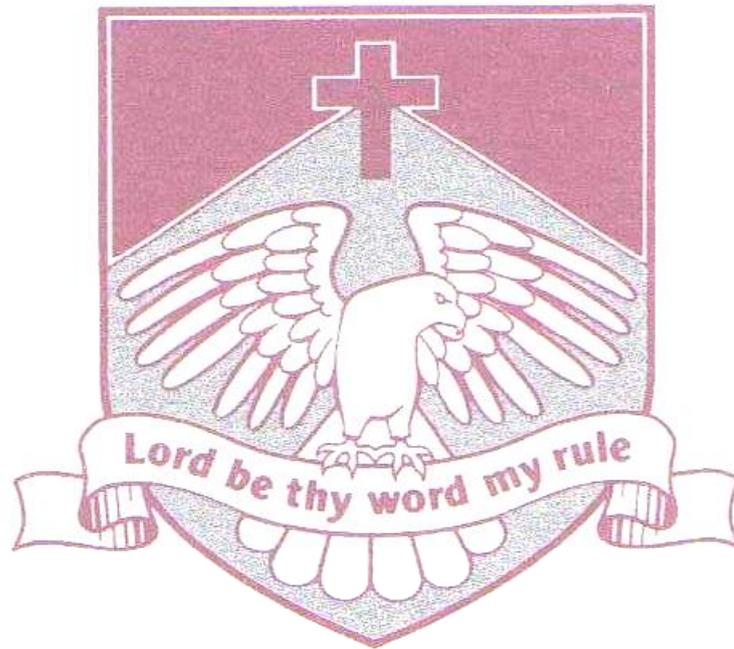


St. John the Evangelist Catholic Academy

EYFS



Policy on Force and Restraint

Date of review: July 2019

POLICY ON THE USE OF FORCE TO CONTROL OR RESTRAIN PUPILS.

INTRODUCTION

The Education Act 1997(section4) clarified the position about the use of physical force by teachers and others authorised by the Head teacher of a school, to control or restrain pupils.

Adding a section (550a) to the Education Act 1996 made the clarification. This new section comes into force on 1st September 1998, and applies to all schools.

It restates 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. That is not true. Where necessary reasonable force can be used to control or restrain pupils. Physical contact with pupils may also be appropriate or necessary in other circumstances, e.g. P.E.

The purpose of this policy is to provide clear guidance to the teachers, and other staff who have lawful control or charge of pupils, as to when reasonable force may be used to prevent pupils committing a crime; causing injury, damage or disruption. It also clearly lays out the procedures to be followed following an incident of restraint **Although_ this policy gives examples of when restraint may be used it does not, under any circumstances, authorise the use of corporal punishment or inappropriate force.**

PLANNING FOR INCIDENTS

*All staff who have contact with the children in the school should read and adhere to this policy. They should make themselves aware of pupils who are likely to behave in a way that may require physical control or restraint.

*They should make themselves aware of the safest way to hold pupils, especially if they have specific health needs.

SECTION 550A

This section allows teachers, and other persons who are authorised by the head teacher to have control of pupils, to use such force as is reasonable to prevent a pupil from doing, or continue to do, any of the following:

- Committing a criminal offence (including in a way that would be an offence if the pupil were not under the age of criminal responsibility);
- Injuring themselves or others;
- Causing damage to property (including pupils own property)

- 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 a classroom during a teaching session or somewhere else.

The provision applies when a teacher, or other authorised person, is on the school premises, and when he or she has lawful control or charge of the pupil concerned elsewhere e.g on a field trip or other authorised out of school activity.

AUTHORISED STAFF

The Act allows all teachers at St. John the Evangelist Catholic Academy to use reasonable force to control or restrain pupils. It also allows others to do so, in the same way as teachers, **provided they have been authorised by the Principal to have control or charge of pupils.**

Other staff who may be authorised by the Principal are as follows:

- Teaching Assistants
- School Secretary
- Nursery nurses
- Care workers
- Midday meals supervisors
- Specialist support assistants
- Education Welfare officers

People other than teachers may be authorised on a permanent or temporary basis. In order for a person to be authorised they must read the contents of the policy and sign the declaration on the last page. A copy of the declaration and policy will be kept on file. A list of all those authorised by the Principal will be kept and a copy issued to all staff.

ACTION IN SELF - DEFENCE OR AN EMERGENCY

Section 550A does not cover all the situations in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to defend themselves against an attack provided they do not use excessive force to do so. Similarly in an emergency, for example if a pupil were in immediate risk of an injury or on the point of inflicting an injury on someone else, any member of staff would be entitled to intervene, indeed they would be expected to do so. The purpose of section 550a is to make it clear that teachers, and other authorised staff, are also entitled to intervene in other less extreme situations.

SITUATIONS IN WHICH REASONABLE FORCE MIGHT BE APPROPRIATE.

These fall into 3 categories.

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

The following are examples of situations that fall within the first 2 categories.

- 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 the 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 school and a member of the SMT team should be contacted as soon as possible. Where a child does leave school without permission then a call must be made to: a) the Police
b) the parent/carer

The following are examples of situations that fall into the third category.

