

Control and Restraints of Students Policy Teachers

September 2016 – September 2019

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1 **Legislation context.**

This policy has been informed by the following legislation:

- The Education Act 1996 (Section 550A)
- The Education Act 1997 (Section 4)

and DFE guidance:

- Circular 8\94 Pupil Behaviour and Discipline
- Circular 10\95 Protecting Children from Abuse: the Role of Education Service

The policy has also been devised within the framework provided by the Local Education Authority:

- Coventry Behaviour Support Plan (1998)
- Guidance on the Behaviour Management of Children (1999)

2 **Academy context.**

2.1 It would always be the aim of Governors and Staff of the MAT to avoid the use of force with students by the careful and consistent management of their behaviour thorough the continual reiteration and promotion of the behaviour standards

2.2 However, Governors recognise that very rare circumstances will arise when staff at the Academy will be obliged to use reasonable force to prevent students committing a crime; causing injury or damage; or causing disruption.

Under no circumstances do Governors authorise the use of corporal punishment nor do they condone the use of inappropriate force.

2.3 Through the application of the Aims and Principles of the MAT , Governors seek at all times to promote a shared sense of community and belonging amongst students. They recognise that staff will always work to prevent situations where restraint is used and will only reluctantly resort to physical interventions if their best professional judgement deems this to be necessary.

3 **Types of incidents where restraint may be necessary**

3.1 The relevant legislation does not cover all the situations in which it might be reasonable for someone to use a degree of force. For example, in common law, everyone has the right to defend themselves against attack provided they do not use a disproportionate degree of force to do so. Also, in emergency situations, if for example, a student was at immediate risk of injury or on the point of inflicting injury on someone else any member of staff would be entitled to intervene. The legislation however, makes it clear that staff are also entitled to intervene in other, less extreme situations.

3.2 Governors acknowledge that there is a wide variety of situations in which reasonable force might be appropriate or necessary to control or restrain a student. They also recognise the impossibility of drawing up a definitive list of possible situations which fall into three broad categories:

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

Examples of situation that fall within one of the first two categories are:

- student attacks a member of staff, or another pupil
- students are fighting
- student 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
- student absconds from a class or tries to leave Academy (N.B. this will only apply if a student could be at risk if not kept in the classroom or at the Academy).

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

- a student persistently refuses to obey an order to leave a classroom
- a student is behaving in a way that is seriously disrupting a lesson

Governors recognise the third category may require a greater level of finely balanced judgement by staff. They may, for instance, choose to avoid physical intervention in similar cases to the examples given by removing the rest of the class from the room where the lesson is being disrupted.

4 Reasonable force

4.1 There is no legal definition of 'reasonable force'. What is judged to be reasonable will depend on all the circumstances of the case.

4.2 Governors consider there to be two relevant considerations and require staff to take these into account when considering the use of force or restraint.

- force or restraint can only be regarded as reasonable if the circumstances of the particular incident warrant it. They expect staff to only exercise force or restraint in the most serious of circumstances such as those illustrated in Section 3.
- 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.

Governors require that any force used should always be the minimum needed to achieve the desired result.

5 Application of force

- 5.1 Physical intervention can take several forms. It might involve staff:
- physically interposing between students
 - blocking a student's path
 - holding
 - pushing
 - pulling
 - leading a student by the hand or arm
 - shepherding a student away by placing a hand in the centre of the back or (in extreme circumstances) using more restrictive holds.
- 5.2 In exceptional circumstances, where there is an immediate risk of injury, a teacher may need to take any necessary action that is consistent with the concept of 'reasonable force', for example to prevent a young student running off a pavement onto a busy road, or to prevent a student hitting someone, or throwing something.
- 5.3 In no circumstances should staff 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 student's ability to breathe
 - slapping, punching or kicking a student
 - twisting or forcing limbs against a joint
 - tripping up a student
 - holding or pulling a student by the hair or ear
 - holding a student face down on the ground
- 5.4 Staff should always avoid touching or holding a student in a way that might be considered indecent.

6 Recording incidents

- 6.1 Governors require there to be a detailed contemporaneous written record of any occasion where force is used by a teacher. This is in everyone's interests and provides security and protection for both staff and students should any misunderstanding or misrepresentation of the incident takes place.
- 6.2 The Principal will delegate to a member of the ALT the responsibility of maintaining an incident book.

All staff involved in an instance of the use of force or restraint with a student will be required to inform the relevant member of staff and to provide her\him with a written report as soon as possible after such an incident.

- 6.3 The report should include:
- the name(s) of the student
 - where and when the incident took place
 - the reason that force was necessary
 - how the incident developed – to include what was said and done, what steps were taken to defuse the situation, the degree of force, the student’s response and how the incident ended
 - details of any injury to student(s) and teacher(s)
 - details of any damage to property
 - the names of any student or staff who witnessed the incident.

Staff who write the report should keep a copy and consult their professional association as a matter of course.

- 6.4 The member of the ALT responsible for recording incidents may ask for further details, or points of clarification. He or she may also wish to consult witnesses in the interests of everyone’s protection. Should it be judged necessary to do this, it will be done discretely and only after the teacher involved has been informed.
- 6.5 The member of the ALT responsible for recording incidents will inform the parent of the student(s) involved and will exercise discretion about when this is done.

7 Complaints

- 7.1 Should there be a complaint by either a student or a parent about the use of force by a teacher, the Head Teacher will appoint a member of the leadership team, other than the member responsible for recording incidents, to investigate the matter.
- 7.2 Governors fully expect that staff will have followed all the Academy’s policies and guidelines on the management of student behaviour and that complaints will therefore be resolved to everyone’s satisfaction as soon as possible.
- 7.3 In the extremely rare circumstances where this might not be possible then an investigation under the LA’S disciplinary procedures or an investigation by the Police and Social Services Department under Child Protection Procedures may result. If the former is the case, the Head Teacher and Governors will follow the agreed Personnel Procedures. If the latter is the case, the Head Teacher and Governors will no longer have any responsibility for investigating the incident.