



## Force to Control or Restrain Pupils Policy

<b>Applicable to:</b>	✓	Astley Community High School
		Seaton Sluice Middle School
		Whytrig Middle School
<b>Approval body:</b>	Governing Body	
<b>Effective date:</b>	2008	

**Status:**

<b>Statutory policy or document</b>	No
<b>Review frequency</b>	Governing Body to determine
<b>Approval by</b>	Pupil Support Committee

**Publication:**

<b>Statutory requirement to publish on school website</b>	No
<b>Agreed to publish on school website</b>	Yes

**Version Control:**

<b>Revision Record of Approved Versions</b>			
<b>Author</b>	<b>Creation Date</b>	<b>Version</b>	<b>Status</b>
Deputy Headteacher - ACHS (BJW)	2008	1.0	Final approved version
<b>Changed by</b>	<b>Revision Date</b>		
Head of School – ACHS (AAR)	29 September 2015	1.1	Revised version to include updated legislation.

<b>Review Date</b>	
<b>Frequency</b>	<b>Next Review Due</b>
Every three years	September 2018

## **1. Definition of Restraint**

Restraint occurs when a member of staff uses physical force intentionally to restrict a child's movement against his or her will.

## **2. Physical Contact with Pupils /Students**

Physical contact with pupils may occur in other situations, such as when giving physical prompts in teaching, when supporting children in PE or when providing reassurance for children who are upset. The appropriate and acceptable use of touch in such circumstances does not constitute restraint within the terms of this policy and staff should not be inhibited in providing such contact when it is professionally appropriate to do so.

Touch must always be used appropriately, carefully and never in anger. There are certain situations where touch is never appropriate. There are also a few children for whom touch is unlikely ever to be acceptable (as a consequence of their culture, individual sensitivities or previous experience of abuse). Key Stage Progress Leaders will advise staff about any children to whom this may apply.

## **3. Introduction**

All schools are required to have a policy on the use of force to control or restrain pupils / students.

This policy is based on DfEE circular 10/98 and the more recent DCSF Revised Guidance document (DSS 07/08 16) dated October 2007. The revised guidance updates and expands the earlier guidance, particularly in the context of the Education and Inspections Act 2006, (confirming the statutory power of school staff to use such force as is reasonable in certain circumstances), and the Violent Crimes Reduction Act 2006 (enabling Headteachers and staff authorised by them to search pupils, without their consent, for weapons).

Section 550A of the Education Act 1996 clarifies the powers of teachers, and other staff who have lawful control or charge of pupils / students, to use reasonable force to prevent pupils / students causing personal injury or damage to property; committing a crime or causing serious disruption.

## **4. Rationale**

Astley Community High School recognises that there is a need, reflected in common law, to intervene when there is an obvious risk of safety to its pupils, staff and property.

There may be rare occasions where it appears necessary to restrain a pupil / student. In such circumstances physical restraint is a form of control that is legally defensible, when other alternatives have been employed or considered, or when staff believe it is their duty of care and make the professional decision to intervene, or when the urgency of the situation does not allow for other methods to be employed. It may be appropriate to employ physical intervention to prevent a significant risk of harm, e.g.:

- To prevent a pupil running towards a busy road;
- To prevent a pupil self-injuring;
- To prevent a pupil injuring another person;
- To prevent a pupil committing an offence.

Restraint is NOT a punishment and must not be used as such.

- ASSISTANCE should be sought whenever possible
- pupils/students should be told that this has been done
- any other pupils who are at risk should be removed
- the use of restraint in a one-to-one situation should be avoided, witnesses are important

Restraint should not lead to injury: staff should NOT:

- hold a pupil around the neck or collar in such a way that might restrict breathing;
- slap, punch or kick;
- twist or force limbs against a joint;
- trip;
- hold or pull by the hair or ear;
- hold a pupil face down on the ground.

The power to restrain pupils / students came into force on September 1<sup>st</sup> 1998. It applies on the school premises or elsewhere, e.g. on a field trip or other authorised out of school activity.

It is important to note that corporal punishment is not allowable and that the legislation is not intended to encourage the use of inappropriate force.

The legislation does not make staff immune to complaints or charges that they have acted inappropriately, and staff should be aware that they may need to justify their actions if they have used physical intervention. Any complaint or allegation that staff or other adults have acted inappropriately towards children will be dealt with through the relevant procedure, e.g. Child Protection procedures or the school's disciplinary procedure.

