

The Federation of Abbey Infant and Junior Schools

**Policy on the use of force by staff to control or restrain pupils used in association with Department for Children, Schools and Families non- statutory guidance 'The Use of Force to Control or Restrain Pupils'.**

The Schools believes that a key objective is to maintain the safety of pupils and staff. Restraining pupils would only be done in the event of serious breaches of school discipline or preventing serious damage to property.

The schools work hard to promote and maintain a calm environment through its ethos and using Social and Emotional Aspects of Learning's approaches to teach pupils how to manage conflict and hard feelings. Situations that require using force are rare and staff should not restrain pupils unless the risks involved in doing so are outweighed by the risks of not using force. We believe that in the event of force being required, all staff should be authorised to intervene whilst at the same time being aware of their own health and safety. Members of the Leadership Group should be sent for in order to support the situation.

All staff will be given information concerning pupils who may require additional behavioural strategies and the procedures for 'Cooling Down Time' and specific arrangements for named children.

Staff should always follow the Discipline Procedure and give a clear oral warning to the pupil that force may have to be used.

All incidents will be recorded and reported to the pupil's parents and the Governing Body. The schools will take guidance on further action.

## Department for Children, Schools and Families

# THE USE OF FORCE TO CONTROL OR RESTRAIN PUPILS

## Non-statutory guidance for schools in England

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### **Introduction**

1. This guidance for schools in England replaces and supersedes DfES Circular 10/98, *The Use of Force to Control or Restrain Pupils*. Like the relevant legislation, it applies to all schools.
2. A joint Ministry of Justice-DCSF review of physical restraint in secure settings for young people (young offender institutions; secure training centres; secure children's homes) is due to report in spring 2008. The review's conclusions may have implications for schools. This guidance will be reviewed in the light of those conclusions and amended if necessary.
3. This guidance is aimed particularly at senior school leaders (head teachers and staff who have specific responsibility for pupil behaviour such as lead behaviour professionals), but is also relevant to all staff and governors.
4. The guidance is non-statutory. This means that there is no legal requirement for schools to follow it. However the guidance should help

schools to understand what the law means for them in practical terms, as well as providing them with advice on good practice. The purpose of the law and this guidance is to protect staff and pupils, prevent serious damage or disruption and reduce the likelihood of actions by staff being successfully challenged in the courts. Schools are therefore strongly advised to follow this guidance.

5. The guidance provides basic advice for schools. Additional joint guidance from this Department and the Department of Health on the use of restrictive physical interventions for local authorities, health and social services and special schools relating to (i) pupils who display extreme behaviour in association with learning disability and/or autistic spectrum disorders or behavioural, emotional and social difficulties and (ii) pupils with severe behavioural difficulties is available at [www.teachernet.gov.uk/wholeschool/sen/piguide](http://www.teachernet.gov.uk/wholeschool/sen/piguide). This additional guidance should be taken into account by all schools with such pupils.

6. There is separate legislation guidance on the use of force by staff in further education colleges. This guidance is available at [www.aoc.co.uk/aoc/Members/health\\_safety/power\\_to\\_use\\_force/ptuf.pdf](http://www.aoc.co.uk/aoc/Members/health_safety/power_to_use_force/ptuf.pdf) It is relevant to school pupils who receive some of their education in an FE college.

7. This guidance should not be treated as a complete and authoritative statement of the law. Interpreting the law is a matter for the courts.

8. In this guidance, references to parents cover all those with parental responsibility for pupils and references to governing bodies and head teachers also apply to management committees and teachers in charge of pupil referral units.

9. Staff need to be aware of sensitivities associated with any form of physical contact with pupils. This guidance also offers advice on physical contact other than the exercise of the power to use force provided by the Education and Inspections Act 2006.

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### **What the law says**

10. Section 93 of the Education and Inspections Act 2006<sup>1</sup> 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 offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b. causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- 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.

11. The staff to which this power applies are defined in section 95 of the Act. They are:

- a. any teacher who works at the school, and
- b. any other person whom the head has authorised to have control or charge of pupils. This:
  - i) includes support staff whose job normally includes

supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.

ii) can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school-organised visits).

iii) does not include prefects.

