



# **Notting Hill Preparatory School**

## **1.5 Policy on the Use of Force to Control or Restrain Pupils (EYFS & KS1-3)**

Reviewer responsible: **Deputy Head Pastoral**  
Reviewed by: **HF**

Date of last review: **05/21**  
Date of next review: **07/23**

## **POLICY ON THE USE OF FORCE TO CONTROL OR RESTRAIN PUPILS**

This policy has been prepared for all teaching staff and support staff who have contact with pupils and for volunteers working within the school, to explain the school's arrangements for controlling and restraining pupils. All members of the Notting Hill Prep school community and parents and should be familiar with the policy.

All members of staff and volunteers who might have to intervene physically with pupils should understand the options and strategies open to them. They should know what is acceptable and what is not. These guidelines have been drawn up according to the recommendations made by the DfE Use of Reasonable Force 2013 (*1996 Education Act (section 550A)*). It is consistent with the Kensington and Chelsea LEA guidelines.

The policy should be read in tandem with other school policies relating to interaction between adults and pupils, notably the school **Managing Behaviour** and **Safeguarding and Child Protection** Policies.

### **Purpose of the Policy**

Good personal and professional relationships between staff and pupils are vital to ensure good order and discipline in the school. We recognise that the majority of pupils in our school respond positively to the discipline and control practised by staff. This ensures the well being and safety of all pupils and staff in school. It is also acknowledged that, in exceptional circumstances, staff might need to use reasonable force to control a situation.

This policy seeks to ensure that all the staff in school understand clearly their responsibilities in using reasonable force in exceptional circumstances. It is imperative that staff are well-informed and trained appropriately to deal with these difficult situations and understand fully the rationale and implications of this policy document.

### **Corporal Punishment**

The use of corporal punishment is not allowed. The law forbids a teacher to use any degree of physical contact that is intended deliberately to punish a child or that is intended primarily to cause pain, injury or humiliation.

### **Planning for Incidents**

Notting Hill Prep is aware that any pupil may behave in a way that might require physical control or restraint. It is essential that staff plan how to respond if such a situation arises. Such planning needs to address:

- how the pupil will be controlled in order to prevent conflict
- the contact/holds that can be used to restrain the pupil
- the involvement of parents, informing them about the specific action the school might need to take
- briefing staff to ensure that they know exactly what action they should take (this could identify a need for training or guidance)
- the additional support that can be summoned, if necessary
- taking medical advice about the safest way to hold a pupil with specific health or educational needs.

### **Using Reasonable Force**

Teachers, and others authorised by the Headmistress to have control or charge of pupils, are allowed to use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- committing a criminal offence (including behaving in a way that would be an offence if that pupil were not under the age of criminal responsibility)
- injuring themselves or others
- endangering themselves or others
- causing damage to property (including the pupil's own property)
- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

The provision applies when a teacher, or authorised person, is on the school premises, and when he or she has lawful control or charge of the pupil concerned elsewhere, e.g. on a field trip or other authorised activity.

### **Authorised Staff**

- All teachers (including Supply and Peripatetic Teachers) at Notting Hill Prep can use reasonable force to control or restrain a pupil.
- Other non-teaching support staff in charge of, or in control of, pupils and authorised by the Headmistress. This covers Teaching Assistants, Learning Support Assistants (when applicable), Lunchtime Supervisors, Playground Assistants, Administrative Staff, the Caretaker or voluntary helpers, including adults accompanying pupils on visits, exchanges or holidays organised by the school.
- Those adults mentioned above can use restraint only when authorised to have control of the pupils.
- The Headmistress and SMT are responsible for making sure staff are aware of what the authorisation involves.

### **Action in Self-defence or in an Emergency**

Everyone has a right to defend himself or herself against an attack, provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency – for example, if a pupil were at immediate risk of injury or on the point of inflicting injury on someone else – any member of staff is entitled to intervene.

### **Types of Incidents**

Situations, in which reasonable force might be appropriate, or necessary, to control or restrain a pupil, fall into three broad categories.

1. Where action is necessary in self-defence or because there is an imminent risk of injury to the teacher, the pupil himself/herself or other pupils.
2. Where there is a developing risk of injury, or significant damage to property.
3. Where a pupil is behaving in a way that is severely compromising good order and discipline

#### Examples of situations that fall into categories 1 and 2:

- a pupil attacks a member of staff, or another pupil
- pupils are fighting in class or in the playground
- 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 or on a stairway in a manner in which he or she might have, or cause, an accident likely to injure him or herself or others
- a pupil absconds from a class or tries to leave school (this only applies if the child will be at risk).

#### Examples of situations that fall into category 3:

- a pupil persistently refuses to obey an instruction to leave a classroom and report to the Deputy Head or Headmistress's office.
- a pupil is behaving in a way that is seriously disrupting a lesson.

### **Reasonable Force**

#### What is reasonable force?

The Department for Education gives the following advice on the use of 'reasonable force' for headteachers, staff and governing bodies (July 2013):

1. It covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.

2. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, schools generally use force to control pupils and to restrain them.
5. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
6. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
7. School staff should always try to avoid acting in a way that might cause injury but in extreme cases it may not always be possible to avoid injuring the pupil.

