

Urchfont C. E. Primary School

Use of Physical Restraint Policy

1. Summary

- 1.1 A new provision came into force on 1st September 1998. This clarifies the power of teachers, and other staff to use reasonable force to prevent pupils committing a crime, causing injury or damage, or causing disruption. This does not authorise the use of corporal punishment or encourage the use of inappropriate force.

2. This document

- Gives examples of circumstances in which physical intervention might be appropriate (including circumstances other than restraint), and factors that staff should bear in mind when deciding whether to intervene.
- Discusses the meaning of 'reasonable force'.
- Sets out a policy about the use of reasonable force at Urchfont Primary School and how we should tell parents about it and explains how we should record incidents in which force is used to control or restrain a pupil, and tell parents of any such incidents involving their child.

3. Introduction

- 3.1 The Education Act 1997 clarified the position about the use of physical force by teachers, and others authorised by the Headteacher of the school, to control or restrain pupils. The clarification was made by adding a section (Section 550A) to the Education Act 1996. This new section came into force on 1st September 1998, and applies to all schools. It restates principles derived from common law and statute which have, in the past, been misunderstood. For example there is a common misconception that, since the Children's Act 1989, any physical contact with a child is in some way unlawful. That is not true. When necessary, reasonable force can be used to control or restrain pupils. Physical contact with a pupil may also be appropriate or necessary in other circumstances. Update from the DfE – Use of reasonable force also reinforces the policy below (2014) (Appendix 3).

4. Corporal Punishment

- 4.1 Section 550A does not in any way authorise the use of corporal punishment with pupils. 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, injury or humiliation.

5. Planning for incidents

- 5.1 When we are aware that a pupil is likely to behave in a way that may require physical control or restraint, it is sensible to plan how to respond if the situation arises. Such planning needs to address:
- managing the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used);

- involving the parents to ensure that they are clear what specific action the school might need to take;
- briefing staff to ensure they know exactly what action they should be taking;
- ensuring that additional support can be summoned if appropriate;
- in some cases, particularly in a SEN setting, the school may also need to take medical advice about the safest way to hold pupils with specific health needs.

6. Section 550A

6.1 The section 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 circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- committing a criminal offence;
- 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.

6.2 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 out of school activity.

7. Authorised Staff

7.1 The Act allows all teachers at a school to use reasonable force to control or restrain pupils. It also allows other people to do so, in the same way as a teacher. At Urchfont these include Teaching Assistants, Midday Supervisors or voluntary helpers accompanying pupils on visits.

7.2 Authorisation may be short term for a specific event such as a school trip. The Headteacher will inform the people concerned, and ensure that they are aware of and properly understand what the authorisation entails.

8. Action in self-defence or in an emergency

8.1 Section 550A does not cover all the situations in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to defend themselves 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 entitled to intervene in other, less extreme situations.

9. Type of Incidents

9.1 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 and discipline.

9.2 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, 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 material or objects;
- a pupil is running in a corridor in a way in which they might have or cause an accident likely to injure themselves or others;
- a pupil absconds from a class or tries to leave school.

9.3 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.

10. Reasonable Force

10.1 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.

10.2 There are two relevant considerations:

- The use of force can be 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 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.

10.3 Whether it is reasonable to use force, and the degree of force that can be reasonably be employed, also depends on the age, understanding, and maturity of the pupil.

11. Practical considerations

11.1 Before intervening physically a member of staff 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 attempting to communicate with the pupil throughout the incident, and should make it clear the 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 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.

11.2 Sometimes staff should not intervene in an incident without help (unless it is an emergency). For example, when dealing with an older pupil, a physically large pupil, more than one pupil or if the staff member believes they may be at risk. In these circumstances summon assistance from a colleague or colleagues. The staff member 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 defuse the situation orally and try to prevent the incident from escalating.

12. Application of Force

12.1 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; or,
- (in extreme circumstances) using more restrictive holds.

12.2 In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take 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.

12.3 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.

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

12.5 Where the risk is not so urgent the staff member should consider carefully whether, and if so when, physical intervention is right. Members of staff should always try to deal with a situation through other strategies before using force.

