

St Joseph's Catholic Voluntary Academy



With God's Guidance We Love, Learn, Respect and Forgive

Part of the St Thomas Aquinas Catholic
Academy Trust

Use of Force and Restrain to Control Pupils Policy

Written	18/02/21
Signed (Chair of Governors)	 Kate Howells Chair of Governors St Josephs Catholic Voluntary Academy
Review (February 2022)	

Introduction:

St Joseph's Catholic Academy is committed to maintaining the safety of pupils and staff. Situations involving decisions about whether to use force can occur in school. This policy seeks to establish clear guidelines on the use of force by staff and acts as an important part in minimising risks associated with choosing to use or not use force.

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 pupil 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 him/herself)
- 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.

Objectives:

This policy seeks to:

- Ensure the safety of pupils and staff
- Prevent serious breaches of school discipline o Prevent serious injury to staff and/or pupils
- Provide guidelines to staff when faced with situations that may require the use of force

Minimising the use of force:

The following principles should help to minimize the need to use force:

- Establishing a calm school environment
- Ensuring appropriate levels of supervision, including break and lunchtimes
- Using PSHE/R.E to teach pupils how to manage conflict and strong feelings
- Using emotional intelligence to de-escalate incidents if they do arise
- Developing appropriate risk assessments and positive handling plans for individual pupils

- Only using force where the member of staff considers that the risks involved in doing so are outweighed by the risks involved in not using force

Staff Authorisation

Permanent authorisation: All teachers and support staff who have control or charge of pupils automatically have the statutory power to use force. This includes teachers, teaching assistants and Lunchtime supervisors.

Where Physical intervention is required on a daily basis the Head Teacher will ensure that training is sought (Team Teach) and a list of trained staff will be available in the main office and displayed on the safeguarding board in the staff room.

Temporary authorisation: May be issued by the Headteacher to other members of staff involved in supervising pupils, e.g. site staff, office staff or volunteers. Any such authorisation will be given in advance and will be time limited.

Deciding whether to use force

Force May be considered when:

- There is a need to prevent injury to another pupil and/or member of staff or to the pupil themselves
- A pupil fails to comply with a reasonable instruction to stop an action that is potentially dangerous to themselves or others
- A pupil's actions place in jeopardy the health and safety of others
- A pupil's behaviour seriously prejudices good order and discipline in the school
- Members of staff should use the following guidelines to decide whether or not force should be used in particular circumstances.
- The potential consequences of not intervening were sufficiently serious to justify considering using force
- The chances of achieving the desired result by other means were judged to be low o The risk associated with not using force outweigh those of using force
- There was identifiable risk to other pupils and/or members of staff and/or school property o Proper account should be made of any particular Special Education Need and/or disability that a pupil may have

It is worth noting, however, that decisions often need to be made quickly and **that the professional judgement of the member of staff involved is key.**

Staff should seek to minimise the most serious risks, for example calling for assistance if necessary and ensure that any force used is reasonable and proportionate.

Using force:

It is important to use the minimum force necessary to achieve the desired result. It is always unlawful to use force as a punishment.

- A clear verbal warning should be given to the pupil that force may have to be used
- Restraint that is likely to injure a pupil (particularly anything that could constrict breathing) should only be used in extreme cases or where there was no viable alternative
- Wherever possible force should not be used unless there is another responsible adult present to support, observe and call for assistance.

The types of force used could include:

- a. Passive physical contact resulting from standing between pupils or blocking pupils
- b. Active physical contact such as:
 - leading a pupil by the hand or arm
 - ushering a pupil away by placing a hand in the centre of the back in more extreme cases using appropriate physical restraint

Where there is a high and immediate risk of death or serious injury, a member of staff is justified in taking any necessary action (consistent with seeking to use the minimum force required to achieve the desired result) e.g. preventing a pupil running in to a busy road or preventing a pupil hitting someone with a dangerous object such as a hammer or glass bottle.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However it may not always be possible to avoid injuring a pupil.

Staff should avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

Examples of situations that call for judgements of this kind might include:

- A pupil attacking a member of staff, or another pupil o Pupils fighting
- A Pupil deliberately damaging property
- A Pupil causing, or at risk of causing, injury or damage by accident, rough play, or by misuse of materials or objects
- A Pupil persistently refusing to follow an instruction to leave a classroom
- A pupil behaving in a way that seriously disrupts a lesson, school event or visit o A pupil placing him/herself at risk by absconding from school

In these examples the use of force would be reasonable if the behaviour was sufficiently dangerous or disruptive to warrant physical intervention and could not realistically be dealt with by other means.

Recording incidents

A written record should be made to record details of any incidents requiring the use of force. This should be completed on CPOMS as soon as is practically possible after the incident.

Complaints

All complaints made relating to the use of force will be dealt with according to the school's complaints procedure.

Monitoring and Review

The Headteacher and members of the SLT will monitor the use of this policy on a day to day basis. Periodic reports will be made to the Governing Body about the use and implementation of this policy.

The policy is subject to regular review, according to the cycle of policy review determined by the Governing Body.

Gender Equality Duty

This policy has been reviewed in the context of Gender Equality Impact and assessed as: Neutral