

St. Andrew's C of E VC Lower School

Restraint Policy

The Law

The law forbids a teacher to use any degree of physical contact which is deliberately intended to punish a pupil, or which is primarily intended to cause pain or injury or humiliation, (sections 548 to 550 of the Education Act).

Section 550A of the Education Act allows teachers, and other persons who are authorised by the headteacher to have control or charge of pupils, to use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- committing a criminal offence, including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility,
- injuring themselves or others,
- causing damage to property, including the pupil's own property,
- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

The provision applies when a teacher, or other authorised person, is on the school premises, and when he or she has lawful control or charge of the pupil concerned elsewhere, e.g. on a field trip or other authorised out of school activity.

Section 550A does not cover all situations in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to defend himself or herself against an attack, provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil 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 550A is to make it clear that teachers, and other authorised staff, are also allowed to intervene in other, less extreme, situations.

Authorised members of staff

At St. Andrew's VC Lower School this applies to all teachers and the other authorised members of staff are: Nursery Nurses, Key Workers, Teaching Assistants, and Lunchtime Organisers. Nursery Nurses, Key Workers and Teaching Assistants should act with advice and guidance from the child's teacher, and Lunchtime Organisers should act with advice and guidance from the Headteacher.

Planning for incidents

In the very rare cases when we are aware that a pupil is likely to behave in a way that may require physical control or restraint, we will plan how to respond if the situation arises. This planning will address:

- managing the pupil, e.g. reactive strategies to calm a conflict, holds to be used,
- involving parents to ensure that they are clear about what specific action the school may need to take,
- briefing staff to make sure they know exactly what action they should be taking,
- ensuring that additional support can be summoned if necessary,
- possibly taking medical advice about the safest way to hold pupils with specific health needs.

Types of incidents

There are a wide variety of situations in which reasonable force **might** be appropriate, or necessary, to control or restrain a pupil. They will fall into three broad categories:

- where action is necessary in self-defence or because there is an imminent risk of injury,
- where there is a developing risk of injury, or significant damage to property,
- where a pupil is behaving in a way that is compromising good order or discipline.

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

- a pupil attacks a member of staff or another pupil,
- pupils are fighting,
- a pupil is engaged in, is on the verge of committing, deliberate damage or vandalism to property,
- a pupil is causing, or is at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects,
- a pupil 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 himself or herself or others,
- a pupil absconds from a class or tries to leave school, if the pupil could be at risk if not kept in the classroom or school.

Examples of situations that fall into the third category are:

- a pupil persistently refuses to obey an order to leave a classroom,
- a pupil is behaving in a way that is seriously disrupting a lesson.

In all three cases, where an alternative strategy to restraint can be used it should be, e.g. removal of the rest of the class.

Reasonable Force

There is no legal definition of reasonable force.

There are two relevant considerations:

- 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 it.*** Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that could clearly be resolved without force.
- 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.***

Practical Considerations

Before a member of staff intervenes physically, they should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if he or she does not. The member of staff should continue to communicate with the pupil throughout the incident, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. ***A calm and measured approach to the situation is needed and members of staff should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.***

Usually a member of staff should not intervene without help, unless it is an emergency. For example, when dealing with an older pupil, or a physically large pupil, or more than one pupil, or if the member of staff believes he or she may be at risk of injury.

In most circumstances the teacher should remove other pupils who might be at risk, and summon assistance from a colleague or colleagues, or where necessary phone the police. The member of staff should inform the pupil(s) that he or she has sent for help. Until assistance arrives the member of staff should continue to attempt to diffuse the situation orally, and try to prevent the situation from escalating.

Application of Force

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

- physically interposing between pupils
- blocking a pupil's path
- holding
- pushing
- pulling
- leading a pupil by the hand or arm
- shepherding a pupil away by placing a hand in the centre of the back
- in extreme circumstances using more restrictive holds.

In exceptional circumstances, where there is an immediate risk of injury, the member of staff may need to take any necessary action that is consistent with the concept of reasonable force, for example to prevent a young pupil running off the pavement onto a busy road, or to prevent a pupil hitting someone, or throwing something.

In other circumstances staff should not act in a way that might reasonably be expected to cause injury, for example by:

- holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe
- slapping, punching or kicking a pupil
- twisting or forcing limbs against a joint
- tripping up a pupil
- holding or pulling a pupil by the hair or ear
- holding a pupil face down on the ground

Staff should always avoid touching or holding a pupil in a way that might be considered indecent.

Where the risk is not so urgent the member of staff should consider carefully whether, and if so when, physical intervention is right. ***Teachers should always try to deal with a situation through other strategies before using force. All teachers need to develop strategies and techniques for dealing with difficult pupils and situations which they should use to diffuse and calm a situation.*** The school's behaviour policy will help with this. In a non-urgent situation force should only be used when other methods have failed. Physical intervention should never be used as a substitute for good behavioural management.

This consideration particularly applies when the aim is to maintain good order and discipline, and there is no direct risk to people or property. Any action that could exacerbate a situation should be avoided. Risk of actually increasing the disruption or provoking an attack need to be carefully evaluated. ***Where a child has to be removed from class this should be carried out to the shortest possible distance, and staff should cease to hold a child as soon as is possible.***

Recording Incidents

Any incidents where force is used, except minor trivial incidents, will be reported on the attached form.

Copies will be kept by the members of staff involved and the Headteacher.

The members of staff may find it useful to seek advice from a senior colleague or representative of their professional association when compiling the report.

The headteacher will report the incident to the child's parents the same day, or delegate that duty to an appropriate member of staff.

Physical Contact with Pupils in other circumstances

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by Section 550A of the Act. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, or if a member of staff has to give first aid. Young children and children with SEN may need staff to give physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. Members of staff may use their professional judgement in these situations, but school policy is to keep this to the minimum and avoid putting oneself in a position where innocent and well-intentioned actions could be misconstrued.