12. The power may be used where the pupil (including a pupil from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

13. There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion 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. However, deciding whether misbehaviour is trivial also depends on circumstances. For example, running in a corridor crowded with small children may be dangerous enough not to be regarded as trivial.

<sup>1</sup>

Replaces section 550A of the Education Act 1996

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14. Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a pupil might have. Under the Disability Discrimination Act 1995 schools have two key duties:

a. not to treat a disabled pupil less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and

b. to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled (known as the reasonable adjustments duty)<sup>2</sup>.

15. The statutory power conferred by section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils. On preventing other types of criminal offence, section 93 provides essential clarification. It is by no means clear that all the behaviours that prejudice school discipline are also criminal offences and most primary pupils are below the age of criminal responsibility. So section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

16. Reasonable force may also be used in exercising the statutory power,

introduced under section 45 of the Violent Crime Reduction Act 2006, to search pupils without their consent for weapons. This search power applies to head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force could be used by the searcher and/or the second person required to be present at a search. However the Department strongly advises schools not to search pupils where resistance is expected, but rather to call the police. See sections 4(f), 9 and 13 of the guidance on weapons searching at [www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity](http://www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity)

17. **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.

## **Effective practice for schools**

### **Policy and procedures**

18. It is good practice for a school to have an explicit policy on the use of reasonable force to control or restrain pupils. It is also good practice for governors, staff (including recognised trade unions), pupils and those with parental responsibility to be consulted about the policy and for the policy to be

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Guidance on this duty can be found at [www.teachernet.gov.uk/wholeschool/sen/disabilityandthetdda/ddapart0/](http://www.teachernet.gov.uk/wholeschool/sen/disabilityandthetdda/ddapart0/)  
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approved formally by the governing body and made known to staff, pupils and parents either as part of the school's behaviour policy or separately. Where the local authority provides a model policy on the use of force, maintained schools in particular may wish to take account of this in formulating and reviewing their own policies.

19. As the statutory power to use force is held by individual members of staff, no school should have a policy of 'no physical contact' because this would make staff members feel deprived of that power or hinder their exercise of it.

20. It would be sensible for a school's policy on the use of force to describe both the kinds of circumstances the school regarded as justifying the use of force to restrain a pupil (for example, to prevent them injuring somebody) and the kinds of circumstances the school regarded as justifying the use of force to require a pupil to comply with a reasonable instruction (for example, to leave the classroom). All staff – authorised and unauthorised – need to understand their powers and the options open to them. They need to know what is acceptable and what is not.

21. A school's policy on use of force should be consistent with but not necessarily part of its behaviour policy. DfES guidance on school behaviour policies is available at [www.teachernet.gov.uk/wholeschool/behaviour/](http://www.teachernet.gov.uk/wholeschool/behaviour/). It should also be consistent with the school's policies on child protection and health and safety.

22. **Annex A** suggests a framework for a policy that schools may find helpful, including a list of subjects the policy could usefully cover.

Pupils with special educational needs and/or disabilities

23. The following advice is particularly relevant to pupils with SEN and/or

disabilities:

a. Involve the SEN Coordinator or other named member of staff and parents in developing the school's policy and practice on the use of force. This will help ensure that appropriate account is taken of the needs of individual pupils with SEN and/or disabilities including "fragile" pupils. (Further advice on "fragile" pupils and risk assessments is at paragraph 32.)

b. Develop positive handling plans for individual pupils assessed as being at greatest risk of needing restrictive physical interventions in consultation with the pupil and his or her parents. Further advice on risk assessments is provided in paragraphs 31 and 32. Positive handling plans set out the techniques that should be used and those that should not normally be used. Any planned use of physical intervention should be compatible with a pupil's statement and properly documented in school records. Further advice on positive handling plans and managing risks for pupils who present particularly challenging behaviours can be found at [www.teachernet.gov.uk/wholeschool/sen/piguide](http://www.teachernet.gov.uk/wholeschool/sen/piguide).