### **Important Considerations**

- Staff must take into account the age, physique, special needs requirements, medical conditions and disabilities of all children when applying control or restraint.
- 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 justify the use of physical force; for example, physical force should not be used to prevent a pupil from committing a trivial misdemeanour, or in a situation that could be clearly 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 should always be the minimum needed to achieve the desired result.
- Whether it is appropriate to use force, and the degree of force that could reasonably be employed, will depend on the age and understanding of the pupil.
- Staff at Notting Hill Prep are aware that failure to take action in circumstances which merit it can be as serious as overreacting. In many circumstances, it is not a safer option for a teacher to do nothing or to take very limited action, when to take action would restore safety. However this action may simply involve swiftly alerting a third party.

### **Practical Considerations**

Before intervening physically, the authorised person should, wherever practical:

- clearly tell the pupil who is misbehaving to stop, and state what will happen if he or she does not stop
- continue attempting to communicate with the pupil throughout the incident using clear, non-threatening language and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary
- keep a calm and measured approach: the teacher/authorised person should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil
- not intervene in an incident without help (unless in an emergency) if the authorised person feels they could be at risk of injury, for example when dealing with an older pupil, or a physically large child, or more than one pupil
- in difficult circumstances remove other pupils who are at risk, and summon assistance from a colleague or colleagues or, if deemed necessary, the Police
- inform pupils that he or she has sent for help
- attempt to defuse the situation orally until assistance arrives and try to prevent the incident from worsening

### **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 the pupil by the hand or arm
- shepherding a pupil away by placing a hand in the centre of the back
- using a more restrictive hold in extreme circumstances.

In exceptional circumstances, where there is an immediate risk of injury, a member of staff might need to take any reasonable action that is consistent with the concept of 'reasonable force': for example, to prevent a pupil hitting someone or throwing something.

**Staff should not act in a way that could cause injury to the pupil unless the extreme circumstances of a case render it unavoidable. They should not:**

- hold a pupil around the neck or by the collar, or in any other way that might restrict the pupil's ability to breathe
- slap, punch or kick a pupil
- twist or force limbs against a joint
- purposefully trip a pupil
- hold or pull a pupil by the hair or ear
- hold a pupil face down on the ground.

Staff should always avoid touching a pupil in a way that might be considered inappropriate (see **NHP Code of Conduct for Staff**).

Where the risk is less urgent, the teacher should consider carefully whether and, if so, when, physical intervention is right. The age and level of understanding of the pupils is very relevant.

All teachers need to develop strategies and techniques for dealing with difficult pupils and situations and they should use these strategies to defuse and calm situations before using force. This is particularly appropriate in situations where the aim is to maintain good order and discipline.

The possible consequences of intervening physically, including that of increasing the disruption or actually provoking an attack, need to be weighed carefully. Any action that might exacerbate the situation should be avoided.

Physical intervention to enforce compliance should never be used as a substitute for good behaviour management.

### **Recording Incidents**

It is vital that there is a detailed, written report of any occasion (including relatively minor or trivial incidents) where force is used. Diagrams should be used where applicable.

### **Incident Log**

Immediately after any incident, the member of staff concerned should inform the Headmistress, or a member of the SMT, and provide a written report as soon as possible using the Incident Sheets. See

**Appendix 1.** The report should cover:

- the name(s) of the pupil(s) involved
- when and where the incident took place
- the names of any staff or pupils who witnessed the incident
- why the use of force was deemed necessary (e.g. to prevent injury to the pupil, or another pupil or member of staff)
- how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how it was applied and for how long
- the pupil's response
- the outcome of the incident
- detailed description of any injury suffered by the pupil, another pupil, or member of staff and any damage to property.

Staff might find it helpful to seek advice from a senior colleague when compiling a report. The Headmistress or a member of the SMT will support staff who need to write such reports. Staff should keep a copy of the report.

The use of force can cause the parents of the pupil involved great concern. Parents should be informed as soon as possible and given an opportunity to discuss the incident as soon as possible with the Headmistress or, in her absence, the Deputy Head (Pastoral). This can be after school, by telephone or by letter.

### **Complaints**

If staff follow the clear guidelines and parents are notified, complaints should be avoided. However, this might not prevent all complaints and it could lead to an investigation. Documentation on procedures for dealing with allegations is included in the **Complaints** Policy and **Managing Allegations Against Staff** Policy.

The possibility cannot be ruled out that a complaint might result in a disciplinary hearing, a criminal prosecution, or a civil action brought by a pupil or parent. It would then be for the disciplinary panel or court to decide whether the degree of force was reasonable in the circumstances.

Physical contact with pupils becomes increasingly open to question as pupils get older. Staff should bear in mind that even innocent and well-intentioned physical contact can, sometimes, be misconstrued. The Headmistress is committed to maintaining a school with an 'open door policy' for pupils, staff and parents. In this way it is anticipated that misunderstandings will be resolved at the earliest opportunity.

## Appendix 1

### Notting Hill Preparatory School

#### INCIDENT SHEET: The Use of Force to Control or Restrain Pupils

Name of pupil(s) involved:

Name(s) of staff involved:

Names of pupils or staff who witnessed the incident:

Reasons the force was necessary: e.g. to prevent injury to a pupil:

Date and time of incident:

Place:

How the incident began and progressed, including details of the pupil's behaviour, what was said, steps taken to diffuse the situation, the degree of force used, how it was applied and for how long:

The pupil's response and the outcome of the incident:

Details of any injury suffered by the pupil, another pupil, or a member of staff and any damage to property:

Further action:

Signature(s) of teacher(s) involved:

Date:

Headmistress/Deputy Head:

Date: