

Guidelines on the use of force to control or restrain a pupil

All school staff members have a legal power to use reasonable force in certain circumstances, but everyone would agree that force should be used only as a last resort.

The term 'use of force' covers the broad range of strategies that involve a degree of physical power to prevent pupils from hurting themselves or others, damaging property or causing disorder. The range stretches from leading a pupil to safety by the hand or arm, through to extreme circumstances where a pupil needs to be restrained to prevent violence or injury.

There is no statutory definition of 'reasonable force'. Whether the force used is reasonable will always depend on the circumstances of individual cases. Deciding on whether the use of force is justified will depend in part upon the context in which the misbehaviour takes place. The test is whether the force used is proportionate to the consequences it is intended to prevent.

The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour.

Decisions on whether the precise circumstances of an incident justify the use of force must be reasonable. Typically such decisions have to be made quickly, with little time for reflection. Nevertheless, staff need to make the clearest possible judgement about:

- a. the chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified;
- b. the seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used. The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified; and
- c. the relative risks associated with physical intervention compared with using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force may be justified.

Example situations

Examples of situations that particularly call for judgments of this kind include:

- a. a pupil attacks a member of staff, or another pupil;
- b. pupils are fighting, causing risk of injury to themselves or others;
- c. a pupil is committing, or on the verge of committing, deliberate damage to property;
- d. a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or object;
- e. a pupil absconds from a class (or detention) or tries to leave school other than at an authorised time.

Refusal of a pupil to remain in a particular place is not enough on its own to justify use of force.

It would only be justifiable where allowing a pupil to leave would:

- i. entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property; or
- ii. lead to behaviour that prejudices good order and discipline, such as disrupting other classes;

f. a pupil persistently refuses to follow an instruction to leave a classroom;

g. a pupil is behaving in a way that seriously disrupts a lesson; or

h. a pupil is behaving in a way that seriously disrupts a school sporting event or school visit.

In these examples use of force is likely to be construed as reasonable (and therefore lawful) if it was clear that the behaviour was sufficiently dangerous or disruptive to warrant physical intervention of the degree applied and could not realistically be dealt with by any other means.

Before using force staff should engage the pupil in a calm and measured tone, making clear that their behaviour is unacceptable and setting out how the pupil could choose to change their behaviour. Staff should not give the impression of acting out of anger or frustration, or to punish a pupil, and should make it clear that they only intend to use physical intervention as a last resort to ensure that the situation is addressed as safely as possible. The use of force must always be proportionate to the level of risk and should always be reduced at the earliest possible time.

In schools, force is generally used for two different purposes – to control pupils and to restrain them. By control we mean 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). Control can also mean more forceful action. Restraint means the use of restraint techniques and is usually used in more extreme circumstances, such as when two pupils are involved in a fight and refuse to separate without physical intervention. This can involve using appropriate restrictive holds, which may require specific expertise or training.

Parental consent is not required to restrain a pupil.

A school policy cannot lawfully prevent teachers or other staff whose job includes responsibility for pupils from using reasonable force.

The absence of accredited training does not preclude a member of staff from using reasonable force where needed.

Schools may also need to make individual risk assessments 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. An individual risk assessment is also essential for pupils whose SEN and/or disabilities are associated with:

- a. communication impairments that make them less responsive to verbal communication;
- b. physical disabilities and/or sensory impairments;
- c. conditions that makes them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
- d. dependence on equipment such wheelchairs, breathing or feeding tubes.

It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1996.

Schools should develop positive handling plans for individual pupils who, through a special need or disability, are assessed as being at greatest risk of needing restrictive physical interventions in consultation with the pupil and parents.

There are a number of ways for schools to help reduce the possibility of force being needed:

- a. creating a calm, orderly and supportive school climate that minimizes the risk and threat of violence of any kind.
- b. developing positive relationships between pupils and staff;
- c. adopting a whole-school approach to developing social and emotional skills. *The Social and Emotional Aspects of Learning* (SEAL) programme may be useful.
- d. taking a structured approach to professional development that helps staff to acquire the skills of positive behaviour management and managing conflict, as well as supporting each other during and after an incident.
- e. recognising that situations which trigger challenging behaviours are often foreseeable;
- f. effectively managing individual incidents. It is important to communicate calmly with the pupil, using non-threatening verbal and body language and ensuring the pupil can see a way out of a room, away from bystanders or other pupils, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the pupil; and
- g. wherever practicable, warning a pupil that force may have to be used before using it.

Schools cannot achieve consistently good standards of behaviour without the active support of parents. Behaviour and restraint policies therefore need to be available to parents on the school website, and with written copies available on application.

The governing body must ensure that a procedure is in place, and is followed by staff, for recording and reporting to parents, *significant* incidents where a member of staff has used force on a pupil. The record must be made as soon as practicable after the incident.

Teachers have a duty of care and, while a child is under their care are regarded as being in place of the parent (“in loco parentis”). It follows that the potential has always existed for a teacher to face an action for assault or negligence where his or her use of force or failure to use force has led to a child being injured or harmed. The introduction of a specific statutory power to use force has not created this situation, but does provide school staff with a more robust defence against unfounded allegations.