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c. As far as practically possible, make staff who come into contact with such pupils aware of the relevant characteristics of those individuals, particularly:

i) situations that may provoke difficult behaviour, preventive strategies and what de-escalation techniques are most likely to work (see further paragraph 25);

ii) what is most likely to trigger a violent reaction, including relevant information relating to any previous incident requiring use of force; and

iii) if physical intervention is likely to be needed, any specific strategies and techniques that have been agreed by staff, parents and the pupil concerned.

Information from parents may be as valuable as information held by the school. Some of this information may be sensitive.

Schools should seek express (preferably written) consent from the parent to inform appropriate staff. However, where consent is unreasonably withheld the information may still be made available to staff who need it where minimising the chances of force being required would be in the vital interests of the pupil concerned. The importance of providing such information will be a factor in decisions about giving temporary authorisation to parent volunteers and others to supervise pupils.

d. Designate staff to be called if incidents related to particular pupils occur. This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent. However they should always be involved in post-incident follow-up.

e. Teach pupils who are at risk how to communicate in times of crisis and strategies to use in a crisis (such as using personal communication passports and non-verbal signals to indicate the

need to use a designated quiet area or cool-off base) and ensure staff are familiar with these strategies.

Ensuring staff know who has statutory power to use force

24. The head teacher or delegated senior member of staff is advised to do the following.

a. As part of an induction process, explicitly inform the people concerned of their responsibilities in relation to the school policy on use of force.

b. Keep an up-to-date record of these people and ensure that permanently authorised staff (i.e. staff whose job involves supervising pupils) knows who they are. Given the requirement for schools to maintain a central, up-to-date record of the Criminal Records Bureau status of all staff and volunteers, they may wish to align these two sets of records.

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### **Reducing the likelihood of situations arising where use of force may be required**

25. Although preventative measures will not always work, there are a number of steps which schools can take to help reduce the likelihood of situations arising where the power to use force may need to be exercised:

a. creating a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind. Advice for schools on violence reduction is available at [www.teachernet.gov.uk/wholeschool/behaviour/violencereduction/](http://www.teachernet.gov.uk/wholeschool/behaviour/violencereduction/);

b. developing effective relationships between pupils and staff that are central to good order;

c. adopting a whole-school approach to developing social and emotional skills. The *Social and Emotional Aspects of Learning* (SEAL) programme provides staff development opportunities and curriculum materials for helping pupils to develop skills such as managing strong feelings. The SEAL resource is available at [www.standards.dfes.gov.uk/primary/publications/banda/seal/](http://www.standards.dfes.gov.uk/primary/publications/banda/seal/);

d. taking a structured approach to staff development that helps staff to develop the skills of positive behaviour management; managing conflict and also to support each other during and after an incident. A range of professional development materials are provided by the National Strategies ([www.standards.gov/publications/ks3/](http://www.standards.gov/publications/ks3/);

[www.standards.dfes.gov.uk/primary/publications/](http://www.standards.dfes.gov.uk/primary/publications/)), which include the National Programme for Specialist Leaders of Behaviour and Attendance ([www.teachernet.gov.uk/npslba/](http://www.teachernet.gov.uk/npslba/));

e. recognising that 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 situation. Strategies might include, for example, going with the staff member to a quiet 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.

### **Deciding if use of force would be appropriate**

26. The judgement on whether to use force and what force to use should always depend on the circumstances of each case and – crucially in the case of pupils with SEN and/or disabilities – information about the individual concerned.

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27. Decisions on whether the precise circumstances of an incident justify the use of significant 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 judgements about:

- a. 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;
- b. 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; 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.

Examples of situations

28. 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 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 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.

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29. In these examples use of force would be 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.

30. Wherever possible, these judgements should take account of the particular characteristics of the pupil, including his or her age, understanding and any SEN or disability that he or she may have. This would include the outcomes of any risk assessment and, as appropriate, any specific strategies and techniques set out in the pupil's positive handling plan.

### **Risk assessments**

31. Leadership teams are advised to assess the frequency and severity of incidents requiring use of force that are likely to occur in their school. Historical patterns usually provide a good starting point. These assessments will help to inform decisions about staff training (see paragraphs 39 to 42 below).

32. 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 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.

A model risk assessment form to use with such pupils is available at [www.teachernet.gov.uk/\\_doc/5334/PI%20risk%20assessment%20proforma.pdf](http://www.teachernet.gov.uk/_doc/5334/PI%20risk%20assessment%20proforma.pdf).

