

Policy Title:	Use of Force to Control Students
Policy Reference:	POL-018
Function:	To advise on appropriate use of preventative measures and reasonable force by authorised personnel within the Academy, reflecting DCSF guidance
Status:	Recommended
Audience:	Governors, Principal, Teachers, Support Staff, Local Authority
Ownership / Implementation	The Principal and the Governing Body have overall responsibility for ensuring that this policy is implemented.
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THE OXFORD ACADEMY

The Oxford Academy is a learning environment at the heart of its community. We promote care and respect and expect high standards in all aspects of Academy life.

We aim to build a community clearly based on a Christian ethos, recognising the integrity and the unique value of each individual. We aim to build self-esteem, model conflict resolution and protect the vulnerable. We are committed to justice and compassion. Mutual respect and trust are central within the Academy.

Our vision for The Oxford Academy is based on the following beliefs:

- Education matters in society: the provision of a well ordered, stimulating learning environment is a common right for all our children.
- The Academy should articulate social and moral values and respect for others, irrespective of their class, sex, race or religion.
- The Academy will promote the highest achievement in youngsters, irrespective of their abilities or self-expectations. Competition and collaboration are both equally important to learning. The aspirations of all our students will be nurtured.
- The Academy will celebrate students' achievements and challenge fixed notions of ability. We will value and reward young people's verbal, practical, academic, sporting, artistic and leadership skills.
- An effective and flourishing Academy should be 'public' rather than 'private', explaining to parents what is being taught and how the curriculum is being interpreted. It should be open to praise and constructive feedback in a genuine spirit of partnership.
- An effective Academy should work closely with neighbouring schools to improve opportunities for children and young people.
- The work of the Academy will be underpinned at all times by its ultimate aim – to improve standards, achievement and the life chances of young people. The Oxford Academy is to be, first and foremost, a place of high quality learning and teaching for young people aged 11-19.

This policy, and its associated procedures and protocols, is based on these key principles.

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Use of Force to Control Students Policy

1 Introduction

- 1.1 All members of staff who may have to intervene physically with students must clearly understand the options and strategies open to them. They must know what is acceptable and what is not. The Governing Board, parents and students also need to understand these principles.

2 Planning for Incidents

- 2.1 If the Academy is aware that a student is likely to behave in a way that may require physical control or restraint, it is sensible to plan how to respond if the situation arises.

3 Reducing the Likelihood of Situations Arising where Use of Force may be Required

- 3.1 Although preventative measures will not always work, there are a number of steps which will assist the Academy to help reduce the likelihood of situations arising where the power to use force may need to be exercised:

- i creating a calm, orderly and supportive climate that minimises the risk and threat of violence of any kind.
- ii developing effective relationships between students and staff that are central to good order.
- iii adopting a whole Academy 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 students to develop skills such as managing strong feelings. The SEAL resource is available at:

www.standards.dfes.gov.uk/primary/publications/banda/seal.
- iv an 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.
- v recognising that challenging behaviours are often foreseeable.
- vi effectively managing individual incidents. It is important to communicate calmly with the student, using non-threatening verbal and body language and ensuring a student can see a way out of the situation. Strategies might include, for example, going with the staff member to a quiet room, away from bystanders or other students, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the student.

vii wherever practicable, warning a student that force may have to be used before using it.

4 Deciding if Use of Force would be Appropriate

4.1 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 peoples with SEN and/or disabilities - information about the individual concerned.

5 Managing the Student (eg Reactive Strategies to De-Escalate a Conflict)

- i Involving the parents to ensure that they are clear about what specific action the Academy might need to take.
- ii Briefing staff to ensure they know what action they should be taking.
- iii Ensuring that additional support can be summoned if appropriate.
- iv In some cases particularly in SEN settings, the Academy may also need to take medical advice about the safest way to hold students with specific health needs.

