

# Featherstone High School



## *Use of Reasonable Force to Restrain Or Control Students Policy*

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## **FHS Use of Reasonable Force to Restraine or Control Students Policy.**

### **Introduction**

All staff at Featherstone High School have a duty to use reasonable physical interventions in order to prevent students from hurting themselves or others. There may also be situations in which a child seriously disrupts good order in the school or causes damage to property. The staff to which this power applies are defined in section 95 of the Education and Inspections Act 2006(1) and they are any teacher who works at the school and any person whom the teacher has authorised to have control or charge or pupils. Staff and anyone authorised by the Head Teacher who are expected to use planned physical techniques will be trained.

### **Definition of Reasonable Physical interventions**

There is no legal definition of 'reasonable physical interventions' so it is not possible to set out comprehensively when it is reasonable to use physical interventions, or the degree of physical interventions that may reasonably be used. It will always depend on all the circumstances of the case.

### **There are three considerations that need to be made:**

1. The use of physical interventions can be regarded as reasonable only if the circumstances of the particular incident warrant it.
2. The degree of physical intervention 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 physical intervention used should always be the minimum needed to achieve the desired result.
3. Whether it is reasonable to use physical intervention, and the degree of physical intervention that could reasonably be employed, might also depend on the age, understanding and gender of the pupil.

It is clear, however, that physical intervention cannot be used as a disciplinary sanction to punish a student because corporal punishment is unlawful in all schools under section 131 of the School Standards and Framework Act 1998.

### **What the Law says**

Section 93 of the Education and Inspections Act 2006(1) 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 an 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.

### **Principles Relating to the Use of Physical Restraint**

- Staff will have good grounds for believing that immediate action is necessary to prevent a pupil from significantly injuring himself or others, or causing serious damage to property.

- Staff will take steps in advance to avoid the need for physical restraint, e.g. through dialogue and diversion, allowing space, talking, listening and humouring, cajoling and reasoning, diversion and distraction, and the student should be warned orally that physical restraint will be used unless he/she desists.
- Only the MINIMUM PHYSICAL INTERVENTIONS NECESSARY to prevent physical injury or damage will be applied.
- Every effort should be made to secure the presence of other staff before applying restraint. These staff can act as assistants and witnesses.
- As soon as it is safe, restraint will be gradually relaxed to allow the student to regain self-control.
- Restraint will be an act of care and control, not punishment.
- Physical restraint will not be used purely to physical interventions compliance with staff instructions when there is no immediate risk to people or property.

### **Operational/procedural Points Relating to the Use of Physical Restraint**

- The circumstances and justification for using physical restraint will be recorded as soon as possible.
- Afterwards, the student will be advised and be counselled on why it was necessary to restrain him/her. He/she will also be given the chance to put his/her side of the story.
- The Headteacher, or senior member of staff authorised to act for the Headteacher, will discuss the incident with the member of staff within 24 hours.
- A full report of every incident will be prepared within 48 hours and presented to the Assistant Head, Access & Inclusion.
- Where it is clear that the teacher concerned needs further advice/support/training, the Headteacher will take prompt action to see that it is provided.

### **Alternatives to Physical Controls**

- A member of staff who chooses not to make a physical intervention can still take effective action to reduce risk. They can:
- Show care and concern by acknowledging unacceptable behaviour and requesting alternatives using negotiation and reason.
- Give clear directions for pupils to stop.
- Remind them about rules and likely outcomes.
- Remove an audience or take vulnerable pupils to a safer place.
- Make the environment safer by moving furniture and removing objects which could be used as weapons.
- Use positive touch to guide or escort pupils to somewhere less pressured.
- Ensure that colleagues know what is happening and get help.

Whenever force is used the incident will be recorded using the approved forms.

### **Evaluation**

- Year teams and the School Council on a two year cycle or as and when required
- Reviewed every two years by the Student Welfare Committee and the Governing Body, unless specific changes are required by legislation

## **Other relevant policies and procedures**

- Managing and Improving Behaviour (procedural document)
- Exclusions
- School Uniform
- Student Discipline and Behaviour
- Attendance and absence
- Bullying
- Detention
- Equal Opportunities
- Race Equality