Situations where staff should not normally intervene without help

33. Sometimes an authorised member of staff should not intervene in an incident without help, unless it is an emergency. Schools should have communication systems that enable a member of staff to summon rapid assistance when necessary. Help may be needed in dealing with a situation involving an older pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils who might be at risk and summon assistance from other authorised staff, or where necessary phone the police.

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### **Using force**

34. Before using force staff should, wherever practicable, tell the pupil to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not give the impression of acting out of anger or frustration, or to punish a pupil, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

35. The types of force used could include:

- a. passive physical contact resulting from standing between pupils or blocking a pupil's path;

- b. active physical contact such as:
- i) leading a pupil by the hand or arm;
  - ii) ushering a pupil away by placing a hand in the centre of the back;
  - iii) in more extreme circumstances, using appropriate restrictive holds, which may require specific expertise or training.

36. Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil running off the pavement onto a busy road or preventing a pupil from hitting someone with a dangerous object such as a glass bottle or hammer.

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

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

### **Staff training**

39. Like other forms of professional development, decisions about training in physical intervention are best made by individual schools in the light of their particular needs and circumstances. It is good practice for schools to set out their approach to relevant training in their school policy on use of force. A school may decide that all staff who supervise pupils should have such training. However, individuals have statutory power to use force by virtue of their job. So a school policy cannot lawfully prevent teachers or other staff whose job involves having control or charge of pupils from using that power regardless of whether they have received training.

40. As indicated below, there will be particular training needs for staff working closely with pupils with SEN and/or disabilities. Risk assessments (see paragraphs 31 and 32 above) will help inform decisions about staff training. They will also inform the circumstances in which schools would

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temporarily authorise staff or volunteers to have control or charge of pupils.

41. Schools are advised to ensure that training covers ways of avoiding or defusing situations in which physical intervention might become necessary as well as methods of physical intervention. This is particularly important for staff who work closely with pupils with SEN and/or disabilities associated with extreme behaviour. Schools should ensure that the training needs of these staff are identified and appropriately met.

42. A number of organisations offer training in the use of physical force and related techniques such as de-escalation. With funding from DfES and DoH the British Institute of Learning Disabilities (BILD) established an accreditation system for such organisations. Information about this is available at <http://www.bild.org.uk> Local authority advice and guidance on training can also help schools, particularly in the maintained sector, to ensure well-targeted and appropriate training.

### **Recording and reporting incidents**

43. Schools are strongly advised to keep systematic records of every significant incident in which force has been used, in accordance with school

policy and procedures on the use of force and its child protection requirements. The purpose of recording is to ensure policy guidelines are followed, to inform parents, to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

44. Schools may find the following questions helpful in deciding whether an incident is significant and requires a written record:

a. Did the incident cause injury or distress to a pupil or member of staff?

b. Even though there was no apparent injury or distress, was the incident sufficiently serious in its own right to require a written record? Any use of restrictive holds would, for example, fall into this category.

c. Is a written record needed to be able to justify the use of force? This is particularly relevant where the judgement was very finely balanced.

d. Is a record needed to help identify and analyse patterns of pupil behaviour or staff training needs?

e. Were other agencies involved, such as the police?

45. If the answer to any of these questions is “yes”, it would be strongly advisable to make a written record. Such records can provide evidence of defensible decision making in case of a subsequent complaint or investigation. It is possible that not all of the specifics of an incident can be recorded where it is not known on whom force was used, as for example where a member of staff has hastily had to part several pupils encircling a fight. The staff member may (understandably) focus on and recall the Use of Force Guidance page 11 of 19

identities of the fighting pupils and not the individual spectators who were drawn aside to allow access. Staff may find it helpful to seek the advice of a senior colleague or a representative of their professional association when compiling a report.

46. Schools may find the model recording form provided in **Annex B** helpful. This identifies the types of information that should be recorded.

47. The member of staff involved in an incident is usually best placed to compile the record. It would be good practice for the member of staff with lead responsibility for safeguarding to check the record and for the school to provide the member of staff involved in the incident with a copy of the final version.