6 Section 93 Education and Inspections Act 2006

6.1 This section enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continue to do any of the following:

- i Committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil).
- ii Causing personal injury to, or damage to the property of, any person (including himself).
- iii Prejudicing the maintenance of good order and discipline at the Academy or among any of its students receiving education at the Academy, whether during a teaching session or otherwise.

The provision applies when a teacher, or other authorised person, is on the Academy premises and when he or she has lawful control or charge of the student concerned, eg on a field trip or other authorised out of Academy activity. This extends to other students who may be on the Academy site from another school or elsewhere in the lawful charge of the staff member.

7 Authorised Staff

- 7.1 The Act allows all teachers at Academy to use reasonable force to control or restrain students. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the Principal to have control or charge of students. These might include classroom assistants, caretakers or voluntary helpers including people accompanying students on visits, exchanges or holiday organised by the Academy.
- 7.2 The Principal should identify people, other than teachers, whom they wish to authorise to have control or charge of pupils and therefore be able to use force if necessary. Authorisation may be on a permanent or long term nature, or short term for a specific event such as an Academy trip. The Principal should explicitly inform the people concerned and ensure that they are aware of and properly understand what the authorisation entails.

8 Action in Self-Defence or in an Emergency

- 8.1 Everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency (for example if a student was at immediate risk of injury or on the point of inflicting injury on someone else) any member of staff would be entitled to intervene. The purpose of Section 93 is to make it clear that teachers and other authorised staff are also entitled to intervene in other, less extreme, situations.

9 Types of Incidents

- 9.1 There are a wide variety of situations in which reasonable force might be appropriate, or necessary, to control or restrain a student. Reasonable force is that which is the minimum required to have the desired result. They will fall into three broad categories:
- i action is necessary in self-defence or because there is an imminent risk of injury.
 - ii there is a developing risk of injury, or significant damage to property.
 - iii a student is behaving in a way that is compromising good order and discipline. Section 93 makes clear that authorised staff may use force to prevent behaviour that prejudice the maintenance of discipline regardless of whether that behaviour would also constitute a criminal offence.

Examples of situations that fall within one of the first two categories are:

- i a student attacks a member of staff, or another student.
- ii students are fighting.
- iii a student is engaged in, or is on the verge of committing, deliberate damage to property.
- iv a student is causing, or at risk of causing, injury or damage by accident, by rough play or by misuse of dangerous materials or objects.
- v a student is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure him or herself or others.
- vi a student absconds from a class or tries to leave Academy other than at an authorised time. Refusal of a student to remain in a particular place is not enough on its own to justify use of force. It would be justifiable where allowing a student to leave would:
 - entail serious risks to the student's safety (taking into account age and understanding), to the safety of other students or staff or damage to property, or
 - lead to behaviour that prejudices good order and discipline, such as disrupting other classes.
- vii a student persistently refuses to follow an instruction to leave a classroom.
- viii a student is behaving in a way that seriously disrupts a lesson.
- ix a student is behaving in a way that seriously disrupts an Academy sporting event or Academy visit.

Examples of situations that fall into the third category are:

- i a student persistently refuses to obey an order to leave a classroom.
- ii a student is behaving in a way that is seriously disrupting a lesson.

10 Reasonable Force

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

There are two relevant considerations:

- i 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 the use of physical force. Force must never be used as a punishment as this would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1996.
- ii The degree of force 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 force used should always be 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 might also depend on the age, understanding and sex of the student.

11 Practical Considerations

11.1 Sometimes intervention in incidents should not be carried out without help (unless it is an emergency), for example when dealing with an older student or a physically large student or more than one student or if the person believes he or she may be at risk of injury. In those circumstances the authorised person should remove other students who might be at risk and summon assistance from an authorised colleague or colleagues or, when necessary, phone the police. The person should inform the student(s) that he or she has sent for help. Until assistance arrives the person should continue to attempt to defuse the situation orally or try to prevent the incident from escalating.

