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RESTRAINT POLICY

1) INTRODUCTION

New provisions contained in the Education Act 1997 came into force on 1st April 1998 to clarify the position regarding the legitimate use of physical force by inserting a new section 550A in the Education Act 1996 entitled: 'Power of members of staff to restrain pupils'.

Tower House School's Restraint Policy is based on the provisions, definitions and guidelines contained in this Act.

Corporal punishment is not authorised under any circumstances by this Act and continues to be illegal in schools.

The Act and Policy applies where a member of the staff of a school is on the premises of the school; or elsewhere at a time when as a member of its staff, s/he has lawful control or charge of the pupil concerned.

The Act addresses when, where and how physical force can be used to restrain pupils. Although the Act does not Address the point, it is relevant that failure to take action in circumstances which merit it can be as serious as overreacting. In many circumstances it is NOT a safer option for a teacher to do nothing or to take very limited action when to take action could restore safety. So far as a teacher's duty of care is concerned, an omission can be significant if there were to be a subsequent claim for negligence. The circumstances of the case are the deciding factor and a teacher would not be expected to intervene to restore safety, at all costs, to his or her personal safety.

All schools are expected to devise a policy which can be understood by staff, parents, Governors and pupils. This policy needs to be communicated to parents and prospective parents as part of the Discipline and Behaviour Policy when they receive a prospectus.

2) AUTHORISED STAFF

The Act allows all teachers at this school to use reasonable force to control or restrain pupils in certain circumstances. Other staff can be authorised to exercise this control and restraint and at Tower House School the following staff have been authorised:-

- The Secretary
 - The Bursar
 - All Classroom Assistants
 - Supply teachers
 - The Senior School Assistant
 - The SENCO Teacher
 - Peripatetic Music Teachers
 - The Caretaker
 - Voluntary helpers assisting with particular activities may also be invited to be included in the list of those authorised
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3) THE EXTENT OF THE RESPONSIBILITY OF THOSE AUTHORISED

Section 550A of the Act allows teachers and those authorised to have control or charge of pupils to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continue 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 school or among any of its pupils, whether in the classroom or elsewhere

This provision applies whether the pupil is at school or on an organised activity - e.g. field trip or visit. However the section does not cover all situations in which it might be reasonable to use a degree of force. For example, everyone has the right to defend themselves against 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.

4) TYPES OF INCIDENT

There are a wide variety of situations where force might be appropriate, or necessary, to control or restrain a pupil.

- Where action is necessary in self defence
- 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 and discipline

Examples of situations in the first two of the above categories include:

- 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 which he might have or cause an accident likely to injure him 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)

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Examples of situations that fall into the third category are:

- a pupil persistently refuses to obey an order to leave a classroom or other area of the school
- a pupil is behaving in a way that is seriously disrupting a lesson

5) REASONABLE FORCE

There is no legal definition of 'reasonable force'. 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 misdemeanour, 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.**

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age and understanding of the pupil. Before intervening physically a teacher should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if he 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.

Sometimes a teacher should not intervene in an incident 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 teacher believes he or she may be at risk of injury. In those 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 teacher should inform the pupil(s) that he or she has sent for help. Until assistance arrives the teacher should continue to attempt to diffuse the situation orally, and try to prevent the incident from escalating.

6) APPLICATION OF FORCE

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

- physically interposing between pupils blocking a pupil's path
- holding
- pushing
- 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, 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 should always avoid touching or holding a pupil in a way that might be considered inappropriate.

Where the risk is not so urgent the teacher 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 developed strategies and techniques for dealing with difficult pupils and situations which they should use to diffuse and calm a situation. In a non-urgent situation force should only be used when other methods have failed. That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline, and there is no risk to people or property. As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated. The age and level of understanding of the pupil is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older pupils. It should never be used as a substitute for good behavioural management.

7) RECORDING INCIDENTS

It is important that there is a detailed, contemporaneous, 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. Immediately following any such incident the member of staff concerned should tell the Head or Deputy Head and complete the school's 'Restraint Incident Record Form' as soon as possible afterwards.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when completing the form.

They should also keep a copy of the completed form. Incidents involving the use of force can cause the parents of the pupil involved great concern. It is school policy to inform parents of an incident involving their child, and give them an opportunity to discuss it. The Head or Deputy Head will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing.

Involving parents when an incident occurs should help to avoid complaints from parents. It may not prevent all complaints, however, and a dispute about the use of force by a member of staff could lead to an investigation, either under disciplinary procedures or by the Police and social services department under child protection procedures.

The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a pupil or parent, cannot be ruled out. In those circumstances it would be for the disciplinary panel or court to decide whether the use and degree of force was reasonable in all the circumstances. In that event, however, the panel, or court, would have regard to the provisions of section 550A. It would also be likely to take account of the school's policy on restraint, whether that had been followed, and the need to prevent injury, damage, or disruption, in considering all the circumstances of the case.

9) 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 1996 Act. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, or COT, or if a member of staff has to give first aid. Younger children and children with special educational needs may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil, particularly a younger child, is in distress and needs comforting. Staff will use their own professional judgment when they feel a pupil needs this kind of support.

There may be some children for whom touching is particularly unwelcome. For example, some pupils may be particularly sensitive to physical contact because of their cultural background, or because they have been abused. It is important that all staff receive information on these children. Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

RESTRAINT INCIDENT RECORD FORM

Date of incident: Time of incident:

Pupil Name:Pupil Form: Pupil DOB:.....

Member of staff involved:

Adult witnesses:

Pupil witnesses:

Outline events leading to restraint:

Outline of incidents of restraint (including restraint method used):

Outcome of restraint:

Description of any injury(ies) sustained by pupil and any subsequent treatment:

Date parent/carer informed of incident: Time:

By whom informed:

Outline of parent/carer response:

Signature of staff completing report Date

Signature of Head/Deputy Head: Date

Description of any subsequent inquiry/complaint or action: