- restrain a pupil at risk of harming themselves through physical outbursts.

In addition authorized staff can use such force as is reasonable given the circumstances to conduct a search for “prohibited items” as defined in the [Search Policy](#). Force cannot be used to search for items that are not “prohibited items” but which may be banned under the school rules.

**It is always unlawful to use force as a punishment.**

**These guidelines must be read in conjunction with the school’s [Safeguarding Policy](#).**

It is expected that there will be physical contact between staff and pupils, these might include:

- When health care professionals are treating an ill/injured pupil
- When administering first aid to a pupil
- When technical instruction is being given in music or in sport
- When a pupil is being congratulated or praised
- When comforting a distressed pupil

The physical contact should never be in secret and staff should consult with the Deputy Head Pastoral if they need advice.

### **Practical Considerations**

Staff members can sometimes be worried that using force will lead to false allegations of unreasonable or unlawful conduct in the form of a complaint or legal action. But if the force used is reasonable all staff will have a robust defence against any accusations. Whether the force used is reasonable will always depend on the particular circumstances of the case and the test is whether the force used is proportionate to the consequences it is intended to prevent. This means the degree of force used should be the minimum needed to achieve the desired result.

A calm and measured approach to any incident must be maintained. Where practicable, a verbal warning should precede the use of physical force. Any physical force should stop as soon as it ceases to be necessary.

There may be occasions – when dealing with older or physically large pupils, or more than one pupil – when the teacher should not intervene without help (unless it is an emergency). Members of staff should not put themselves at risk. Staff would not be seen as failing in a duty of care by not using force to prevent injury, if doing so threatened their own safety.

### **What is reasonable force?**

The definition of 'reasonable' force will always depend on all the circumstances of the case. The use of force can be regarded as reasonable only if the 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 committing a trivial misdemeanour, or in a situation that clearly could be resolved without force. Also, the degree of force involved must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is trying to prevent. Different children will need different handling, for example it is reasonable to expect that adjustments will be made when dealing with children with SEN. Any force used should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, size and understanding of the pupil.

In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for "prohibited items" (please see Search Policy.)

### **Application of force**

Physical intervention can take several forms either in the form of Control or of Restraint. It might involve staff:

- Blocking a pupil's path
- Physically interposing between pupils
- Holding
- Pushing

- Pulling
- Leading a pupil by hand or arm
- Shepherding a pupil away by placing a hand in the centre of the back, or, *in extremis*, using more restrictive holds

Staff should NOT:

- hold a pupil by the neck or collar
- slap, punch or kick a pupil
- twist or force limbs against a joint
- trip up a pupil
- take a pupil by the hair or ear
- hold a pupil face down on the ground
- staff should always avoid touching or holding a pupil in a way that might be considered indecent.

Any physical violence to a pupil, without the justification of immediate danger to a person or property, may render the member of staff concerned liable to disciplinary action. The nature of that action, if any, will depend on the degree of violence and the circumstances.

Provocation by the pupil may be considered among the circumstances, but cannot in itself excuse any violence offered.

### **Recording Incidents**

Any member of staff who uses force in dealing with a pupil, whatever the circumstances, should inform the Head or Second Master immediately (both verbally and in writing). It is clearly desirable that the Head or Second Master should first hear of such an incident from the member of staff concerned, rather than from the pupil or his parent, and should thus be in a better position to deal effectively with any subsequent parental complaint or enquiry. Pupil's parents will be informed of the incident as soon as practical after the incident has taken place.

A written report on incidents (other than very trivial ones) should be made immediately. This should include name(s) of pupil(s), the time and place of the incident, names of witnesses, the reason for the force being necessary, and how the incident began and progressed. In addition, the pupil's response and the outcome should be described. Details of any injuries suffered should be recorded. The report should then be passed to the Head who will keep a record of all incidents in which a member of staff uses force on a pupil.

If a complaint is made against a teacher who has used force, the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

The DfE guidelines state: "Suspension must not be an automatic response when a member of staff has been accused of using excessive force." If a complaint is made, the Head will consider carefully whether the circumstances of the case warrant the accused being suspended until the allegation is resolved, or whether an alternative arrangement is more appropriate.

### **Deputy Head (Pastoral)**

Last internal review: May 2018

Last governor review: May 2018

Next governor review: May 2019