

Woodbridge School

RESTRAINT, AND PHYSICAL CONTACT OR INTERVENTION

1. Policy Statement

At Woodbridge School we believe that the use of reasonable force is only necessary to prevent a pupil from:

- Committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil)
- Injuring themselves or others
- Causing damage to property, including their own
- Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in the classroom during a teaching session or elsewhere at a time when a teacher has lawful control or charge of the pupil concerned

(Note: reasonable force may also be used under section 45 of the Violent Crime Reduction Act 2006 to search pupils without consent for weapons. The procedure is outlined in paragraph 16 of DCSF: The Use of Force to Control or Restrain Pupils, 2007)

Note to policy

This policy and procedure is based on DCSF: The Use of Force to Control or Restrain Pupils, 2007 which clarifies the position regarding the use of physical force by teachers and other staff working in schools, to control or restrain pupils.

2. Procedure

All members of staff employed as teachers (all sites) are empowered to restrain pupils (all sites, and also pupils of other schools while on Woodbridge School's grounds or under the lawful charge of our staff), but for staff who usually work with one age group, extreme caution should be used if restraint is required on pupils from a different age group (e.g. Senior school teacher and Queen's House pupil).

All members of staff employed in roles other than that of teacher have no powers of restraint unless given in writing by the Headmaster either for a specific occasion, or for the longer term.

All members of staff, teaching and non teaching, must be familiar with this policy. Staff should also refer to the Guidance for Safe Working Practice for the Protection of Children and Staff in Education Settings 2006 (Woodbridge School version).

The use of restraint should always be a last resort. If practical before intervention, a calm warning or instruction to stop should be given, a clear oral warning to the pupil that force may have to be used given next, and every effort should be made to

achieve a satisfactory outcome without physical intervention. **In all circumstances help must be sent for, even when immediate intervention is necessary.**

Restraint can take a variety of forms – many of which are outlined in the appendix below. Staff should always avoid touching/holding a pupil in a way that might be considered inappropriate.

Force, where used, should always be reasonable. There is no definition of 'reasonable force' it should always be proportional to the circumstances of the incident. It should be used only to control or restrain and never with the intent to cause pain or harm. It must, therefore, be the minimum needed to achieve the desired result and should be in proportion to the circumstances and seriousness of the behaviour or consequences it is intended to prevent. In any action, due regard has to be taken to the age, understanding and sex of the pupil.

The school accepts and understands that in accordance with the law corporal punishment is forbidden.

Preferred Practice

DO.....

- Send for adult help early if you suspect a situation developing in which restraint seems likely.
- Assess the situation before acting.
- Stay calm – do not over-react.
- Use minimum restraint for minimum time until the situation is calm.
- Report the incident to the Headmaster/Deputy/Master/Head of Queen's House or other senior member of staff as soon as possible and complete a report form.
- Remember your professional obligations to all pupils in your care.

DO NOT....

- Place yourself at risk : do not attempt to restrain a pupil who obviously carries a “weapon”.
- Attempt to restrain a pupil when you have lost your temper.
- Allow the situation to get out of control.
- Use unreasonable force.
- Place yourself at risk of false allegation: avoid being alone with any pupil.

In all circumstances, if a teacher intervenes to restrain a child, **it is better to find a second responsible adult to assist or to witness.** However, a teacher could be held to be negligent if (s)he did not intervene to stop an injury, because there was no adult help nearby. In many circumstances **it is not a safer option for a teacher to do nothing** or to take very limited action when to take action could restore safety. So far as a teacher's duty of care is concerned, an omission can be significant.

Post-incident procedure

Where restraint has been necessary, the incident must be reported to the Deputy Head or the Headmaster and logged. A report should be written and filed using the **Proforma** which can be obtained from: **The Headmaster's Office/ The Master (Abbey)/Head of Queen's House.**

In the event of an injury occurring, a **School accident/incident form** must be completed and the accident reporting procedures must be followed. Parents of the pupils involved will always be advised of an incident and it may be necessary for it to be followed up by other disciplinary action or pastoral support.

Any immediate physical needs for staff or pupils should be met as a priority. In due course arrangements should be put in place to aid rebuilding relationships and ensuring that lessons are learned from the incident.

Complaints and allegations

Any such arising from the incident will be pursued according to the School's complaints procedure.

Notes:

Types of Incidents

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

- a. where action is necessary in self-defence or because there is an imminent risk of injury;
- b. where there is a developing risk of injury, or significant damage to property;
- c. where a pupil is behaving in a way that is compromising good order and discipline.

Examples of situations that fall within one of the first two 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 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 (N.B. this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations that fall into the third category are:

- 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, a school sporting event, or school visit.

Reasonable Force

There is no legal definition of 'reasonable force'. So it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

There are 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. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.
- 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.

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.

Practical considerations

Before intervening physically a teacher should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if he or she does not. The teacher 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 it ceases to be necessary. A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

Sometimes a teacher should not 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 the teacher believes he or she may be at risk of injury. In those circumstances the teacher should remove other pupils who might be at risk, and summon assistance from a colleague or colleagues, or where necessary phone the Police. The teacher should inform the pupil(s) that he or she has sent for help. Until assistance arrives the teacher should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

Application of Force.

Physical intervention can take several forms. It might involve staff:

- physically interposing between pupils;
- blocking a pupil's path;
- ushering a pupil by placing a hand in the centre of the back;
- 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, which may require specific expertise and training.

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 with a dangerous object such as a glass bottle or hammer, or throwing something.

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 the pupil's ability to breathe;
- 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.

Staff should always avoid touching or holding a pupil in a way that might be interpreted as sexually inappropriate conduct.

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

In a non-urgent situation force should only be used when other methods have failed. That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline, and there is no direct risk to people or property. As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated.

Physical Contact With Pupils In Other Circumstances

There are occasions when physical contact with a pupil may be proper or necessary other than those covered above. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, or CDT, or if a member of staff has to give first aid. Young children may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. Teachers will use their own professional judgement when they feel a pupil needs this kind of support, but should bear in mind that there may be some children for whom touching is particularly unwelcome. In particular, physical contact with pupils becomes increasingly open to question, where staff and pupils are of different sexes and as pupils reach and go through adolescence; staff

should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

It is good practice to make a written report of any significant incident and lodge it with the Headmaster/Master/Head of Queen's House.

Restrictive intervention (positive handling)

A policy on restrictive physical intervention (positive handling) would be a discrete element of the school's individual behaviour management planning for a pupil in exceptional circumstances as required, and would be devised by the Deputy Head (senior school pupil), Master (Abbey pupil) or Head of Queen's House (pre Prep pupil) in consultation with the parents of the pupil, and with the pupil if desired by either party. It will include

- introduction
- school expectations
- positive behaviour management
- risk assessment and planning for use of restrictive physical intervention (positive handling)
- use of restrictive physical intervention in unforeseen and emergency situations
- post-incident support
- reporting and recording use of restrictive physical interventions
- monitoring use of restrictive physical interventions
- responding to complaints
- staff training.

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References:	DFEE Circular Number 10/98; Section 550A of the Education Act 1996: DfES The Use of force to Control or Restrain Pupils, July 1998. DCSF: The Use of Force to Control or Restrain Pupils, 2007
Governor Agreement	

Checked by M R Streat 10/10/09