48. Differing accounts given of the same incident should all be recorded. It is not always advisable as a matter of course to give parents a copy of the incident record, but parents should be told when and where the incident took place, which members of staff were directly involved (anonymised where necessary), why they decided that force had to be used, what force was used, whether there were any injuries and what follow-up action (support and/or disciplinary) was being taken in relation to their child. It is advisable that the school’s policy on making a record following such incidents is contained within its policy on the use of force and drawn to the attention of members of staff, parents and pupils, if these persons are not otherwise notified of the policy.

49. The record is likely to form part of the pupil’s educational record as it is a record of information which is processed (obtained, recorded and held) by

or

on behalf of the governing body of the school (or teacher at the school, other than for personal use), relates to the pupil, and originated from or was supplied by a teacher employed by the governing body or the local authority.

50. Even if a copy of the incident record is not provided by the school as mentioned above the parent is entitled to see the educational record free of charge, within 15 school days of receipt of the parent's written request. If a parent makes a written request for a copy of the record this must be provided, also within 15 school days of that request being received.

51. When schools comply with a request to see or to have a copy of a pupil's educational record there is some information that must not be disclosed. This is any information that the child him/herself could not lawfully be given under the Data Protection Act 1998, or to which s/he would have no right of access under that Act or by virtue of any order made under section 30(2) or section 38(1) of it. Further detail on what data contained in educational records may be disclosed is contained in DCSF guidance available from [www.teachernet.gov.uk/management/atoz/p/pupilrecords/](http://www.teachernet.gov.uk/management/atoz/p/pupilrecords/). When recording such incidents, staff should bear in mind that, if this information is later passed to the police, it may be included in a Criminal Records Bureau disclosure. Schools should retain records of such incidents until the member of staff involved has reached normal retirement age or for 10 years from the date of the allegation if that is longer.

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**52. After any recordable incident, parents should always be informed.**

Wherever possible, it is best to telephone parents as soon as possible after the incident before confirming details in writing. It is also good practice for parents to be given a copy of the school's policy on the use of force and information on post-incident support.

53. All injuries should be recorded in accordance with school procedures. The school should take action to report relevant injuries to staff or pupils to the

Health and Safety Executive's Incident Contact Centre  
[www.hse.gov.uk/riddor/index.htm](http://www.hse.gov.uk/riddor/index.htm).

54. It is good practice for governors to monitor incidents where force has been used. Head teachers have an important role in reporting such incidents to the governing body.

55. Members of staff who have been assaulted will wish to consider reporting that to the police.

#### **Post-incident support**

56. Serious incidents that require use of force can be upsetting to all concerned and may result in injuries to the pupil or to staff. Immediate action should be taken to provide first aid for any injuries and to access medical help for any injuries that go beyond first aid. It is also important to ensure that staff and pupils are given emotional support.

57. The letter to parents informing them about the use of force can also be used to engage them in discussing the incident and for setting out subsequent actions and support. It is good practice for parents to be involved in agreeing appropriate support arrangements. For parents of pupils whose behaviour is associated with SEN and/or disabilities, it is advisable to agree an individual

behaviour plan. Such plans would include strategies to prevent and deal with any recurrence of behaviour that could lead to the use of force.

58. Schools are also advised to:

- a. decide whether multi-agency partners need to be involved and, if so, which partners. This could include local authority children's services, Child and Adolescent Mental Health Services or the Youth Offending Team (if the pupil is already under their supervision or has been identified by the YOT as being at risk of becoming engaged in criminal or anti-social behaviour);
- b. where a pupil is responsible, hold the pupil to account so that he or she recognises and repairs the harm caused or which might have been caused. In addition to punishing the pupil, this may involve giving them the opportunity to repair the relationships with staff and pupils affected by the incident and/or to develop their social and emotional skills. In some cases, an incident might lead to a decision to exclude a pupil. In these circumstances head teachers must have regard to the DCSF statutory guidance on exclusions, which is available at [www.dfes.gov.uk/exclusions/guidance/](http://www.dfes.gov.uk/exclusions/guidance/);  
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- c. help the pupil and staff develop strategies to avoid such crisis points in future and inform relevant staff about these strategies and their roles;
- d. ensure that staff and pupils affected by an incident have continuing support for as long as necessary in respect of:
  - i) physical consequences;
  - ii) support to deal with any emotional stress or loss of confidence; and
  - iii) opportunity to analyse, reflect and learn from the incident.

