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Europa School UK - The Use of Reasonable Force to Control or Restrain Pupils

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V1	August 2020	
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Section 550A of the Education Act 1996 came into force on 1 September 1998 and applies to all schools. This section sought to clarify the powers of teachers, and other staff who have lawful control over pupils, to use reasonable force to prevent pupils committing a crime, causing injury or damage or causing disruptions. DfEE Circular 10/98 provides guidance on the way in which the legislation should be interpreted in schools.

The 1996 Act (section 548-550) makes it clear that corporal punishment by way of sanction is forbidden.

In the DFE document “Use of reasonable force (July 2013)” it states:

“Schools can use reasonable force to:

- Remove disruptive children from the classroom where they have refused to follow instructions to do so
- Prevent a pupil behave in a way that disrupts a school event or a school trip or visit
- Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviours of others
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- Restrain a pupil 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.

Reasonable Force

There is no legal definition of 'reasonable force' but three criteria are established for guidance:

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 it.

The degree of force employed must be in proportion to the circumstances of the incident and in all cases the force should be kept to the minimum needed to achieve the desired result.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, will depend on the pupil's age, understanding, physical maturity and sex.

The use of reasonable force against a pupil to prevent them from:

- Committing a criminal offence, whether or not the pupil concerned has reached the age of criminal responsibility.

- Injuring themselves or others.

- Damaging property, including their own property.

- Behaving in a way, which is prejudicial to the good discipline and order of the school whether in the classroom or elsewhere where the teacher has lawful control of a pupil.

This provision applies when the teacher, or other authorised person, is on the school premises and when he/she has lawful control or charge of the pupil concerned elsewhere, for example on a field trip or some other authorised out of school activity.

Guidance during an incident

Force should be used in all incidents as a method of last resort and if at all possible prior to intervention help from a colleague should be sought urgently. Other pupils should never be involved in restraint. Strategies and techniques that help calm and diffuse the situation should be used wherever possible.

These include:

- Before intervening physically, a teacher or member of staff should, wherever practical, tell the pupil who is misbehaving to stop and what will happen if she does not stop.

- The teacher should attempt to continue to communicate with the pupil during the incident and should make it clear that physical contact or restraint, if applied, will stop as soon as it ceases to be necessary.

- An assured, calm, and non-confrontational approach is helpful, however trying the circumstances. This can be conveyed by one's tone of voice and body language.

- Allow the pupil to 'save face'.

There are times when a teacher should not intervene in an incident without help, unless it is an absolute emergency. These might include when dealing with a physically larger pupil or a group of pupils or when the teacher believes he/she is at risk. In these circumstances, the teacher should:

- Remove other pupils at risk and summon help from a colleague, and inform the Headmistress as soon as possible.

Continue to diffuse the situation orally and try to prevent it escalating until help arrives.

Physical Intervention can take a number of forms such as:

- Physically interposing between pupils.
- Standing in the way of a pupil.
- Holding, pushing and pulling.
- Leading a pupil away from an incident by the hand or by gentle pressure on the centre of the back.
- In extreme cases, more restrictive holds may be used.

Restraint must NOT be:

- Holding around the neck or any other hold that might restrict breathing.
- Kicking, slapping, punching.
- Forcing limbs against joints (e.g. arm lock).
- Tripping or holding by the hair or ear.
- Contact with sexually sensitive areas.
- Holding face down on the ground.

Recording Incidents

It is essential that members of staff involved in incidents inform the Headmistress orally and complete a detailed report as soon as possible after the event. The written report should include:

- The name(s) of the pupil(s) involved and when, and where, the incident took place.
- The names of other staff and pupils who witnessed the incident.
- The reason force was necessary.
- How the incident began and progressed, including details of the pupils' behaviour, what was said by those involved, the steps taken to defuse or calm the situation, the degree of force used, how that was applied and for how long.
- The pupil's response and the outcome of the incident.
- Details of any injuries suffered by the pupil, another pupil or any member of staff and of any damage to property.
- The parents of the pupil/s involved need to be informed as soon as possible after the event.

Staff may wish to seek advice from a colleague or from a representative of their professional body. They should keep a copy of the report.

Training

The school will offer training on physical restraint to all members of staff as required.