

St. Bede's Catholic infant School

Use of Reasonable Force and Restraint Policy

Agreed by Staff: Summer 2023

Approved by Governors: Summer 2023

Review date Summer 2024

Signed Chair of Governors S. Howard **Date 20.6.2023**

Rationale

We journey together so that we "Might have life – life in all its fullness" John 10:10

Principles

Members of staff should never seek gratification of their own emotional or physical needs in their personal relationships with pupils. The duty of teachers is to teach their pupils, promote the general progress and well being of individual pupils and to provide guidance and advice on educational, personal and social matters. All members of staff must ensure the health and safety of the pupils and maintain good order and discipline whilst they have responsibility.

The principles underpinning the relationship between staff and pupils are recommended for staff to give paramount consideration to the pupil's welfare by respecting and attempting to understand the wishes of the pupil, their physical, emotional and educational needs and their background and characteristics. All staff/pupil relationships must be professional, appropriate and justifiable. Behaviour that has either explicit sexual connotations or innuendo is unacceptable. Any such behaviour will always be treated as extremely serious and must be reported immediately.

The Use of Force to Control or Restrain Pupils is covered by Section 93 of the Education and Inspections Act 2006 and DfE Guidance on the use of force to control or restrain pupils which is part of the Government's Guidance relating to behaviour and discipline in schools. Force is used to control or restrain pupils when all other strategies have failed. DfE Guidance 'Use of Reasonable Force' (Advice for headteachers, staff and governing bodies) is distributed to all staff.

The Headteacher has authorized staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:

- Committing a criminal offence (or for a pupil under the age of criminal responsibility, behaving in a way that would be an offence if they were older);
- Causing personal injury to, or damage to the property of any person, (including the pupil himself); or
- Prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

It is the responsibility of the Headteacher to provide information and training.

The majority of teachers and TAs have been trained in the accredited 'Team Teach' techniques.

Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a pupil might have. Under the Disability Discrimination Act 1995 schools have two key duties:-

- Not to treat disabled pupil less favourably for a reason relating to his or her disability, than someone to whom this reason does not apply without justification, and
- To take reasonable steps to avoid putting at a substantial disadvantage to pupils who are not disabled (known as the reasonable adjustments duty)

Considering the very young age of our children the following section is unlikely to be applicable.

Reasonable force may also be used in exercising the statutory power, introduced under the Violent Crime Reduction Act 2006, to search pupils without their consent for weapons. The headteacher has authorised staff to use this search power where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force could be used by the searcher and/or second person required to be present at a search. However the Department strongly advises schools not to search pupils where resistance is expected, but rather to call the police.

There is no legal definition of reasonable force. However, it is important to note that the use of force can only be regarded as reasonable if the particular circumstances warrant it, otherwise it is unlawful. The degree of force must be relative to the circumstances of the incident and the seriousness of the behaviour. It is always preferable to deal with the situation through strategies other than force and force should only be used when other methods have failed. The School's Policy on Behaviour must always be observed and in most cases its application will be sufficient to deal with the majority of situations in School.

In the event of a physical attack everyone has a right to defend themselves provided he/she does not use a disproportionate amount of force to do so. Section 93 of the Education and Inspections Act 2006 must not be used as a justification for using force. It cannot be relied on as a defence against allegations of assault. It does not in any way authorise the use of corporal punishment. The law forbids physical contact which is deliberately intended to punish, cause pain, injure or humiliate.

Guidelines

As a general principle, members of staff should not have unnecessary physical contact with their pupils. There may be occasions, however, when a pupil needs spontaneous comfort or reassurance which may include physical comforting such as a caring parent would give. Teachers and authorised staff should use discretion in such cases to ensure what is normal and natural does not become unnecessary and unjustified contact, particularly with the same child over a period of time. The same principles apply when working with children in situations like PE or when dealing with medical problems. Any comforting gestures eg putting a hand on the pupil's shoulder should be acceptable to the pupil concerned. Adults in the school Community should be careful in their use of language/terminology which may be misconstrued. If a member of staff feels that his/her relationship with a pupil is developing into one which would be inappropriate, then it is his/her responsibility to discuss the situation with the Headteacher.

There may be occasions when it is necessary to use force or restraint after all other methods have been tried. If an authorised person has to use restraint or force the following guidelines must be used. (See appendix 1 for examples of types of incidents).