### **Dealing with complaints and allegations**

59. Parents and pupils have a right to complain about actions taken by school staff. This might include the use of force. Schools need to make that clear. If a specific allegation of abuse is made against a member of staff then the school needs to follow the guidance set out in *Safeguarding Children and Safer Recruitment in Education* ([www.everychildmatters.gov.uk/resources-and-practice/IG00175](http://www.everychildmatters.gov.uk/resources-and-practice/IG00175)). Other complaints should be dealt with under the school's complaints procedure which is normally set out in the school's published prospectus or website. The DfES provides a toolkit to act as a guide to schools, providing suggestions on how to handle complaints. This Toolkit is available at

[www.governor.net.co.uk/cropArticle.cfm?topicAreaId=9&contentId=402&mode=bg](http://www.governor.net.co.uk/cropArticle.cfm?topicAreaId=9&contentId=402&mode=bg).

60. In such circumstances it would be for the head teacher to respond to the complaint in the light of school policy and procedure. Parents may choose to appeal against the head teacher's response. At this point a panel of governors may be convened.

61. The full involvement of those with parental responsibility following the incident should minimise the chances of a complaint about use of force but it will not prevent all complaints or allegations. Allegations can be made from a variety of sources, not just from the parents or children involved.

62. A dispute might lead to an allegation against a member of staff, made to the school, other agencies or even the police. These should be dealt with in accordance with agreed policy and procedure for handling allegations against staff. Schools can find guidance on safeguarding children and on dealing with allegations of abuse against teachers and other staff in *Safeguarding Children and Safer Recruitment in Education* at the web address in paragraph 57 above.

63. The school policy and the degree to which it had been followed will be at the core of any investigation. Such complaints may also be investigated under the school's disciplinary procedure.

#### **Physical contact with pupils in other circumstances**

64. There are occasions when physical contact with a pupil may be proper or necessary other than those covered by section 93 of the Education and Use of Force Guidance page 14 of 19

Inspections Act 2006. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, or CDT, or if a member of staff has to give first aid. Young children and those with SEN may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is being congratulated or praised, or where the pupil is in distress and needs comforting. Teachers will use their own professional judgement when they feel a pupil needs this kind of support. They may find useful advice on this in *Guidance for Safe Working Practice for the Protection of Children and Staff in Education Settings* at [www.teachernet.gov.uk/docbank/index.cfm](http://www.teachernet.gov.uk/docbank/index.cfm)

65. There may be some pupils for whom touching is particularly unwelcome. For example, some pupils may be particularly sensitive to physical contact because of their cultural background or because they have been abused. It is important that staff who may come into contact with these pupils or groups of pupils should have the relevant information and that the school has a system for informing them. In addition, the school will need to develop clear common practice towards particular groups of pupils and events. There should be a common approach where staff and pupils are of different sexes. Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

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#### **Annex A**

### **SCHOOL POLICIES: SUGGESTED FRAMEWORK**

Situations involving decisions about whether to use force can occur in any school. Both using force and deciding not to can entail significant risks for pupils and staff. Establishing a clear school policy on the use of force by staff is an important part of minimising these risks.

Each school needs to develop a policy tailored to its particular circumstances. It is good practice to do this in consultation with governors, staff, parents and pupils. It would therefore not be sensible for the Department to provide a detailed model policy. However, schools may find the framework below helpful in developing or reviewing their own policies.

#### **SCHOOL POLICY ON THE USE OF FORCE BY STAFF TO CONTROL OR**

## **RESTRAIN PUPILS**

### **Objectives**

These could include statements about:

- the key objective of maintaining the safety of pupils and staff.
- preventing serious breaches of school discipline.
- preventing serious damage to property.

### **Minimising the need to use force**

This section could include material about:

- creating a calm environment that minimises the risk of incidents that might require using force arising.
- using Social and Emotional Aspects of Learning (SEAL) approaches to teach pupils how to manage conflict and strong feelings.
- de-escalating incidents if they do arise.
- only using force when the risks involved in doing so are outweighed by the risks involved in not using force.
- risk assessments and positive handling plans for individual pupils.