## **5. Aims**

At Astley Community High School we understand and accept that the welfare of the child is paramount and that each one has the right to be protected from harm. It seeks to protect all pupils / students from any form of physical intervention which is unnecessary, inappropriate, excessive or unlawful.

Astley Community High School is committed to ensuring that all staff and adults with responsibility for children's safety and welfare will deal professionally with all incidents involving aggressive or reckless behaviour, and only use physical intervention as a last resort in line with DSCF and LA advice. If used at all it will be in the context of a

respectful, supportive relationship with the pupil. We will always aim to ensure minimal risk of injury to pupils and staff.

Everyone has a right to use reasonable force to prevent an attack against themselves or others. However, apart from teachers, only those staff specifically authorised by the Headteacher to have charge of pupils may use physical restraint under other circumstances. At Astley Community High School, for the purpose of this policy, staff includes all teachers, learning support assistants and lunch time supervisors.

## 6. Implementation

As a general rule, physical intervention should be avoided. If physical intervention seems absolutely necessary, staff should follow the guidelines below in order to reduce their own vulnerability to complaint and to ensure the protection of pupils / students.

- 6.1 Staff should have good grounds for believing that restraint is necessary.
- 6.2 Such physical intervention should only be used after other less intrusive methods have been attempted or considered.
- 6.3 If possible, call for urgent assistance, at least to gain the presence of a credible adult witness.
- 6.4 Inform the pupil/student that you are restraining him/her to avoid him/her harming himself/herself, others or property. Where other potential witnesses are present it is helpful if they hear you give this explanation.
- 6.5 Such physical interventions should be acts of care and control, not punishment. Only **reasonable force** should be used. **See Appendix A** for an explanation of **reasonable force**.
- 6.6 Where past experience indicates that such physical intervention will be needed with a particular pupil, for instance because of particular emotional or behavioural difficulties, the strategies to be used will be clearly specified and made known to relevant staff. They will be included in a management plan. The potential hazards will have been systematically considered, for example through a risk assessment and will have been formally documented by the Key stage Progress Leader and conducted by the Assistant Headteacher (Student support).
- 6.7 Physical interventions can be defined in two broad categories:
  - Non-restrictive** (associated with a lower level of risk);
  - Restrictive** (where a higher level of risk is present).

Examples from these two categories are provided in DfES Circular LEA/0242/2002 as follows:

<b>Non-restrictive</b>	Manual guidance to assist a person	Use of a protective helmet to prevent self-injury	Removal of the cause of distress, eg adjusting
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	walking		temperatures, light or background noise
<b>Restrictive</b>	Holding a person's hands to prevent them hitting someone	Use of arm cuffs or splints to prevent self- injury	Forcible seclusion or the use of locked doors.

Restrictive physical interventions can be employed to achieve a number of different outcomes:

- To break away or disengage from dangerous or harmful physical contact;
- To separate the person from a 'trigger', for example, removing one pupil / student who responds to another with physical aggression;
- To protect someone from a dangerous situation-for example, the hazards of a busy road.

6.8 Whilst an effective risk assessment process should minimise the need for physical interventions, emergency use of restrictive physical interventions may be required when pupils / students behave in unforeseen ways. Even in an emergency, the force used must be reasonable, in terms of both intensity and duration and the specific circumstances of the situation. Before using restrictive physical intervention in an emergency, the person concerned should be confident that the possible adverse outcomes (e.g. injury or distress) will be less severe than the adverse consequences of not intervening.

6.9 Staff may need support and / or counselling after such an incident. It may also be equally important to offer the pupil / student(s) support and the opportunity to discuss the incident.

## 7. Right to Search Students

7.1 The Violent Crime Reduction Act 2006 gives the Head Teacher, and any member of the school staff authorised by the Head Teacher, who has reasonable grounds for believing that a student may have with him/her or in his/her possession a knife or offensive weapon, the right to search that student.

7.2 Department for Education advice, (Use of reasonable force: Advice for headteachers, staff and governing bodies July 2013) gives headteachers and authorised staff the right to use such force as is reasonable, given the circumstances, to conduct a search for the following "prohibited items".

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images

- Any article that has been, or is likely to be, used to commit an offence, cause personal injury or damage to property,  
Force **cannot** be used to search for items banned under the school rules.

