

## **Terra Nova School Care and Control Policy**

Since the advent of the School Standards and Framework Act 1998, corporal punishment has been banned in all schools. Previously, since 1986, it has been banned in all maintained schools and for all children funded by the government who had been receiving education at other schools. Note has also been taken of the Education Act 2011 in reviewing this Policy.

### **There is no Corporal Punishment at Terra Nova.**

Corporal punishment is defined in Section 548 of the Education Act 1996 as doing anything to a child which would constitute battery.

However, it is made clear in the same section that anything done to avert immediate danger of personal injury (including physical restraint), or damage to property, would not be considered corporal punishment. It is important to note that even in such circumstances there must not be any element of punishment in the restraint.

### **Power to use reasonable force**

S55A of the Education Act 1996 (inserted into that Act by Section 4 of the Education Act 1997) gives teachers the right, if authorised by the head, to use reasonable force to prevent a pupil from doing any of the following:

- i) committing a criminal offence
- ii) injuring themselves or others
- iii) damaging property, including their own
- iv) behaving in a way which is prejudicial to the good discipline and order of the school whether in the classroom or elsewhere where the teacher has lawful control of the pupil.

Guidance is given in the Circular 10/98 Section 550A of the Education Act 1996: The Use of Force Control or Restrain Pupils.

### **Definition of Reasonable Force**

There is no legal definition of 'reasonable force', and Circular 10/98 does not describe when it might be used with impunity. The Circular points out, that it is the circumstances surrounding a particular incident which make the use of force reasonable, and warrant its use when other means might have been used. The kind and degree of force used also has to be proportionate to the offence, and the minimum necessary to bring the behaviour under control.

The Circular gives examples of situations where reasonable force might be justified. These include:

- i) a pupil fighting another
- ii) a pupil attacking a teacher
- iii) acts of vandalism, rough play, running in a corridor, or misuse of objects which might cause personal injury or damage to property
- iv) refusal by a disruptive pupil to leave the classroom

The Circular urges staff to exercise caution in the use of force and to always try other strategies to resolve a situation, particularly if there is no immediate threat of personal injury and damage. The Circular also expresses the view that the use of any force to achieve compliance with instructions becomes increasingly inappropriate as pupils get older.

### **Degree of Force**

The Circular is at pains to point out that staff should not use any force that might inflict pain such as striking a pupil, or holding them by the neck, or pulling hair, or acting in any way that might be considered indecent.

### **Comment**

If a matter came to a court, the court would have to determine whether the particular force used in the circumstances came within a reasonable range of responses to the situation. In order to determine this it is likely that the courts would listen to the views of expert witnesses, and to consider any similar cases and judgements.

### **Keeping Records**

When force has been used the Headmaster (or in his absence, the Deputy Headmaster who is the Designated Senior Person) should be informed immediately. The Circular emphasizes the importance of keeping detailed, up-to-date, written records of all incidents where force of any kind has been used.

The record should include:

- i) name of member of staff
- ii) date of the incident
- iii) names of pupils involved
- iv) witnesses
- v) where the incident took place
- vi) description of the incident
- vii) any steps taken to calm the situation before force was considered necessary
- viii) reason why the use of force was necessary
- ix) nature of the force used
- x) the pupil's response
- xi) the outcome
- xii) details of any injury suffered or damage to property

### **Complaints**

Parents can complain about the policy and its implementation via the school's normal complaints procedure, but the Circular suggest that by involving parents in the consultation phase many complaints will be avoided.

Occasionally complaints may result in allegations about staff, and in staff disciplinary procedure, or even in the involvement of the police.