

Use of Reasonable Force to Control or Restrain Students Policy

Introduction

We must have a policy about using reasonable force to control or restrain students. All staff who may have to intervene physically with students must clearly understand the options and strategies open to them. This policy clarifies what is acceptable and what is not and will be brought to the attention of the governing body, parents, and children through its inclusion in the provision brochure and newsletter.

SWP Training has developed its policy to reflect its statutory duties and pastoral responsibilities. It refers to the procedures and advice to be followed and draws upon the guidance from circular No. 10/98 - Section 550A of the Education Act 1996: The Use of Force to Control or Restrain Students.

This policy must be read in conjunction with the provision's policy document on Child Protection.

Corporal punishment is in no way authorised by the following policy: Provision policy and the law forbid a tutor to use any degree of physical contact that is deliberately intended to punish a student, or which is intended to cause pain, injury, or humiliation.

1. Section 550a

The Education Act 1997 clarified the position regarding the use of physical force by tutors and others authorised by managers to control or restrain students. The clarification was made by adding a section (Section 550A) to the Education Act 1996.

This new section came into force on 1 September 1998 and applies to all provisions. It restates principles derived from common law and statute that have, in the past, been misunderstood. Where necessary, reasonable force can be used to control or restrain students. Physical contact with students may also be appropriate or necessary in other circumstances.

2. Policy Statement

Tutors and those authorised by the managers who have control or charge of children can use reasonable force to prevent a child from doing the following:

- committing a crime, including behaving in a way that would be an offence if the child were not under the age of criminal responsibility
- causing injury to themselves or others
- causing damage to property, including their own
- causing severe disruption, so good order and discipline could not be maintained.

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The policy is only applicable when an authorised person is on the provision premises or has lawful control or charge of the child concerned in an authorised out-of-provision activity.

3. POLICY AND PROCEDURES

3.1 Type of Incident

Situations where reasonable force may be necessary or appropriate fall into three broad categories:

- a) Where action is necessary either in self-defence or because of an imminent risk of injury.
- b) Where there is a developing risk of either injury or significant property damage.
 - o a child attacks a member of staff or another child
 - o children are fighting
 - o a child is committing or about to commit damage or vandalism to property
 - o a child is causing or likely to cause injury or damage by accident, rough play, or misuse of dangerous materials or objects
 - o a child absconds from a class or tries to leave provision. Applicable only if a child could be at risk if not kept in class or provision.
- c) Where a child behaves in a way that compromises good order and discipline.
 - o A child is behaving in a manner that is seriously disrupting other learners.

3.2 Reasonable Force

There is no legal definition of reasonable force. The degree and reasonability of force will depend upon the circumstances.

Physical force is not justified for:

- trivial misdemeanours
- a situation that can be resolved without force.
- be in proportion to the circumstances of the incident
- always be the minimum needed to achieve the desired result
- consider the age, understanding and sex of the child

3.3 Practical Considerations

Before intervening physically, a Tutor must:

- a) Tell the child who is misbehaving to stop
- b) Tell the child what will happen if he does not stop
- c) Continue to talk with the child throughout the incident

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- d) Make clear that physical contact will stop when it ceases to be necessary
- e) Retain a calm and measured approach
- f) Do not give the impression of loss of temper or that action is being taken out of anger, frustration, or a need to punish the child.

It may be inappropriate for a tutor to intervene in an incident without help unless in an emergency. In such cases, the tutor should:

- a) Remove other children who are at risk
- b) Summon help from colleagues
- c) Inform children that help has been sent for
- d) Continue to attempt to defuse the situation orally.

3.4 Application of Force

Physical intervention can involve:

- coming between children
- blocking a child's path
- holding, pushing or pulling
- leading a child by the hand or arm
- shepherding a child away by placing a hand in the centre of the back
- and in extreme circumstances, using more restrictive holds.

The above could take place to prevent a child from hitting someone or throwing something.

The power to restrain may be used where the staff member is lawfully in charge of a student, including while off the premises.

On no account can a member of staff act in a way that might cause injury:

- holding a child around the neck, by the collar or in a way that might restrict breathing
- slapping, punching or kicking a child; twisting or forcing limbs
- tripping up a child
- holding or pulling by the hair or ear
- holding a child face down on the ground.

Before using physical intervention, consider the following:

- Can the situation be dealt with using other strategies?
- Development of strategies for individual children which can be used to defuse or calm situations
- Whether such action will exacerbate the situation
- The age needs and level of understanding of the child

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- Whether the action is being used as a substitute for good behavioural management.

N.B. Staff should always avoid touching or holding a child in a way that a reasonable person might consider indecent.

Using force will never be used as a punishment – it is always unlawful to use force as a punishment.

3.5 Self Defence

Everyone has the right to defend themselves against an attack, provided they do not use disproportionate force to do so.

3.6 Authorised Staff

All SWP Training staff can use reasonable force to control or restrain students. Staff are required to undertake training annually.

3.7 Recording Incidents

A detailed, written report of any occasion where force is used is required. This will help prevent misunderstanding and be helpful should there be a complaint. This procedure would not be applicable in a minor or trivial incident.

Immediately following an incident, the member of staff concerned should tell the Director, who will inform the referring agency and home provision and provide a written report that should include the following:

- The name of the child or children involved
- Where the incident took place
- Names of witnesses, staff or children
- How the incident began and progressed. Include details of the child's behaviour, what was said, steps taken to defuse or calm the situation, degree of force used and how applied
- The child's response and outcome
- Details of any injuries or damage to property.

Parents/carers will be informed of any such incident. Wherever possible, this will be done orally.

3.8 Parental Consent

Parental consent is not needed to use force on a student.

3.9 Complaints

Complaints from parents could lead to an investigation, either under SWP Training's disciplinary procedures or by the Police or Social Services under child

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protection procedures. Any complaint would consider this restraint policy and whether it had been followed.

4. Physical Contact with Children in Other Circumstances

Suggesting that staff should only touch children in emergencies is necessary and realistic. However, tutors must remember that even perfectly innocent actions can sometimes be misconstrued. Tutors must be sensitive to a child's reaction to physical contact and act appropriately. It is also important not to touch children, however casually, in ways or on parts of the body that might be considered indecent.

In extreme cases, which, while rare, do occur, a tutor might have to physically restrain a child to prevent him or her from causing injury to themselves, others, or property. In such instances, no more than the minimum necessary force should be used, and the tutor should seek to avoid causing injury to the student. Such an incident must be reported to Management.

Where a member of staff has concerns that their actions may be misconstrued, it is essential that incidents are reported to SWP Training's management.