- 7.2 The Head Teacher must ensure that the person carrying out the search is of the same sex as the student and the search must be carried out in the presence of another adult also of the same sex as the student. The student cannot be required to remove any clothing other than outer clothing (which includes shoes and socks) and if the student's possessions are searched this must also be done in the presence of another adult. The person carrying out the search is able to use such force as is reasonable in the circumstances for exercising that power.
- 7.3 The Head Teacher cannot normally 'require' the School staff to conduct the searches, only 'authorise' them to do so. But they may 'require' security staff to carry out searches.
- 7.4 If a search reveals any 'offensive weapons' or knives, or 'evidence in relation to an offence' the School **MUST** inform the Police immediately. The School has no discretion in this, not even if the School wishes to resort solely to internal discipline procedures.

## **8. Action following an incident**

- 8.1 Incidents where force has been used to restrain or control pupils / students are to be reported as soon as practicable, but no later than 48 hours after the event, to the Headteacher in writing by completion of the pro-forma supplied in **Appendix B**. The Headteacher will keep such written information securely and will monitor the use of restraint.
- 8.2 The Headteacher may need to be the first to exercise judgement on whether the restraint used was reasonable having made initial enquiries, although other procedures will apply if queries or complaints arise.
- 8.3 The parent / carer will be advised of an incident involving their child, either immediately or at the end of the school day, according to the seriousness of the incident. If there is the possibility of a complaint/allegation, or, a claim for compensation, the complainant must be referred to the LA without delay. Staff will be referred to the procedures for allegations against members of school staff.
- 8.4 Staff and children will be given separate opportunities to talk about what happened in a calm and safe environment, when those involved have had an opportunity to regain their composure. Debriefing staff and pupils / students may help in identifying exactly what happened, the effect on the participants, and possible ways of preventing the need to use force in the future.
- 8.5 If injury or severe distress is suspected, prompt medical attention must be arranged, via First Aid procedures initially.

8.6 Where a member of staff is assaulted or suffers injury as a consequence of using reasonable force or restraint, the member of staff will be advised to contact their professional organisation or trade union. Assaults on staff which result in physical injury will be reported, without delay, by the Headteacher to the LA and the Health and Safety Executive if appropriate.

## **9 Responsibilities**

9.1 All staff will familiarise themselves with the contents of this policy.

9.2 The Headteacher will be responsible for ensuring that staff receive the necessary training to support the implementation of this policy.

9.3 It is the Headteacher's responsibility to ensure incident reports are read as soon as possible and his own comments will be recorded. It will also be the responsibility of the Headteacher to ensure feedback to staff and pupil takes place, and that subsequent meetings or behaviour management plans are arranged.

9.4 The Headteacher will monitor the use of restraint, including consideration of:

- The appropriateness of physical intervention
- The attempts at defusing situations
- Correct post-restraint procedures have been carried out
- The need for individual behaviour management plans
- The need for INSET / training for staff

9.5 The Headteacher will ensure that reports of incidents are correctly filed with copies sent to parents and social services as appropriate. In the case of a Looked After Child, a copy should be forwarded to the key social worker in order to be placed on the child's case file. The Headteacher will also arrange for reports monitoring and evaluating the use of restraint to go, on a regular basis, to the Governing Body.

## **Appendix A**

### **Reasonable Force**

There is no legal definition of 'reasonable force'. So it is not possible to set out comprehensively when 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 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, understanding, and sex of the pupil

### **Practical considerations**

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.

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 defuse the situation orally, and try to prevent the incident from escalating.



## Appendix B – Written Log of Incident involving Physical Restraint of Students

<b>Date:</b>	<b>Time:</b>	<b>Staff Member:</b>
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<b>Student:</b>	<b>Tutor group:</b>	<b>Place of incident:</b>
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<b>Adult witnesses:</b>	<b>Student witnesses:</b>	<b>Reason for use of force:</b>
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<b>Incident leading to restraint:</b>
<b>Student's behaviour (what was said, strategies used to diffuse situation, force used, how it was applied and for how long):</b>
<b>Student response:</b>
<b>Details of any injury/damage to property:</b>
<b>Senior member of staff summoned:</b>

**Signed:**

**Date:**

Headteacher informed

SPL informed

Parent/carer informed