

HOLY NAME CATHOLIC PRIMARY SCHOOL

POLICY FOR THE USE OF FORCE TO CONTROL OR RESTRAIN PUPILS

Mission Statement

Holy Name is a Catholic Community working in partnership with parents/carers to nurture and educate the whole person, in the way of Christ, enabling all to know their worth and reach their potential.

Statement of Philosophy

Holy Name Catholic Primary School is committed to Safeguarding and promoting the welfare of children and expects all staff to share this commitment. It is the policy of this school to safeguard the welfare of children and all others involved in the school's activities by protecting them from physical, sexual and emotional harm. The welfare of the children in our school is an integral part of the education system. Every child must feel secure and protected in every possible way. They must know that their problems will be solved and that staff will listen sympathetically whenever these problems arise.

Aims

The aim of this policy is to ensure that the welfare of pupils and staff remain central to the Catholic ethos of Holy Name Catholic Primary School.

Good behaviour and discipline are essential to successful teaching and learning. A school is a Community of young people in the care of their elders. Within the school, it is possible to establish rules of conduct for the benefit of the community and procedures to deal with any breach of rules. With two exceptions, the law makes no stipulation about these rules or about the procedures for enforcing them. The law requires only that the rules are reasonable and nondiscriminatory and that they are applied in a consistent, fair and objective way. The first exception is in relation to corporal punishment which is, by virtue of the **Education (No.2) Act 1986**, unlawful. The second exception is in relation to exclusions where the **Education (No.2) Act, 1986** and later the **Education Act 1998** have laid down detailed procedures. Section 550A of the Education Act 1996 now clarifies the power 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. The provision applies when a teacher, or other authorised person, is on the school premises and when he or she has lawful control or charge of the pupil concerned elsewhere, eg on an educational trip other authorised out of school activity. Holy Name Catholic Primary School staff are aware of the wide variety of situations in which reasonable force might be appropriate or necessary to control or restrain a pupil.

These situations will fall into three broad categories:

- a) where action is necessary in self defence or because there is an imminent risk of injury;
- b) where there is a developing risk of injury, or significant damage to property;
- c) where a pupil is behaving in a way that is compromising good order and discipline.

Examples of situations that 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 running in a corridor in a way in which he or she might have or cause an accident likely to injure himself or herself or others;
- a pupil absconds from a class or tries to leave school (this will only apply if a pupil could be at risk if not kept in the classroom or at school).
- A pupil who displays extreme behavior in association with a learning disability and/or autistic spectrum disorder.

Examples of situations that fall into the third category are:

- a pupil persistently refuses to obey an order to leave the classroom;
- a pupil is behaving in a way that is seriously disrupting a lesson.

Reasonable Force

There is no legal definition of ‘reasonable force’. So it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case. However, the legal provisions on school discipline also provide members of staff with the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom. There are two relevant considerations:

- 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 from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force;
- the degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. 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, understanding and gender of the pupil.

Practical considerations

Before intervening physically, a member of staff should, wherever practicable, adopt a positive approach to improving behavior in order to reward effort and application and to build self-esteem and tell the pupil who is misbehaving to stop and what will happen if he or she does not.

(The school should work in partnership with parents/carers of SEND children to ensure they understand why the child displays certain behaviours and when possible, identify early warning signs that indicate foreseeable behaviours are developing.)

During any possible incident, the member of staff should continue attempting to communicate with the pupil throughout and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil. Sometimes, a teacher should not intervene in an incident without help (unless it is an emergency), eg when dealing with an older pupil, or a physically large pupil, or more than one pupil, or if the teacher believes he or she may be at risk of injury. In those circumstances the teacher should remove other pupils who might be at risk and summon assistance from a colleague or colleagues, or where necessary, phone the Police. The teacher should inform the pupil(s) that he or she has sent for help. Until assistance arrives, the teacher should continue to attempt to defuse the situation orally and try to prevent the incident from escalating.

Application of Force

Physical intervention can take several forms. it might involve staff:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- pushing;
- pulling;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back; or
- (in extreme circumstances) using more restrictive holds.

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force', eg, to prevent a young pupil running off a pavement onto a busy road, or to prevent a pupil hitting someone, or throwing something.

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 other way that might restrict the pupil's ability to breathe;
- 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;
- holding a pupil face down on the ground.

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

Where the risk is not so urgent, the teacher should consider carefully whether, and if so when, physical intervention is right. Teachers should always try to deal with a situation through other strategies before using force. All teachers need developed strategies and techniques for dealing with difficult pupils and situations which they should use to defuse and calm a situation. In a non urgent situation, force should only be used when other methods have failed.

That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline and there is no direct risk to people or property. As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated.

The age and level of understanding of the pupil is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older pupils. It should never be used as a substitute for good behavioural management.

Recording Incidents

Staff should keep an up-to-date record of all such incidents in an incident book and on the child's records. Immediately following any such incident the member of staff concerned should tell the Executive Head Teacher or a senior member of staff and complete a written 'incident report' as soon as possible afterwards. Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

Incidents involving the use of force can cause the parents/carers of the pupil involved great concern. It is always advisable to inform parents/carers of an incident involving their child and given them an opportunity to discuss it. The Executive Head Teacher or member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day and whether parents/carers should be told orally or in writing. Staff, as a matter of policy, will inform parents/carers of any incident that occurs. The incident report must be shared and discussed at the next full Governing Body.

Monitoring and review

This policy will be reviewed, revised and adopted by the Governing Body on an annual basis. This policy will be reviewed again in November 2018.