



## RESTRAINT POLICY

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Reviewed	Sept 2021
Date of Next Review	Sept 2023
Statutory	YES
Adopted from Bracknell Forest	NO

## ***Policy on the Use of Force to Control or Restrain Pupils***

*(Based on DfEE /Circular number 10/98)*

The Education Act 1997 (Section 4) clarified the position about the use of physical force by teachers, and others authorised by the headteacher of a school, to control or restrain pupils. The clarification was made by adding a section (Section 550A) to the Education Act 1996.

There is a common misconception that, since the Children Act 1989, any physical contact with a child is in some way unlawful. That is not true. Where necessary, reasonable force can be used to control or restrain pupils. Physical contact with pupils may also be appropriate or necessary in other circumstances.

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.

The section (550A) 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 (including the adult concerned);
- 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.

At College Town Primary School the headteacher authorises the following people to exercise use of reasonable force when appropriate:

- teachers employed by the school;
- members of support staff employed by the school

Examples of situations that fall within these categories are:-

- a pupil attacks a member of staff or another pupil;
- pupils are fighting;
- a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- a pupil is causing, or 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 him or herself or others;

- a pupil absconds from a class or tries to leave school (**NB** *this will only apply if a pupil could be at risk if not kept in the classroom or at school*);
- 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.

There is no legal definition of 'reasonable force'. So it is not possible to set out comprehensively where 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:

- 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. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanor, or in a situation that clearly could 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.

**NOTE:-** *in the following text, where the word 'teacher' is used, this applies also to any other adult authorised by the headteacher to exercise force when appropriate.*

Before intervening physically a teacher should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if he or she does not. The teacher should continue attempting 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 a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

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;
- herding a pupil away by placing a hand in the centre of the back; or
- (in extreme circumstances) using more restrictive holds.

In circumstances when a child is assaulting another pupil or member of staff, children will be guided into the safe space by the teacher. There is a window on the door to the safe space so the child can be left alone but monitored by staff members to ensure that they are safe. When the child is calm, staff will support the child in addressing their emotions.

Children who are at risk of having continued physical intervention will have a risk assessment completed to determine any risk factors and how these can be eliminated. There will also be a behaviour management plan that is specific to each child and will detail the restrictive intervention that will take place in order to support each child. (See Behaviour Policy)

In exceptional circumstances, where there is an immediate risk or injury, a 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 a pavement onto a busy road, or to prevent a pupil hitting someone, or throwing something.

Staff are advised to avoid the following:-

- 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;
- tripping up a pupil;
- holding or pulling a pupil by the hair or ear;
- holding a pupil face down on the ground.

It is important that there is a detailed, written report of 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.

### **See Appendix A**

Immediately following any such incident the member of staff concerned should tell the head or a senior member of staff and provide a written report as soon as possible afterwards. That should include:-

- the name(s) of the pupil(s) involved, and when and where the incident took place;
- the names of any other staff or pupils who witnessed the incident;
- the reason that force was necessary (e.g. to prevent injury to the pupil, another pupil or member of staff);
- how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
- the pupil's response, and the outcome of the incident;
- details of any injury suffered by the pupil, another pupil, or a member of staff and of any damage to property.

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by Section 550A of the 1996 Act. 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 children with special educational needs may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. Teachers will use their own professional judgment when they feel a pupil needs this kind of support.

## College Town Primary School Risk Assessment

Pupil Name:

Year Group:

Assessor:

Date:

<u>What health and safety hazards arise or could arise from the behavior of this pupil?</u>	
<u>What risks do they pose and to whom?</u>	Level of risk: High/Medium/Low
<u>What has been done so far to remove or reduce the risks?</u>	Remaining Risk: High/Medium/Low
<u>What further action is required to reduce the risk further?</u>	Level of risk once all control measures are in place: High/Medium/Low
<u>List any activities which cannot be safely managed, as far as it is possible to foresee.</u>	
Any further comments:	
Review date:	



## **Appendix A**

### **REPORT ON THE USE OF FORCE TO CONTROL OR RESTRAIN**

Report compiled by: \_\_\_\_\_

Name of pupil: \_\_\_\_\_ Year: \_\_\_\_\_

Date of incident \_\_\_\_\_

Where incident occurred: \_\_\_\_\_

Time of incident: \_\_\_\_\_

#### **Witness – staff**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### **Witness – pupils**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### **Why was the use of force necessary?**

- a) to prevent injury to myself or other staff;
- b) to prevent injury to pupil or other pupils;
- c) to prevent damage to property;
- d) other

\_\_\_\_\_

Give a detailed account of how the incident began and progressed, including what was said by each party, what steps were taken to defuse or calm the situation, how the pupil was held or restrained and for how long.

What was the outcome of the incident including the need for any medical treatment?

Signed:

Date:



**TO BE COMPLETED BY HEADTEACHER OR OTHER SENIOR MEMBER  
OF STAFF**

Follow up action:

Have parents been notified about this incident?

YES/NO

If **YES** – by what means and when?

Signed:  
Headteacher/Senior Member of Staff

Date: