

# Shoeburyness High School



# RESTRAINT OF PUPILS POLICY

**February 2018**

**Status** : Recommended

**Next revision due** : February 2021

**Reviewed and monitor by** : Deputy Headteacher - Pastoral

**Target** : All Staff

**Signed by:** :  
**Chair of Local Governing Body** :

## **1. RATIONALE**

The school policy has always been, that wherever possible, staff should not escalate a confrontational situation, but use persuasion, offer opportunities for cooling down, or a place to go to, so that the issue can be discussed. Staff should allow a pupil to leave a class and not block their exit. We would want to encourage 'flight not fight'.

## **2. AIM**

To clarify the exact legal situation for staff on the use of reasonable force to control, restrain pupils and to carry out searches if an offensive weapon is being carried and so protect both staff and pupils.

## **3. OBJECTIVES**

- To establish clear definitions of what is and what is not allowed
- To establish clear reporting and monitoring procedures
- To provide clear guide lines to staff on what action is appropriate and when

## **4. GUIDELINES**

### **4.1 When may reasonable force be used?**

- where a criminal offence is being committed;
- where pupils may injure themselves or others;
- where the behaviour is prejudicial to maintaining good order and discipline at the school or among the pupils;
- where the activity occurs on the school premises or during an authorised activity off the premises.

### **Types of incidents**

There are a wide variety of situations in which reasonable force might be necessary or appropriate in order to control or restrain a pupil. They fall into three broad categories:

- i) where action is necessary in self-defence or because there is an immediate risk of injury;
- ii) where there is a developing risk of injury, or significant damage to property;
- iii) where a pupil is behaving in such a way that it is compromising good order and discipline.

### **Examples of situations that fall within the first two categories:**

- a pupil attacks a teacher, 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 materials or objects;
- a pupil is running in a corridor or on the stairs in a way which could cause an accident likely to injure him or herself or others;
- a pupil attempts to abscond from a class or tries to leave who would be at risk out of the classroom or school. \*

**\* It is school policy that in this situation the pupil should be allowed to leave the classroom. Steps should be taken to alert the School Office so that Senior Leadership may be called and parents informed if necessary.**

**Examples of situations that fall into the third category are:**

- a pupil persistently refuses to obey an order or leave a classroom;

**\* It is school policy that Year Managers or Senior Leadership should be sent for in incidents of this sort. Teachers are not expected to deal with this situation on their own.**

- a pupil is behaving in a way that is seriously disrupting a lesson.

**\*Senior Leadership should be contacted via the school office.**

#### **4.2 Who may use reasonable force?**

(Section 550A of the Education Act 1996 DfE guidance Use of reasonable force - Advice for headteachers, staff and governing bodies - July 2013)

The Headteacher is empowered by the Act, to authorise all teachers and associate staff in the school to use reasonable force to restrain pupils if the need arises

Other people in the school may be authorised, this includes those who regularly work in the school as classroom assistants, caretakers, etc. Authorisation can be on a long term basis or for a specific time.

Training and guidance should be given to all authorised staff, who should be fully aware of their responsibilities.

#### **4.3 What is reasonable force?**

There is no legal definition of reasonable force, but three criteria are established for guidance:

- if the circumstances of the particular incident warrant it;
- the degree of force must be in proportion to the circumstances;
- the age, understanding and sex of the pupil must be considered.

### **Minimum force should be used and must never be seen as a punishment**

#### **Prior to using physical intervention, consider:**

- can the situation be dealt with using other strategies?
- development of strategies for individual children which can be used to defuse or calm situations;
- whether such action will exacerbate the situation;
- the age and level of understanding of the child;
- whether the action is being used as a substitute for good behavioural management.

N.B. Staff should always avoid touching or holding a child in a way that might be considered indecent.

#### **Physical intervention can take a number of forms, for example:**

- physically interposing between pupils;
- standing in the way of a pupil;
- holding, pushing or pulling;
- leading a pupil away from an incident by the hand or by gentle pressure on the centre of the back.;
- in extreme cases, more restrictive holds may be used.

#### **4.4 Force that should NOT be used includes:**

- holding round the neck or any other hold that restricts breathing;
- kicking, slapping or punching;
- forcing limbs against joints (e.g. arm-locks)
- tripping or holding by the hair or the ear;
- holding face down on the ground.

#### **4.5 Self Defence**

Everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so.

#### **4.6 Powers to confiscate and search pupils**

In September 2011 the Government made it clear that schools had the power to enforce disciplinary penalties in relation to confiscated items and the legal powers to search pupils suspected of carrying an offensive weapon.

At Shoeburyness High School the Senior Leadership Team would normally be expected to carry out any necessary searches. However, if any member of staff feels that there is a danger Senior Leadership must be notified as a matter of urgency. We do not expect staff to routinely carry out searches.

It is imperative that at least two members of staff are present when a search is carried out. The school policy would dictate contact with home to inform parents of the situation.

#### **4.7 Recording the incident**

The school will record all incidents where restraint is used, as soon as possible after the incident. The report will include:

- names of pupils;
- the time of the incident;
- the place where the incident occurred;
- the names of staff or other authorised adults involved.
- details are recorded on our recording sheets and are noted by Governors.

**Where the incident has been prolonged or where considerable force has been used, the report should also include the following details:**

- names of all witnesses, pupils and adults;
- signed witness statements;
- the reason for force being used;
- a description of the way in which the incident developed;
- the pupil's response;
- details of the outcomes of the incident including injuries and damage.

**A general complaints procedure will be made available to parents. This will be used if parents feel that inappropriate intervention has taken place.**

**This new guidance DOES NOT ALLOW RESTRAINT TO BE USED AS A DISCIPLINARY MEASURE OR AS A PUNISHMENT. Each and every incident where restraint is used will have to be examined on its merits. Staff and other authorised people should be extremely cautious about using restraint and must be aware of the school policy on discipline. Everyone has the right to defend themselves against attack provided they do not use a disproportionate degree of force to do so.**

#### **4.8 Review and monitoring practice**

Following the detailed recording of a serious incident, the Headteacher or delegated person will:

- read all the accounts of the incident;
- interview all staff (both teaching and support) and pupils who witnessed the incident;
- discuss the incident with the pupil or pupils who were directly involved. The pupils will be given the opportunity to give their version of events, particularly in cases of divergent fact or opinion, and they should be encouraged and if necessary helped to write a statement;
- ensure that parents and/or guardians or other persons with parental responsibility (such as social workers) have been informed of all the relevant facts;
- ensure that support agencies and the Chair of the Governing Body have the incident drawn to their attention;
- ensure that all concerned are aware of their right of complaint;
- following an incident, both the pupil and the member of staff should be monitored to determine the effect of the incident on them;
- cases of pupils with special needs, or who provoke incidents as a means of seeking attention, or who, are testing the boundaries of the school's discipline policies, should be referred to specialist agencies;
- post trauma counselling may be required, following an incident, and specialist help sought if necessary.