### **Staff authorised to use force**

- This section could deal with both permanent and temporary authorisation.
- On permanent authorisation, it could make clear that all teachers and staff the head has authorised to have control or charge of pupils automatically have the statutory power to use force and identify which categories of staff this covers.
- On temporary authorisation, it could explain:
  - the circumstances in which staff whose jobs did not normally involve supervising pupils and volunteers working with pupils will be authorised to be in control or charge of pupils and therefore have statutory power to use force; and
  - how teachers and other staff with permanent authorisation will know who has temporary authorisation.

### **Deciding whether to use force**

- This section could set out guidelines to help staff decide whether or not to use force in particular circumstances. For example, it could suggest that staff should only use force when:
  - the potential consequences of not intervening were sufficiently serious to justify considering use of force;
  - the chances of achieving the desired result by other means were low; and
  - the risk associated with not using force outweighed those of using force.
- This section could also make clear
  - how staff (including people with temporary authorisation to have charge or control of pupils) will be kept informed about and advised how to deal with pupils who present particular risks to themselves or others (as a result of SEN and/or disabilities and/or other personal circumstances, such as domestic violence); and
  - how staff should minimise the highest risks, for example by

calling the police if a pupil suspected of having a weapon seems likely to resist a search.

### **Using force**

- This section could emphasise the importance of only using the minimum force necessary to achieve the desired result.
- The section could also:
  - advise giving a clear oral warning to the pupil that force may have to be used;
  - suggest types of force that could be used, making it clear that any form of restraint that is likely to injure a pupil (particularly anything that could constrict breathing) should only be used in extreme emergencies and where there was no viable alternative; and
  - advise staff that, as far as possible, they should not use force unless or until another responsible adult is present to support, observe and call for assistance.

### **Staff training**

- This section could deal with:
  - how decisions about training are made; and
  - how training is provided.

### **Recording incidents**

- This section could set out the school's arrangements for deciding which incidents to record and how to record them.
- Schools may wish to use their own version of the attached incident Use of Force Guidance page 17 of 19 recording form (Annex B).

### **Reporting incidents**

- This section could set out the school's arrangements for reporting recordable incidents to parents.
- It could also deal with reporting to external agencies such as other local authority children's services, the local Children's Safeguarding Board, the Health and Safety Executive, youth offending teams and the police.

### **Post-incident support**

- This section could set out arrangements for supporting staff and pupils involved in incidents, including meeting immediate physical needs and rebuilding relationships, and ensuring that lessons are learned from the incident.

### **Complaints and allegations**

- This section could set out the school's arrangements for dealing with complaints and allegations of misconduct arising from incidents.

### **Monitoring and review**

- This section could set out the school's arrangements for monitoring the impact of its policy on use of force and for reviewing and developing the policy, including the roles of senior leaders and governors.

### **Further Information**

- This could provide links or references to the DCSF guidance and any relevant local authority guidance.

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## **Annex B**

### **USE OF FORCE TO CONTROL OR RESTRAIN PUPILS: INCIDENT RECORD**

**Details of pupil or pupils on whom force was used by a member of staff (name, class)**

**Date, time and location of incident**

**Names of staff involved (directly or as witnesses)**

**Details of other pupils involved (directly or as witnesses), including whether any of the pupils involved were vulnerable for SEN, disability, medical or social reasons.**

**Description of incident by the staff involved, including any attempts to de-escalate and warnings given that force might be used.**

**Reason for using force and description of force used.**

**Any injury suffered by staff or pupils and any first aid and/or medical attention required**

**Reasons for making a record of the incident**

**Follow up, including post-incident support and any disciplinary action against pupils**

**Any information about the incident shared with staff not involved in it and external agencies**

**When and how those with parental responsibility were informed about the incident and any views they have expressed**

**Has any complaint been lodged (details should not be recorded here)?**

**Report compiled by:**

**Name and role:**

**Signature:**

**Date:**

**Report countersigned by:**

**Name and role:**

**Signature**

**Date:**

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