- a pupil persistently refuses to obey an order to leave the classroom, or playground;
- A pupil is behaving in a way that is seriously disrupting a lesson.

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 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 degree of force must be in proportion to the circumstances of the incident and the seriousness of the behaviour. Any force used should always be the minimum needed to achieve the desired result.

PROCEDURES FOR DEALING WITH INCIDENTS

Teachers and other authorised people should avoid the use of force or restraint and only use it in emergency or as a last resort.

The following procedures should be followed wherever practicable:

- firstly tell the pupil to stop, and what will happen if he or she does not;
- the person dealing with the incident should continue attempting to communicate with the pupil throughout the incident;

- if physical restraint is required it should be the minimum required to achieve the desired result. The adult should make it clear to the pupil that physical contact or restraint will stop as soon as it ceases to be necessary.
- adults should use a calm and measured approach. They should never give the impression that they have lost their temper, or are acting out of frustration, or to punish the pupil.
- Under no circumstances should an adult deal with an incident where they believe that they may be at risk of injury. In these circumstances they should send for help from a colleague or where necessary from the Police and remove other pupils who may be at risk. The teacher should inform the pupils that he or she has sent for help. Until assistance arrives the teacher should continue to attempt to diffuse the situation orally, and try to prevent the incident from escalating. A call to the parent/carer of the pupil, asking them to collect their child, needs to be made immediately.

Where there is no other member of staff available to contact, then all children should be taken to the hall where they will be supervised by a teacher whilst the remaining two teachers supervise the individual pupil.

APPLICATION OF FORCE

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

- physically interposing between pupils;
- blocking a pupils path;
- holding;
- pushing;
- pulling;
- leading a pupil by the arm;
- shepherding a pupil away by placing a hand in the centre of the back ; or
- (in extreme circumstances) using more restrictive holds.

In exceptional circumstances, where there is 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 some thing.

Staff should not act in a way that might reasonably be expected to cause injury, for example

- holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupils ability to breathe;
- slapping, punching or kicking a pupil; twisting or forcing limbs against a joint;
- tripping a pupil;
- holding 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 considered indecent.

Restraint should never be used as a substitute for good behavioural management.

RECORDING INCIDENTS

If an incident where restraint or force has been used, the Headteacher must be informed immediately. The adult should complete an incident report form obtainable from the Principal, while the incident is still fresh in the mind. This should be handed to the Principal as soon as possible afterwards and filed in the behaviour log.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when completing a report

The Principal will contact the parents and inform them of the incident either straight away or at the end of the day, depending on the seriousness of the incident. The Principal will consider whether this should be done orally or in writing. The parents will be invited to meet with the Principal to discuss the incident.

COMPLAINTS BY PARENTS

The school will always liaise closely with parents, explaining the steps taken and reasons why as well as strategies to avoid the situation from reoccurring. A parental complaint might lead to an investigation by the Principal through the school's disciplinary procedures or by the Police and social services department under child protection procedures. The Principal will initially deal with all complaints.

PHYSICAL CONTACT WITH PUPILS IN OTHER CIRCUMSTANCES

There may be occasions when physical contact with a pupil may be proper or necessary other than those covered by section 550A of the 1996 Act. Some physical contact may be necessary to demonstrate exercises or techniques during P.E or Games lessons, or if a child needs first aid. Very young children and some children with Special Educational needs may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. The adults in charge of pupils at St. John the Evangelist Catholic Academy will use their own professional judgement when they feel a pupil needs this kind of support.

There may be some pupils in the school for whom touching is particularly unwelcome, perhaps because of their cultural background or because they have been abused. It is important that staff receive information on these children through the weekly 'confidential' item on staff meeting agendas. The Principal will be responsible for disseminating sensitive information of this nature.

St. John the Evangelist Catholic Academy

USE OF FORCE TO CONTROL OR RESTRAIN A PUPIL REPORT FORM

Date of incident:	
Location:	
Name of pupil(s) involved:	
Names of staff and/or pupils who witnessed the incident:	
Outline why it was necessary to use physical force (e.g. to prevent injury to a pupil)	
How the incident began and progressed. (Include details of the pupil's behaviour, what was said by each of the parties, the steps taken to diffuse the situation, the degree and nature of the force used, how it was applied and for how long.)	
Outline the pupil's response and outcome of the	

incident.	
Give details of any injury suffered by the pupil, another pupil and/or member of staff and of any damage to property.	
Signed by:	
Date:	

St. John the Evangelist Catholic Academy

PRINCIPAL'S AUTHORISATION FOR THE USE OF FORCE TO CONTROL OR RESTRAIN PUPILS UNDER THE EDUCATION ACT 1996 SECTION 550A

I HAVE READ THE SCHOOLS POLICY ON CONTROL AND RESTRAINT OF PUPILS AND I UNDERSTAND THE CONTENTS.

I AGREE TO PAY DUE REGARD TO THE POLICY AND COMPLY WITH ITS PROCEDURES AND RECOMMENDATIONS.

PRINTED NAME OF ADULT.....

SIGNATURE OF ADULT.....

SIGNATURE OF PRINCIPAL

DATE.....