



Serva Fidem

RESTRAINT OF PUPILS POLICY

This policy relates to the whole school including the Early Years Foundation Stage.

INTRODUCTION

Everyone has the right to defend themselves against attack. Any member of staff may intervene in an emergency if a pupil is in immediate risk of injury or on the point of inflicting injury on someone else.

Section 550A of the Education act 1996 clarifies the powers of teachers and other staff who have lawful control or charge of pupils either on the premises or on approved extra-curricular activities, to use reasonable force to prevent pupils committing a crime, causing injury or damage to themselves, others or property, or to prevent behaviour prejudicial to the maintenance of good order and discipline.

GUIDELINES

1. The law clearly forbids a teacher to use any degree of physical contact which is deliberately intended to punish, or primarily cause pain, injury or humiliation.
2. The legal position: The touching, physical restraint, use of force against or constraint of a pupil is something to be approached with great caution. Such acts may result in accusations of either criminal offence or result in civil action.
3. Restraint of a pupil is permitted when the pupil is:
 - i) committing any offence
 - ii) causing personal injury to, or damage of any person
 - iii) engaging in behaviour prejudicial to the maintenance of good order and discipline

Examples quoted include:

- where pupils are fighting
- on the verge of committing a deliberate damage or vandalism to property
- causing themselves or others to be at risk of damage by accident
- through rough play or the misuse of dangerous materials or objects

The Education Act also quotes pupils running in corridors or stairways in such a way as to endanger the safety of others or where a pupil persistently refuses to obey an order to leave a classroom, or behaves in such a way as to seriously disrupt a lesson.

4. Restraint in any of the above circumstances must only be used when there is **no alternative** to use of physical restraint.
5. Restraint may involve blocking the path of pupils, positioning oneself between pupils, touching, holding, pushing, pulling or leading a pupil by the arm or shepherding a pupil away, by placing a hand in the centre of the back.
6. Only in the **most exceptional circumstances** and when there is no alternative can a person justify the use of force upon a pupil which might reasonably be expected to cause injury.
7. Physical restraint must involve the **minimum force** necessary to prevent injury or remove the risk of harm and should be gradually relaxed as the pupil gains self-control. Physical restraint must not be used to gain compliance with staff instructions when there is no immediate risk to the pupil or to other individuals.
8. As a general principle teachers should not make unnecessary physical contact with their pupils. However, there are occasions when physical contact is appropriate and/or necessary, e.g. on those occasions in the course of teaching when, for example, a pupil is being shown how to use a piece of apparatus or equipment or while demonstrating a move or exercise during PE or IT. The administration of First Aid will inevitably involve physical contact and First Aiders should ensure that others are present in circumstances when physical contact could be misconstrued. Any comforting gestures must always be acceptable to the pupil concerned.
9. Staff are NOT expected to restrain a pupil if, by so doing, they consider they put themselves at unacceptable risk.
10. Any incident resulting in the restraint of a pupil should, if possible, be witnessed by another member of staff and must be written up and dated and a copy lodged with the Headmaster, the DSL and in the pupil's file. Such accounts may be made available to outsiders (parents, governors, consulting professionals). Parents must also be advised on the same day or as soon as reasonably practicable and given the opportunity to discuss the incident.

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