12 Application of Force

12.1 Physical intervention can take several forms. It might involve staff:

- i physically interposing between students.
- ii blocking a student's path.
- iii holding.
- iv pushing.
- v pulling.
- vi leading a student by the hand or arm.
- vii shepherding a student away by placing a hand in the centre of the back.
- viii (in extreme circumstances) using more restrictive holds.

- 12.2 In exceptional circumstances where there is an immediate risk of injury, an authorised member of staff may need to take any necessary action that is consistent with the concept of reasonable force - for example to prevent a student hitting someone or throwing something.
- 12.3 Staff should not act in a way that might reasonably be expected to cause injury. For example, staff should not:
- i hold a student around the neck or by the collar as this might restrict the student's ability to breathe.
 - ii slap, punch or kick a student.
 - iii twist or force limbs against a joint.
 - iv trip a student up.
 - v hold or pull a student by the hair or ear.
 - vi hold a student face down on the ground.
- 12.4 Staff should always avoid touching or holding a student in a way that might be considered indecent.

13 Recording Incidents

- 13.1 It is important that there is a detailed written report for any occasion (except minor or trivial incidents) where force is used. It may help prevent any misunderstanding or misrepresentation of the incident and it will be helpful should there be a complaint.
- 13.2 The Academy should use the following questions deciding whether an incident is significant and requires a written record:
- i Did the incident cause injury or distress to a pupil or member of staff?
 - ii 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.
 - iii 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.
 - iv At a record needed to help identify and analyse patterns of student behaviour or staff training needs?
 - v Were other agencies involved, such as the police?

- 13.3 The Academy keeps up to date records of all such incidents in the student file and copied into an incident file. The model DCSF guide has been used for this purpose.
- 13.4 Immediately following any such incident, the member of staff concerned should tell the Principal or a Vice Principal and provide a written report as soon as possible afterwards.
- 13.5 Staff may find it helpful to seek advice from a senior colleague (or a representative of their professional association) when compiling a report. They should also keep a copy of the report.
- 13.6 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 Academy'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 students, if these persons are not otherwise notified of the policy.
- 13.7 Incidents involving the use of force can cause the parents of the student involved great concern. Parents must be informed unless there are particular reasons agreed by the Principal or Vice Principal. Parents should be given a full explanation of the circumstances that led to the use of force. As such incidents can be upsetting for the authorised person, appropriate support should be offered. This may include the support of a professional association.
- 13.8 Even if a copy of the incident record is not provided by the Academy, 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.
- 13.9 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 Academy's policy on the use of force and information on post-incident support.
- 13.10 All injuries should be recorded in accordance with Academy procedures.
- 13.11 Members of staff who had been assaulted will wish to consider reporting that to the police.

14 Complaints

14.1 The possibility that a complaint might result in a disciplinary hearing, a criminal prosecution or in a civil action brought about by a student or parent cannot be ruled out. In these circumstances it would be for the disciplinary panel or the Court to decide whether the use and degree of force was reasonable in all circumstances.

15 Physical Contact with Students in Other Circumstances

15.1 There are occasions when physical contact with a student may be proper or necessary, other than those covered in Section 93 of the 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 for help. Touching may also be appropriate where a student is being congratulated or praised, or where the student is in distress and needs comforting. Teachers will use their own professional judgement when they feel a student needs this kind of support. Useful advice on this can be found in "Guidance for Safe Working Practice for the Protection of Children and Staff in Education Settings" at www.teachernet.gov.uk/docbank/index.cfm.

15.2 There may be some students for whom touching is particularly unwelcome. For example, some students 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 students or groups of students should have the relevant information. A common approach where staff and students are of different sexes is adapted at the Academy where contact or restraint between sexes is not permitted unless there is an extremely urgent situation. In such circumstances, immediate assistance is paramount. Physical contact with students becomes increasingly open to question as students reach and go through adolescence and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.