- Always tell the pupil who is misbehaving to stop and what will happen if he/she does not. Keep communicating to the pupil throughout the incident and make it clear that physical restraint, if used, will stop as soon as it ceases to be necessary;
- There may be times when it is inadvisable to intervene without help eg if there is more than one pupil involved or the size of the pupil concerned warrants additional support.
- Other pupils should be removed from the scene and a calm, measured approach should be used.
- Intervention can take several forms including physically interposing between pupils, blocking a pupil's path, holding, pulling or leading a pupil by the arm or hand, or shepherding a pupil away by placing a hand in the centre of the back;
- In some circumstances it could be necessary to use more restrictive holds especially if there is an immediate danger of a pupil injuring himself/herself or others. Staff should, however, never act in a way that may cause injury eg. never hold a pupil around the neck, or by the collar, or any other way that might restrict breathing. Never slap, punch or kick a pupil. Never trip or hold a pupil face down on the ground. Never hold or pull a pupil by the hair or ear. In addition, a pupil should never be touched or held in a way that might be considered indecent.
- If a member of staff or an authorised person has to use force or physical restraint then they must complete an incident sheet (see Appendix 2) and inform the Headteacher immediately. It is then the responsibility of the Headteacher to inform the Chair of Governors

and/or the LA if necessary. Parents should be informed of the incident and given the opportunity to discuss the issue.

Planning/Risk assessment

Staff should be aware of the potential risks which may arise from interviewing individual pupils in private. It is recognised that there may be times when confidentiality is necessary but where possible, this should take place in visual contact of others or with the door open. Meetings with pupils away from the School premises should not take place unless the specific approval of the Headteacher has been obtained.

Staff who administer first aid should ensure wherever possible that another adult is present and follow procedures in line with School policies. If a member of staff has to assist/supervise with the dressing or undressing of a child they must be careful to protect the dignity of the child. It is also recommended that teachers should not enter the children's toilets of the opposite sex unless in a real emergency e.g. a fire.

If a child approaches a member of staff for advice, then that staff member should judge whether it is appropriate for them to offer counselling or advice or whether it is better to refer them to another person or agency. In dealing with sensitive issues, staff must inform pupils at the start of the interview, that they may have to disclose the information to another person eg the Headteacher.

All teachers and some other staff have a pastoral responsibility to pupils and, in order to fulfil that role effectively, there will be occasions when conversations cover delicate matters. In these circumstances discretion must be used to ensure that, for example, any probing for details cannot be construed as unjustified intrusion.

When planning an educational day visit and/or residential visit staff should follow School guidelines and be aware of the more informal atmosphere and the dangers that this poses. It is particularly important that on out of school activities/educational visits the response to Section 93 of the Education and Inspections Act 2006 is built into the planning for the activity/visit.

If a pupil is likely to require physical restraint then he/she must be supervised by a member of staff and not a volunteer (for example, another child's parent) on an educational visit.

If a member of staff has to visit a pupil at home then careful consideration should be made as to whether there are any risks involved in carrying out the visit. The School should take steps to ensure staff safety and any risks involved. It is strongly advised that social contact with pupils, other than that which School organises, should not happen. Where social contact does occur, staff should be mindful at all times of their professional relationship with pupils.

Where information is available to suggest that a pupil may be likely to behave in a way that may require physical control or restraint there will be a need to plan a strategy of response to potential situations, including ways of managing a pupil's behaviour, involving the parents, ensuring all authorised personnel know what actions they should take, making sure additional support can be summoned if necessary and taking medical advice about the safest way to hold a pupil if necessary.

Communication

Parents are made aware of the School's Policy at the induction meeting, through documentation including the Prospectus and via the School Website. Reference is made to the Policy in the Staff Handbook.

This policy is supported by other school policies which have relevance to safeguarding and promoting the welfare of children.

These include:

Safeguarding Child Protection Policy (including management of Allegations against Adults)

Anti-bullying

Health and Safety

Behaviour Management

Whistleblowing

Safer Recruitment

Staff Code of Conduct (including Guidance on Safer Working Practice)

Attendance

E-Safety

Visitors

Curriculum

APPENDIX 1

Examples of Types of Incidents Where Reasonable Force May Be Appropriate To Control or Restrain pupils

There are three broad categories when such action may be appropriate:

- When action is necessary in self-defence or where there is an immediate risk of injury;
- Where there is developing risk of injury or significant damage to property;
- Where a pupil is behaving in a way that is compromising good order and discipline.

Examples of such 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 pupils is causing, or at risk of causing, injury or damage by accident, 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 cause an accident likely to injure him/herself or others;
- A pupil absconds from a class or tries to leave school and could be at risk if not kept in the classroom or at school;
- A pupil is behaving in a way that is seriously disrupting a lesson.

Staff must be aware that these are examples only and such situations would not automatically require the use of force and may reasonably be dealt with in another way.

APPENDIX 2

See Incident Referral File (Office)