13. Recording Incidents

13.1 It is important that there is a detailed, contemporaneous, written report of any occasion where force is used. It may help to prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint. (See Appendix 1)

13.2 We will keep an up-to-date record of all such incidents in the accident book. Immediately following any such incident the member of staff concerned should tell the Headteacher or Assistant Headteacher and provide 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.

13.3 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. Always inform parents of an incident involving their child, and give them an opportunity to discuss it. The Headteacher 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.

14.Complaints

14.1 Involving parents when an incident occurs with their child and following these guidelines, should help to avoid complaints from parents. It will not prevent all complaints, however, and there may be a dispute about the use of force by a member of staff. The complaints procedure should be followed in these circumstances.

15.Physical Contact with Pupils in Other Circumstances

15.1 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 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. Staff members will use their own professional judgement when they feel a pupil needs this kind of support.

15.2 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 culture background, or because they have been abused. It is important that all staff receive information on these children. There must be a common approach where staff and pupils are of different sexes.

15.3 Further information for all staff can be sought from Use of Force to Control or Restrain pupils: Guidance for Wiltshire School (Appendix 2).

GUIDELINES FOR THE USE OF PHYSICAL CONTACT WITH PUPILS

SUMMARY FOR STAFF

16.WHAT IS "REASONABLE FORCE?"

16.1 The use of force is illegal if physical circumstances do not warrant it. The force used should always be the minimum needed.

16.2 In what situations does the guidance apply?

- when a pupil attacks another pupil;
- when a pupil attacks a member of staff;
- when a pupil is engaged in, or on the verge of committing, deliberate damage or vandalism;
- when 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 (for example on the sports field);
- when a pupil at risk absconds from class or tries to leave the school;
- when a pupil persistently refuses to obey an order to leave the classroom;
- when a pupil is seriously disrupting a lesson.

- 16.3 You must record all incidents involving force in writing at the time including:
- the names of everyone involved, time and place and names of any other witnesses;
 - how the incident began and progressed, with details of behaviour;
 - what everyone said, as near as possible;
 - what steps were taken to defuse the situation;
 - the degree of force used, how applied and for how long;
 - the pupil's response;
 - the outcome;
 - details of any injury and of any damage to property;

- 16.4 You must also:
- immediately report to the Headteacher or senior member of staff;
 - seek advice from a senior colleague or member of your professional association;
 - keep a copy of the report;

- 16.5 The Headteacher will:
- tell the parents immediately, orally or in writing, and give them a chance to discuss the incident.

17. Monitoring

17.1 The Staffing & Curriculum Committee together with the Headteacher will review this policy bi-annually or before if new legislation has been issued. The policy will then be presented to the Governing Body for consideration and approval.

Date of Next Review

This policy will be reviewed in: **May 2020**

Agreed by the Governing Body:

Date.....

Signed..... (Chair of Governors)

APPENDIX 1

PHYSICAL RESTRAINT INCIDENT REPORT FORM

Please use this form when it has been necessary to physically restrain a pupil.
Restraint: whenever a member of staff, using intentional force, physically restricts a child's movement against his or her will.

Ref documents:

- Section 550A of the Education Act 1996:
The use of force to control or restrain pupils;
- LA guidelines on the Physical Management and Restraint of Pupils;
- Urchfont Primary School's Guidelines for the use of physical contact with pupils.

1. Name of pupil

2. Is pupil in public care? YES/NO

Gender..... DOB NC Year

3. Where did the incident occur?

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4. When did the incident occur?

Day Date Time

5. Who was involved in the incident?

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6. Who else witnessed the incident? (Names of staff and pupil or class)

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7. Was physical restraint used to prevent injury: (Please indicate)

To the pupil themselves	Y / N
To you	Y / N
To another pupil(s)	Y / N
To another adult	Y / N
Or to prevent damage to property?	Y / N

8. How did the incident begin? (What was said? What actions were taken to calm the situation?)

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9. Describe the physical restraint used:

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10. For how long was the pupil restrained?

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11. What was the outcome of the incident?

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12. Give any details of any injuries to the pupil or others:

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13. Follow up action:

The incident was reported to the Headteacher by

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14. Parents informed: Date Time

The incident required the following action:

Record in restraint book Y / N

Racial incident sheet Y / N

Child Protection log Y / N

15. Form completed by:

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Post held:

Headteacher's signature

Date