



Longwood Primary School

Restraint Policy

Introduction

Since the Children Act of 1989, there is the common misconception that any physical contact with a child is in some way unlawful. This is not true; Where necessary, reasonable force can be used to control or restrain pupils and it may be appropriate in other circumstances too (see section 8 below). Section 550A of the Education Act 1996 allows teachers and other persons authorised by the Headteacher who 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
- 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.

Authorised Staff: Teachers, support assistants, lunchtime supervisors

Action in self-defence or emergency

Outside of the provisions of Section 550A, everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Also, in an emergency (e.g. a pupil at risk from self-injury or on the point of inflicting injury on someone else) then any member of staff would be entitled to intervene.

Types of incidents appropriate for authorised staff to intervene

Incidents fall into 3 main categories

- a) action in self defence or because of imminent risk of injury
- b) where there is a developing risk of injury or significant damage to property
- c) where a pupil is behaving in a way that is compromising good order and discipline

Examples of a) and b) above

- 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



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- a pupil is causing, or at risk of causing 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)

Examples of c) above

- 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

Reasonable Force

There is no legal definition of reasonable force. It will always depend on the circumstances of the case.

There are two main considerations:

- the use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it. For a trivial misdemeanour or in a situation that clearly could be resolved without force, it should not be used
- 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 be the minimum needed to achieve the desired result.

Practical consideration

1. 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.
2. The teacher (or other authorised person) should continue to attempt 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.
3. A calm and measured approach to the situation is needed and (authorised persons) should never give the impression that they have lost their temper, or are acting out of anger or frustration to punish the pupil.
4. Sometimes the authorised person may need assistance from a second person before intervening physically in dealing with a large pupil or more than one pupil if he/she believes he/she is at risk from injury when intervening. (Other pupils who may be at risk should be



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removed from the scene). In extreme circumstances it may be necessary to summon the police

Types of force allowed by authorised persons

- physically interposing between pupils
- blocking a pupil's path
- holding
- pushing
- pulling
- leading a pupil by the hand or arm – if a child should take his/her feet off the ground or slump to the ground then a authorised person may lift and carry the child either in or under their arm (depending on the size of the child)
- shepherding a pupil away by placing a hand in the centre of the back.

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.

Types of forces NOT ALLOWED by authorised persons

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.

Teachers should always try to deal with a situation through other strategies before using force. Further advice on these strategies will be forthcoming during 1999/2000 from the DfEE. Especially where the criterion is one maintaining of good order any action that might escalate disruption or provoke an attack should be avoided. The age and level of understanding of the pupil is also important. Physical intervention should never be used as a substitute for good behavioural management.



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Recording Incidents

a) It is important that a detailed, contemporaneous written report is made of any occasion (except minor or trivial incidents) where force is used. It may help prevent any misunderstandings or misrepresentation of the incident and would be helpful if a complaint is made.

b) An incident file will be kept of such incidents and any authorised member of staff involved should provide the head with a written report as soon as possible afterwards.

This 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

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

Incidents involving the use of force can cause the parents of the pupil involved great concern. It is always advisable to inform parents of an incident involving their child, and given them an opportunity to discuss it. The Headteacher, or member of staff to whom the incident is reported, 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 or in writing.

Complaints

Involving parents when an incident occurs with their child, plus a clear policy about physical contact with pupils that staff adhere to, should help to avoid complaints from parents. It will not prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and Social Services Department under child protection procedures. DfEE Circular 10/95: Protecting Children from Abuse gives guidance about the latter, and about procedures for dealing with allegations against teachers.



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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 the 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.

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 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 judgement 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. In addition, the School will need to develop clear common practice towards particular groups of children and events. There should be a common approach where staff and pupils are of different sexes. 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.

This policy should be read in conjunction with:

- Human Rights Act
- Equal Opportunities Act
- Disability Discrimination Act
- Longwood Primary School
- Use of force to restrain pupils – record of incident



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Date of report

Member of staff reporting incident

Name of pupil(s)

Class

Date and time of incident

Name of member of staff who used force for restraint

Account of the incident based on Section 6 of the Policy (Recording incidents)