



## St Mark's C of E Academy Policy

Policy Title	Physical restraint of pupils guidance	Version No	1
<b>Rationale</b>	<p>Guidelines for the use of Physical Restraint of pupils. Relating to Section 550A of the Education Act 1996.</p> <p>Section 550A of the Education Act 1996 states that a member of the school staff may use such force as is reasonable in the circumstances for the purpose of preventing the pupil from committing any offence, causing personal injury to, or damage to the property of, any person, including the pupil himself, or engaging in behaviour prejudicial to the maintenance of good order and discipline. It does not authorise anything which constitutes corporal punishment.</p> <p>It is our task to protect the educational entitlement of all pupils. The Academy has a duty to promote positive behaviour and the entitlement of pupils to educational opportunity, and to maintain an orderly community. This is part of the duty of care.</p> <p>The aim of these guidelines is to emphasise the importance of preventative approaches so that all members of staff operate within a clear behaviour policy which includes having a range of strategies to prevent inappropriate behaviour and to promote appropriate behaviour. Staff also need to know how to avoid and de-escalate potentially dangerous situations.</p> <p>The purpose of promoting appropriate behaviour is to enable pupils to access, and benefit from the educational opportunities of the school. The purpose of prevention of inappropriate behaviour, and intervention, is to enable pupils' entitlement to this education.</p> <p>The advice included in this document is designed to serve the interests of children and school staff. The purpose is to ensure that The St Mark's Academy provides a safe working environment for young people, staff and visitors. Written guidelines cannot predict every situation and the judgement of staff remains essential at all times.</p> <p>This policy is based on DfES Circular LEA/0264/2003 and joint DfES/DH guidance issued July 2002, and should be read alongside, DFES Circular 10/98.</p>		

## **1. The Legislation**

**1.1** Section 550A of the Education Act 1996 set out the position about the use of physical force by staff and others authorised by the SLT of a school to control or restrain pupils. It states 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 Act 1989, any physical contact with a child is in some way unlawful. This is not true. Where necessary reasonable force, that is reasonable in the circumstances, can be used to control or restrain pupils. Section 550A, states that force and restraint may be used 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 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.

**1.2** The St Mark's Academy guidelines are clear reflects that the use of force should never be a punitive action or seen by pupils, staff or parents as part of a school's disciplinary approach or policy.

## **2. Authorised Staff**

**2.1** The Act allows all staff at a school to use force reasonable in the circumstances to control or restrain pupils. It also allows other people to do so, in the same way as staff, providing they have been authorised by the SLT to have control or charge of pupils. Those might include teaching assistants, study supervisors, catering staff and all support staff in a school including voluntary helpers and people accompanying pupils on visits, exchanges or holidays organised by the school.

## **3. Action In Self Defence**

St Mark's Academy considers that staff have the right to defend themselves against an attack, providing they do not use a disproportionate degree of force to do so.

## **4. Response To Incidents**

**4.1** There are a variety of situations in which reasonable force might be appropriate or necessary to control or restrain a pupil. The school identifies that the situations fall into 3 broad categories:

- a) Where action is necessary in self defence or because there is an immediate or imminent risk of injury to an adult or child;
- b) Where there is an immediate risk of significant damage to property;

c) Where a pupil is behaving in a way that is severely compromising good order and discipline.

**4.2** DFES Circular 10/98 and DfES Circular LEA/0264/2003 and joint DfES/DH guidance issued July 2002, gives examples of situations which may fall within categories, '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 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 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).

**4.3** The Circular goes on to give examples of situations that fall in to category 'c', as:

- 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.

**4.4** St Mark's Academy accepts that reasonable force may be appropriate in an emergency situation encompassed by category 'a' above. However, the school recognises concerns that the use of force by a member of staff could precipitate a violent reaction in pupils towards the member of staff. Experience indicates that the cause of the majority of assaults on staff is triggered by them attempting to use reasonable force or restraint. Therefore the school adopts, as part of this guidance, some basic principles on the use of physical control or restraint:

- i) only use force where there is clearly no alternative approach which would work in the circumstances (i.e. where there is an immediate emergency to resolve);
- ii) do not place yourself at risk by blocking a student exit from a classroom or by holding a door shut. If a student leaves a room without permission this can be followed up through the Academies discipline procedures
- iii) only use force when defending or protecting;
- iv) only use the minimum amount of force required for the shortest amount of time;
- v) always make sure that the pupil is safe throughout any period of

physical contact or restraint - stop if a student shows any signs of physical distress;  
vi) always record incidents of use of force and refer to the Pastoral Manager or Head of House.

## **5. Reasonable and proportional force**

**5.1** There is no legal definition of reasonable force. Circular 10/98 gives some clarification of what might constitute reasonable force but the Circular stresses that it will always depend on the circumstances. The Circular explains that physical force cannot be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force. This strengthens the school's approach expressed in paragraph 4.6 above. Any act of force to control or restrain must be consistent with the schools Academy behavior or learning policy and to be used as a last resort. When there is no alternative the minimum amount of force be used is in accordance with the physical interventions described in 'Applications of force' below.

**5.2** 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. Members of staff will need to assess the situation and make reasonably informed judgements in order to use strategies commensurate with the pupil's age and developmental level. The member of staff should make it clear that physical contact or restraint will stop as soon as the pupil complies with the member of staff's instructions.

**5.3** It is advised that, wherever possible, another member of staff is present, if staff have to use reasonable force, in order to assist and/or act as a witness.

## **6. Practical Considerations**

**6.1** Before intervening physically, a member of staff should, wherever practicable, tell the pupil who is misbehaving to stop and what 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 that physical contact or restraint will stop as soon as 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.

**6.2** There are circumstances when members of staff are advised not to 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 a member of staff believes he or she may be at risk of injury. In those circumstances, the member of staff should remove other pupils who might be at risk, summon assistance from a colleague or colleagues, or where necessary, telephone

the Police. The member of staff 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 diffuse the situation and to prevent the incident from escalating,

## **7. Application Of Force**

**7.1** 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.

**7.2** 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.

**7.3** 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 a pupil's ability to breath;
- 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.

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

**7.5** Where the risk is not so urgent staff should consider carefully whether, and if so when, physical intervention is right. Staff should always try to deal with a situation through other strategies before using force. All staff need to develop strategies and techniques for dealing with difficult pupils and situations, which they should use to diffuse and calm a situation.

**7.6** Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older pupils and is unlikely to promote lasting change. **It should never be used as a substitute for good behaviour management.**

## **8. Recording Incidents**

**8.1** All incidents where physical force has been used by a member of staff will be carefully recorded and evaluated.

**8.2** A copy of the incident should be passed to the Head of House and be placed on the student file. The written report should include:

- the names of the pupil(s) involved and when and where the incident took place;
- the names of any other staff or pupils that witnessed the incident;
- the reason that force was necessary, e.g. to prevent injury to the pupil, other pupils or members 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 diffuse 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.

**8.3** Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling such a report.

**8.4** Incidents involving the use of force can cause the parents of pupils involved great concern. Parents should be informed of any incident involving their child and given an opportunity to discuss it. The SLT or member of staff to whom the incident is reported should either inform parents straight away or at the end of the school day, either orally or in writing.

## **9. Complaints**

In the event that parents complain either to the SLT or to the governing body regarding the use of force against their child by a member of staff, the Academy follow the academics complaint policy.

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<b>Staff Responsible</b>		EHO	
<b>School Group Responsible</b>		Full Governing Body	
<b>Date approved by Governing body</b>	September 2009	<b>Review Date</b>	September 2010