

Hinckley Parks Primary School



REASONABLE FORCE & RESTRAINT POLICY

Date Ratified: September 2018

Review Cycle: 2 yearly

Review Date: September 2020

Opportunities | Wisdom | Legacy

Our school vision is based on our school motto, 'Opportunities, Wisdom, Legacy.' At Hinckley Parks Primary School, we strive to provide an inspiring and exciting wider curriculum together with a stimulating learning environment which will allow children the opportunity to enjoy a wide range of experiences which will develop the whole child and prepare them for the next stage of their lives. We recognise that education is a life long journey and ensure that we support children and teachers at all times to ensure that we provide the highest standard of teaching and learning possible for all children. Through our school values, we help each child develop knowledge and understanding as well as having a positive attitude towards themselves and others to enable them to enjoy a successful life in school and to allow them to make a positive contribution to society in the future. We celebrate success and achievement for every child and pride ourselves on developing a culture where children and adults look back fondly on their time spent at Hinckley Parks Primary School.

Leader: Cathy Suett

Governor Link: Claire Wale

Signed by Headteacher:

Signed by Chair of Governors:



This Policy should be read in conjunction with the DCSF guidance published in April 2010, “The use of force to control or restrain pupils” which has been shared with all staff and “Use of Reasonable Force Advice for Headteachers, Staff and Governing Bodies”

Aims

The aims of this policy are to enable the staff at Hinckley Parks Primary School:

- 1) To create a learning environment in which young people and adults feel safe.
- 2) To protect every person in the school community from harm.
- 3) To protect all pupils against any form of physical intervention that is unnecessary, inappropriate, excessive or harmful.
- 4) To put in place guidance for staff so that they are clear about the circumstances in which they might use reasonable force to restrain pupils and how such reasonable force might be applied.

Legal Framework

All School staff members have a legal power to use reasonable force to prevent pupils committing a criminal offence, injuring themselves or others or damaging property, and to maintain good order and discipline.

Section 93 of the Education and Inspections Act 2006 enables school staff to use reasonable force to prevent a pupil from:

- a) committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil); or
- b) causing personal injury or damage to property; or
- c) prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

The staff to which this power applies are:

- i. any member of staff at the school;
- ii. any other person whom the head has authorised to have control or charge of pupils. This can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on school-organised visits); and
- iii. does not include any pupils (including those in positions of authority, such as advocates).

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

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. This policy and related use of force guidance is intended to help staff feel more confident about using force when they think it is right and necessary.

It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.

Reasonable force

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.

In schools force is generally used for two different purposes – to control pupils and to restrain them.

- Control can mean either passive physical contact (e.g. standing between pupils or blocking a pupil's path) or active physical contact (e.g. leading a pupil by the hand or arm, or ushering a pupil away by placing a hand in the centre of the back).
- When members of staff use "restraint" they physically prevent a pupil from continuing what they were doing after they have been told to stop. The use of restraint techniques is usually used in more extreme circumstances, such as when two pupils are involved in a fight and physical intervention is needed to separate them.

Judging whether to use force and what force to use

The judgement on whether to use force and what force to use will always depend on the circumstances of each case and – crucially in the case of pupils with SEN or disabilities – information about the individual concerned.

The school will develop an individual risk assessment where it is known that force is more likely to be necessary to restrain a particular pupil, such as a pupil whose SEN and/or disability is associated with extreme behaviour.

Based on this legal framework, our 'working' definition of 'reasonable force' is the minimum force necessary to prevent a pupil from physically harming him/herself or others or seriously damaging property, but used in a manner which attempts to preserve the dignity of all concerned. The use of

reasonable force will always depend on the circumstances of the case and staff should take the following into consideration:

- whether it is reasonable to use force, and the degree of force that could reasonably be employed, given the age, sex, physical strength, size, understanding, medical conditions and any special educational needs of the pupil.
- 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 should 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 diffuse the situation.