

Wren's Nest Primary School

Restraint Policy

Background to the policy: The use of restraint in schools - the legal position

A new provision (Circular 10/98) came into force on 1 September 1998 (Section 550A of the Education Act 1996) clarifying the powers of teachers and other staff who have lawful charge of pupils, to use reasonable force to prevent pupils committing a crime, causing injury or damage; or causing disruption.

Neither the Act nor the circular authorises the use of corporal punishment in any circumstances. Nor are they intended to encourage the use of inappropriate force.

Education Act 550A allows staff to use such force as is reasonable in all circumstances to prevent a pupil doing, or continuing to do any of the following:

- a) Committing a criminal offence
- b) Injuring themselves or others
- c) Causing damage to property (including pupil's own property)
- d) Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among the pupils.

The law covers staff whether at school or when he/she has lawful control elsewhere e.g. on a field trip or visit.

Action in self defence: Everyone has the right to defend himself or herself against an attack provided they do not use a disproportionate degree of force to do so.

Types of situations cited in the circular fitting a) and b) above:

- A pupil attacking another member of staff or another pupil
- Pupils fighting
- A pupil engaged or on the verge of committing deliberate damage or vandalism to property
- A pupil causing or at risk from causing injury or damage by accident, by rough play or by misuse of dangerous materials or objects.
- A pupil running in a corridor in a way which might cause an accident likely to injure him or herself or others
- A pupil absconds from a class or tries to leave school (NB this only applies if a pupil could be at risk if not kept in the classroom or at school)

Types of situations cited in the circular fitting d) above:

- A pupil persistently refusing to obey an order to leave a classroom
- A pupil is behaving in a way that is seriously disrupting a lesson.

What is reasonable force?

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

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 (e.g. trivial misdemeanour)

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.

The approach prior to restraint

Before intervening physically a teacher should, wherever practical:

- 1) Tell the pupil misbehaving to stop and what will happen if he or she does not stop.
- 2) The teacher should continue to talk during the incident and make it clear to the pupil that restraint will stop as soon as it ceases to be necessary.
- 3) A calm measured approach must be used. Teachers should never give the impression that they have lost their temper or acting out of anger or to punish the pupil.

Sometimes a teacher should not intervene in an incident without help - if you are at risk from injury yourself. In these circumstances remove the other children who may be at risk and summon assistance. The teacher should inform the others that she/he has sent for help and until assistance arrives the teacher should continue to try and defuse the situation by talking and try to prevent the incident escalating.

The application of force - what might it be?

- Physically interposing between pupils
- Blocking a pupils path
- Holding
- Pushing

- Pulling
- Leading a pupil by hand or arm
- Shepherding a pupil away by placing a hand in the small of the back
- In extreme circumstances using more restrictive holds

What physical intervention should not be:

- Holding a pupil around the neck or collar
- Slapping, punching or kicking a pupil
- Tripping up a pupil
- Holding or pulling a pupil by the hair or ear
- Holding a pupil face down on the ground.

Specific Guidelines for Wren's Nest Staff

- ✓ Always try to use other strategies before using physical intervention.
- ✓ Follow the guidance on appropriate restraint listed above
- ✓ Always use the minimum force necessary for the circumstance - use your professional judgement
- ✓ Summon assistance as soon as possible.
- ✓ Hold the pupil for the minimum time necessary
- ✓ Try to have another adult who can act as a witness to the incident
- ✓ Do not put yourself at risk by being alone with one or two children in a situation where physical intervention may be necessary
- ✓ Report the incident to the Headteacher (or deputy in HT absence) and complete an incident log report with the HT.

A copy of the incident report is attached