



## The Kingswinford School

# Use of Force to Restrain/Control Students and Physical Contact with Students Policy

### Time line

**SLT – 5/11/12 – 5/12/12**

**SLT – 12/12/12**

**Governing Body – 14/1/13**

**Staff – 1/3/13**

**29 September 2012**

Use of Force to Restrain/Control students and Physical Contact with students Policy  
Section 93 of the Education and Inspections Act 2006 and further guidance issued by the DfE in April 2011 enables school staff to use such force as is reasonable in the circumstances to prevent a student from doing, or continuing to do, any of the following:

- committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older student);
- causing personal injury to, or damage to the property of, any person (including himself);  
or
- prejudicing the maintenance of good order and discipline at the school or among any students receiving education at the school, whether during a teaching session or otherwise.

The staff to which this power applies are defined in Section 95 of the Act as:

- any teacher who works at the school, and
- any other person whom the Headteacher has authorised to have control or charge of students,
- but it does not include Prefects or any other designated students.

The statutory power conferred by Section 93 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. There is no legal definition of when it is reasonable to use force and each case must be judged on its circumstances and those exercising the power to use force must also take proper account of any particular special educational need and/or disability.

The types of force which are deemed to be reasonable are:

- passive physical contact resulting from standing between two Students or blocking a Students' path;
- active physical contact such as leading a student by the hand or arm; ushering a student away by placing a hand in the centre of his/her back; or, in more extreme circumstances, using appropriate restrictive holds.

Decisions on whether circumstances justify the use of reasonable force will depend on:

- the seriousness of the incident,
- the chances of achieving the desired result by other means,
- the relative risks associated with physical intervention compared to using other strategies.

Where possible a clear oral warning to the student that force may have to be used should be given.

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Examples of situations that particularly call for judgements of this kind are:

- a student attacking another student or member of staff;
  - students fighting and hence causing risk of injury to themselves or others;
  - a student committing, or on the verge of committing, deliberate damage to property;
  - a student is causing, or at risk of causing, injury of damage by accident, rough play, or by the misuse of dangerous objects or materials;
  - a student persistently refuses to follow an instruction to leave the classroom;
  - a student is behaving in a way that seriously disrupts a lesson; or
  - a student is behaving in a way that seriously disrupts a school sporting event or school visit.

All incidents where force has been used should be recorded using a pro forma which is available from the Student Welfare Team. Reports should be submitted to the Assistant Headteacher : Student Welfare and Headteacher.

The guidance also emphasises that:

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

### **Unacceptable techniques**

The DfE identifies certain restraint techniques which present an unacceptable risk when used on children and young people. These techniques are:

- The ‘seated double embrace’ which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing.
  - The ‘double basket-hold’ which involves holding a person’s arms across their chest.
  - The ‘nose distraction’ technique which involves a sharp upward jab under the nose.

### **Other physical contact with students**

... it is not illegal to touch a student.

The DfE says that it is not illegal to touch a student and that there are occasions when physical contact with a student is ‘proper and necessary’.

Examples of where touching a student might be proper or necessary include:

- 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 student.
  - When congratulating or praising a student.
  - When demonstrating how to use a musical instrument.

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- When demonstrating exercises or techniques during PE lessons or sports coaching.
- When giving first aid.

Revised and updated September 2012