Limehurst Academy Policy Document

Use of Force to Restrain Students

Date Approved by Governors: January 2019

Review Date: January 2021

Headteacher’s signature:

Chair of Governors’ signature:

Reviewer – ML
Limehurst Academy’s use of force to restrain or control students

Limehurst enjoys a calm, safe and purposeful working environment, characterised by strong, positive relationships. Very occasionally however, it may be appropriate to use reasonable force to restrain or control a student.

Context

The use of force should only be a last resort and the degree of force used should be the minimum needed to achieve the desired result. All Limehurst staff members have a legal power to use reasonable force to:

- prevent students committing a criminal offence
- prevent students injuring themselves or others
- prevent students damaging property
- maintain good order and discipline

The power to use force helps ensure student and staff safety. Staff can worry that using force will lead to false allegations but if the force used is reasonable, staff will have a robust defence against any accusations. In most Civil Court proceedings relating to actions of employees, it is the employer who is sued and not the individual staff member, under the principle of vicarious liability. Staff are covered by Limehurst’s public liability insurance. If the member of staff was acting properly he/she is indemnified in respect of legal costs and damages. However, if a staff member uses unreasonable force they would not be acting within the scope of their employment duties and they may subsequently face civil or criminal proceedings and/or disciplinary action as a result.

It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.

Staff must be aware of sensitivities associated with any form of physical contact with students.

Members of staff should not put themselves at risk. An individual would not be seen to be failing in their duty of care by not using force to prevent injury, if doing so threatened their own safety.

Situations where reasonable force might be used

The judgement on whether to use force and what force to use should depend on the circumstances of each case and information about the individual concerned. The use of force may be appropriate when used:

- to prevent a student from attacking a member of staff, or another student
- to stop a fight between two or more students
- to prevent a student causing deliberate damage to property
- to prevent a student causing injury or damage by accident, by rough play, or by misuse of dangerous materials or object
- to ensure that a student leaves a classroom where the student persistently refuses to follow an instruction to do so
- to prevent a student behaving in a way that seriously disrupts a lesson
- to prevent a student behaving in a way that seriously disrupts a Limehurst sporting event or visit
In these examples use of force is likely to be construed as 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.

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

Reducing the possibility of force being needed:

- Create a calm, orderly and supportive climate that minimises the risk and threat of violence of any kind
- Develop positive relationships between students and staff
- Recognise that situations which trigger challenging behaviours are often foreseeable
- Effectively manage individual incidents. It is important to communicate calmly with the student, using non-threatening verbal and body language and ensuring the student can see a way out of a situation
- Wherever practicable, warn a student that force may have to be used before using it.

Responsibilities

**Students should**

- Follow the school rules and therefore never be in a situation where force may be used on them
- Choose the right course of action when a member of staff informs them that force may be used
- Accept that staff have the right to use force to prevent injury, crime, damage or disruption

**Staff should**

- Be aware of their power to use reasonable force to prevent injury, crime, damage or disruption
- Follow the school rules and expectations
- Use all strategies to avoid the need to use force
- Use force only as a last resort
- Use minimal force necessary and cease using force as soon as possible
- Call for the assistance of appropriately trained staff as soon as possible (but not await their arrival before taking action)
- Always avoid touching or restraining a student in a way that could be interpreted as sexually inappropriate
- Never feel obliged to use force if their own safety may be at risk

**Senior leaders should**

- Ensure that all staff are familiar with their rights and responsibilities in relation to the use of force
- Ensure that designated staff are appropriately trained in restrain techniques
- Ensure that all incidents where force is used are recorded
- Ensure that all relevant parties (including parents, relevant members of staff, other agencies and where appropriate the police) are informed as soon as possible
- Carry out a risk assessment where it is known that force may be necessary to restrain a particular student, such as a student whose SEN and/or disability is associated with extreme behaviour
- Support staff who have been assaulted in reporting the incident to the police and seeking the advice and support of their trade union representative
- Hold the student to account where their poor behaviour has resulted in force being used
• Help the student and staff develop strategies to avoid repeating crisis points in future and inform relevant staff about these plans and their roles
• Ensure that staff and students affected by an incident have continuing support for as long as necessary
• Make clear to parents and students their right to complain about actions taken by Limehurst staff, including any use of force

**Governors should**

• Monitor and review this policy every 2 years
• Ensure that a procedure is in place for recording and reporting to parents incidents where a member of staff has used force on a student