



The Froebelian School

Use of Reasonable Force to Control or Restrain Children Policy

The provisions in this document apply to all aspects of the school including EYFS, Breakfast Club, Little Acorns, Homework and Activities Club, Summer Holiday Club, school trips and extra-curricular activities.

Introduction

The safety and wellbeing of pupils is of paramount importance. On rare occasions, this may require a member of staff to use reasonable force to control or restrain a pupil. These guidelines are intended to help parents and staff to understand what is, and what is not, acceptable if it is considered necessary to use reasonable force to control or restrain a pupil.

This policy is based on the DfE guidance: 'Use of reasonable force' - Advice for headteachers, staff and governing bodies (July 2013)

Acceptable physical contact with children

The school believes that to deny children all physical contact with adults is to deny a basic human need and an expression of care and concern for all children.

However physical contact must be appropriate for the age, understanding and gender of the child and must never threaten or be sexually inappropriate.

Staff must be sensitive to:

- cultural backgrounds
- the need to maintain children's personal space
- be aware of children who have been sexually abused and will either seek physical contact or positively avoid it

Physical contact may be appropriate

- when a child needs to get comfort or reassurance e.g. following an accident or personal crisis.
- when a child needs encouragement to attempt a new challenge e.g. to climb on to a piece of apparatus.
- when there is a need to take urgent action to avoid an incident or injury.

However staff should take extreme care when offering physical comfort to children of the opposite gender, particularly as they approach puberty because physical contact can be misconstrued and this can cause distress to all concerned.

Corporal punishment is banned

It has long been the policy at the Froebelian School that staff are not allowed to use corporal punishment when dealing with children. In 1998, the School Standards and Framework Act banned the use of corporal punishment in all schools including independent ones like Froebelian.

In Section 548 of the Education Act 1996, corporal punishment is defined as doing anything to a child which would constitute battery. The same Section makes clear that anything done to avert immediate danger of personal injury (including physical restraint), or damage to property, would not be considered corporal punishment. It is important to note that in such circumstances there must not be any element of punishment in the restraint (e.g. if the arms of a child were held by an adult to prevent injury, the minimum force necessary must be applied to achieve the prevention of injury).

What is reasonable force?

1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point that involves a degree of physical contact with children.
2. Force is usually used either to control or restrain. This can range from guiding a child to safety by the arm through to more extreme circumstances such as breaking up a fight or where a child 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. Control means either passive physical contact, such as standing between children or blocking a child's path, or active physical contact such as leading a child by the arm out of a classroom.
5. Restraint means to hold back physically or to bring a child under control. It is typically used in more extreme circumstances, for example when two children are fighting and refuse to separate without physical intervention.
6. School staff 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 child.

Power to use reasonable force

Section 550A of the Education Act 1996 (inserted into that Act by Section 4 of the Education Act 1997) gives staff the right, when authorised by the Headteacher, to use reasonable force to safeguard a child or children.

This statement confirms that the Headteacher of the Froebelian School does authorise members of staff to use reasonable force if necessary to safeguard a child or children.

Who can use reasonable force?

- All members of school staff have a legal power to use reasonable force.
- This power applies to any member of staff at the school. It can also apply to people whom the headteacher has temporarily put in charge of children such as unpaid volunteers or parents accompanying students on a school organised visit.

When can reasonable force be used?

- Reasonable force can be used to prevent children from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control children or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.
- The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a child behaving in a way that disrupts a school event or a school trip or visit;
- prevent a child leaving the classroom where allowing the child to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a child from attacking a member of staff or another child, or to stop a fight in the playground; and
- restrain a child at risk of harming themselves through physical outbursts.

Schools cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.

Power to search pupils without consent

In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”.

- stolen items

- knives and weapons
- alcohol
- illegal drugs
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force **cannot** be used to search for items banned under the school rules.

Keeping records

If it is necessary to use force, a senior member of staff and the Designate Safeguarding Lead must be informed as soon as possible. Serious incidents are recorded on our pupil management information system and should include the following details:

- Name(s) of staff involved
- Date, time and place
- Name(s) of pupil(s) involved
- Names of any witnesses
- Description of the incident
- Any steps taken to deal with the incident prior to the use of force
- Nature of the force used
- Reason why force was considered necessary
- The pupil's response
- The outcome
- Details of any injury suffered and/or any damage to property

Telling parents when force has been used on their child

- Parents will be informed if their child has been involved in a serious incident which has required reasonable force to be applied to them.
- In deciding what is a serious incident, teachers use their professional judgement and consider the:
 - child's behaviour and level of risk presented at the time of the incident;
 - degree of force used;
 - effect on the child or member of staff; and
 - the child's age.

What happens if a pupil complains when force is used on them?

- All complaints about the use of force will be thoroughly, speedily and

appropriately investigated.

- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made, the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

What about other physical contact with pupils?

- It is not illegal to touch a child. There are occasions when physical contact, other than reasonable force, with a child is proper and necessary.
- Examples of where touching a child might be proper or necessary:
 - Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
 - When comforting a distressed child;
 - When a child is being congratulated or praised;
 - To demonstrate how to use a musical instrument;
 - To prevent a young child from running onto a busy road, or to prevent a child from hitting someone or throwing something;
 - To demonstrate exercises or techniques during PE lessons or sports coaching; and
 - To give first aid.

Staff should always avoid touching or holding a child in a way that might be considered indecent.

Staff must always consider whether a risk is urgent and whether there is any alternative to physical intervention.

Risk Assessment

- all staff including teachers, classroom assistants and other colleagues in the school must be informed about children/families who are vulnerable or volatile.
- vulnerable or volatile children/families should be clearly identified in documentation e.g. on the child's profile and on the main records which will be annotated.
- a risk assessment based on knowledge and previous experience will be carried out and a plan of action for individuals will be written by the Headteacher or delegated member of staff.

Complaints

Parents may complain about this policy, or any action taken under it, by following the school's normal complaints procedure; for further details visit our website (www.froebelian.co.uk) or contact the School Office.

Reminder for Staff - Dos and Don'ts

Do	Don't
Know the procedures in our school	Act in temper
Stay calm	Place yourself at risk
Tell the child what you are doing and why	Involve other children in the restraint
Use the minimum force necessary	Grasp or hold the child in sexual areas
Involve other staff if possible	Twist or force limbs back against the joint
Tell the child what he/she must do for you to remove the restraint	Bend fingers or pull hair
Use simple language	Hold the child in a way that restricts blood flow or breathing
Relax your restraint in response to the child's compliance	Slap, punch, pinch or kick
	Trip up the child

This policy is reviewed regularly by the Headteacher, in consultation with the governing body, in the light of experience, research and good practice.

Policy Date: October 2018

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