

The use of Force to control or restrain pupils

Introduction

When considering the use of physical restraint, two principles need to be taken into account:

- The duty of a member of staff to care for and protect the pupil.
- The rights and liberties of the pupil.

Avoiding the Use of Physical Restraint

The behaviour policy at Seaton School is designed to prevent physical incidents from occurring. Our aim of creating a calm, well-ordered and secure atmosphere is the best insurance against incidents of aggressive confrontations.

If there are frequent incidents of restraint, or if a pupil is restrained on a regular basis, then certain aspects of staffing, organisation and environment at Seaton School would need to be challenged and examined.

The Conditions of Permissible Forms of Restraint

Any person who touches another person without his or her consent runs the risk of being accused of committing an unlawful act.

Staff working with children have a duty to safeguard their welfare. Sometimes, this obligation overrides a child's right not to be touched. The Education Act of 1996 allows teachers and others named by the Headteacher to physically intervene if a pupil is:

- Committing a criminal offence
- Injuring themselves or others
- Causing (considerable) damage to property, including their own property.

(Staff are authorised to physically intervene in such circumstances and may be deemed negligent if they fail to do so.)

- Engaging in behaviour that prejudices good order and discipline in a classroom or elsewhere within a school
- Or on an authorised school visit or out of school activity. An example of this (quoted in DFEE Circular 10/98) is "where a pupil persistently refuses to obey an order to leave the classroom, or where a pupil is behaving in a way that is seriously disrupting a lesson".

Examples of types of incidents:

- Pupil attacks another pupil or member of staff
- Pupils fighting
- Pupil engaged in, or about to engage in, vandalism
- Pupil misusing dangerous materials or objects
- Pupils running in a corridor in such a way that they may hurt themselves or others
- Pupil absconds from class or school (N.B. This only applies if a pupil could be at risk if not kept in the classroom or at school)
- Pupil persistently refuses to obey an order to leave a classroom
- Pupil is seriously disrupting a lesson

Using physical restraint is a last resort. Staff must ensure, and be able to demonstrate, that all other means have been exhausted.

Physical restraint should never be used as a substitute for behaviour management.

If Seaton School is aware that a pupil has Special Educational Needs that may result in behaviour in which physical intervention may be necessary, then it should plan how to respond. Plans should include staff training, communication with parents and agreed strategies amongst all staff on de-escalating a conflict.

Risk Assessment

Assess whether physical intervention will do more harm than good.

Before physical restraint, consideration should be given to:

- o The presence of a second member of staff to assist, supervise or witness
- o The presence of other pupils and the effect they may have
- o The scope to secure further assistance
- o Spectacles, hearing aids, clothing worn by pupil
- o Restrainer's capacity to remain calm
- o Location of the restraint and any risks posed by surroundings
- o Pupil's previous experience of restraint and their likely reaction
- o Presence of any weapons

Staff should always adopt a calm approach. Restraint should never be used to punish, or out of anger or frustration.

Methods of Handling

Any restraint should use minimum force for the minimum amount of time.

Where possible, staff should try to ensure that a staff member of the same gender is present during the incident.

Physical handling should never be used to humiliate or inflict pain.

Staff must avoid touching sensitive areas.

During restraint, staff must:

- Not employ another pupil to assist
- Avoid moving the restrained person
- Avoid generating a fear of injury
- Continually offer verbal reassurance in a calm manner
- Give clear messages under what conditions the restraint will cease
- Monitor physical well-being

Staff have the right to defend themselves by physical means against attack.

Follow-up Action

Physical restraint is upsetting for everyone. Once calm, it is important to explain why restraint was used and to defuse this and any potential further situation.

Any incident must be logged by the member of staff on the appropriate form (attached).

Parents should be informed as soon as possible.

The Headteacher and Governors have a duty to monitor logged incidents carefully and take action if restraint incidents give rise to concern.

If, after receiving the report of an incident, the Headteacher considers the school guidelines have been seriously breached and that further investigation is warranted, the incident should NOT be pursued, but action in accordance with Child Protection Procedures must be taken.

- The Headteacher contacts LEA Personnel division.
- Staff member advised to consult his/her Professional Association

Summary

Physical intervention by staff might involve:

- Physically interposing between pupils
- Blocking a pupil's path
- Holding
- Pulling or pushing a pupil away from danger
- 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

Staff must not act in a way that might reasonably be expected to cause injury, for example by:

- Holding a pupil by the neck or collar
- Slapping, punching, or kicking a pupil
- Twisting or forcing limbs against a joint
- Tripping up a pupil
- Holding or pulling a pupil by hair or ear
- Holding a pupil face down on the ground
- Touching or holding a pupil in any way that might be considered indecent.