

RESTRAINT OF STUDENTS' POLICY

Under the Education Act 1996 reinforced by the Education and Inspector's Act 2006 the Head Teacher may authorise all teachers at Trinity to use reasonable force to restrain pupils. He also has the power to authorise others to do likewise including classroom assistants, caretakers and volunteers. The authorisation may be on a long term or short term basis.

The Need for a Restraint Policy

It is extremely important that the relationship between pupils and adults is set on a firm professional basis which leaves no room for misinterpretation of any act or instruction. The teaching staff 'duty of care' set out in the School Teachers Pay and Conditions document quite clearly states that teachers are required to maintain good order among the pupils and safeguard their health and safety when they are authorised to be on the School Premises and when they are engaged in authorised School Activities elsewhere. Linked to the 'duty of care' teachers also have a duty to act in 'Loco Parentis' in the manner of caring and reasonable parents. This applies to pupils in their care at any time.

It is hoped that the issuing of this policy document will clarify matters to both parents and pupils, as well as outlining parameters for staff within which to operate.

Definition of Reasonable Force

There is no legal definition of Reasonable Force but four criteria are established for guidance:-

- a. If the circumstances of a particular incident warrant it
- b. The degree of force must be in proportion to the circumstances
- c. The age, understanding, and sex of the pupil must be taken into consideration
- d. Minimum force should only be used and never as a punishment. Physical intervention can take a number of forms e.g.:
 - a. Physically placing oneself between pupils
 - b. Standing in the way of a pupil
 - c. Holding, pushing or pulling away a pupil
 - d. Leading the pupil from an incident by the hand or applying gentle pressure on the centre of the back
 - e. In extreme cases more restraint holds can be used.

On no account should the following be used:

- a. Holding round the neck or any other hold that may restrict breathing
- b. Kicking, slapping or punching
- b. Forcing limbs against joints e.g. arm-locks
- a. Tripping or holding by the hair or ear
- b. Holding face down on the ground

When can reasonable force be used

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

- a. Committing an offence
- b. Where action is necessary in self defence or because there is imminent risk of injury

- c. When there is a developing risk of injury or significant damage to property
- d. Where a pupil is behaving in a way that is prejudicing good order and discipline Examples of situations that fall within categories 'b' & 'c' are as follows:

1. A pupil attacks a member of staff or another pupil
2. Pupils are fighting
3. A pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property
4. 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.
5. A pupil is running in a corridor or on a stairway which she or he might have cause to have an accident likely to injure him or herself or others.
6. A pupil attempts to abscond from a class or tries to leave who would be at risk outside of the classroom or school Examples of Situations that would fall into category 'd' are:
 - a. A pupil persistently refusing to obey an order to leave a classroom when sent to another member of staff
 - b. A pupil is behaving in a way that is seriously disrupting a lesson

(Section 550A of the Education Act 1996 DFEE Guidance Circular 10/98)

Follow-up Action

All incidents where restraint is used must be recorded as soon as possible in an incident book located in either the Upper Site or Lower Site School Offices. In normal circumstances the following should be recorded:

1. Name of the pupils involved
2. The time of the incident
3. The place where the incident occurred
4. The names of staff or other authorised adults involved
5. Written statements of witnesses

Where the incident has been prolonged or where considerable force has been used the following details should also be recorded:

1. The names of all witnesses, pupils and adults, within reason
2. Signed witness statements.
3. The reason for force being used
4. A description of the way in which the incident developed
5. The pupil's response.
6. Details of the outcomes of the incident including injuries and damages.

Complaint's Procedure

Parents must understand that staff do have the right to reasonably intervene with force where necessary. The enclosed policy should prevent misunderstandings by either parents or pupils, and will minimise complaints.

However, there is always a possibility of a formal complaint. A number of persons may feel aggrieved by the incident whether they be staff, pupils, parents, other employees or even visitors to the school or members of the public. Any of these persons can lodge a complaint and expect it to be investigated diligently and fairly. Any complaint should, in the first instance, be lodged with Dr Doherty, Headmaster, who will decide whether to conduct the investigation himself or appoint an investigating officer. If Dr. Doherty concludes, after investigation, that a complaint

has substance then he may take further action involving if necessary, Child Protection Procedures, the Governors, or Local Education Authority if the case is against a member of staff. If the case is against a pupil then the normal school disciplinary procedures will be invoked.