



Meadowhead School Academy Trust

Care, Control and Physical Restraint of Pupils Policy



**This is a policy of Meadowhead School Academy Trust.
Meadowhead School is a Foundation School
and a member of the
Meadowhead Community Learning Trust**

Staff Responsible: Kate Miller
Reviewed: November 2021
Approved: 22nd November 2021

Care, Control and Physical Restraint of Pupils

THE DUTY OF CARE

The Children Act 1989 Section 3 (5) states:

“A person who does not have Parental Responsibility for a particular child, but has care of the child may (subject to the provision of the Act) do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child’s welfare.”

For the purposes of the Children Act (1989) and this policy document, a child is defined as a person of less than 18 years of age. The term “young person” is deemed to refer to those of sufficient age and understanding to be able to make informed comment, but who are still in law children.

1. STATEMENT OF INTENT

This guidance applies to all employees and users of Meadowhead School.

The Governors recognise the right of every person to be protected from harm, and for that reason, seek to protect all pupils against any form of physical intervention which is either unnecessary, inappropriate (either to the pupil or in the prevailing circumstances) excessive or unlawful.

It is acknowledged that staff deal on a day to day basis with groups of children some of whom may exhibit disturbed, distressed and distressing behaviours. The Governors seek, therefore, to assist all staff in preserving good order and discipline and in promoting and maintaining an environment conducive to meeting the children’s needs, and are aware that there are occasions when staff touch children and young people in ways which are entirely appropriate.

There is also a need to minimise the risk to staff of false accusations of improper conduct towards a pupil and to ensure that staff members feel confident about appropriate action in very difficult circumstances. Staff should ensure that they never put themselves in situations where they might be compromised or have false allegations made towards them.

The Governors recognise the constraints upon staff in this context and have put in place a policy to help them deal with these issues. This document is commensurate with the DfEE (Department for Education and Employment) guidance document 10/98.

Good practice indicates that parents and carers should be involved in the behavioural management of their child. They will be made aware of the school’s policy regarding restraint of pupils who exhibit disruptive, self-injurious or violent behaviour.

All parents and carers will be involved immediately a serious incident occurs and will have access to the formal procedures for reporting and recording such an incident.

2. WHOLE SCHOOL BEHAVIOUR POLICIES

The subject was addressed in the Elton Report and more recently in DFE Circular 8/94 “Pupil Behaviour and Discipline”. The circular makes the point that ‘Pupils need to know and understand the boundaries of acceptable behaviour’.

The school has in place a written behaviour policy which covers:

- strategies which avoid the 'triggering' of bad behaviour;
- rewards and sanctions;
- safeguarding

3. **PHYSICAL RESTRAINT**

3.1 **Lawful Forms of Physical Restraint**

It is extremely difficult to define what a court would consider to be an acceptable use of physical force. There is an expectation in law that the force in restraining a child / young person should be both 'reasonable' and 'appropriate'. Lawful methods probably include:

- any holding tactic which restrains a child / young person without injury until he/she calms down;
- physical contact with a pupil designed to control the child / young person's movements which pose a danger (e.g. holding of arms or legs to prevent or restrict striking or kicking);
- the use of minimum physical force – without deliberately causing injury – to remove a dangerous object from a pupil's grasp;
- physically preventing a pupil from exposing him/herself to possible danger by leaving the premises.

3.2 **Unreasonable Levels of Physical Restraint**

Only a court can judge, and does so retrospectively, if a reasonable level of physical force was used to restrain a child / young person. The following actions are likely to be deemed unreasonable:

- striking a pupil;
- exerting excessive pressure on any part of a child / young person's body;
- causing deliberate injury to a child / young person;
- forcing a child / young person's arm up his/her back;
- squeezing a child / young person's neck or windpipe;
- shaking a child / young person;
- tying up or binding a child / young person;
- lifting a child / young person off the floor in order to intimidate;
- pulling a child / young person's hair;
- jabbing a child / young person with a finger.

There are of course other forms of unacceptable behaviour.

This list is not exhaustive, nor does it cover all possible circumstances which could arise. The application of restraint will vary according to the particular circumstances of each case. The omission of a particular kind of conduct from this list does not mean that it would be deemed as reasonable. For instance, much will depend on a child / young person's age, size, race, culture, disability or demeanour. There may also be particular difficulties when a member of staff of the opposite sex restrains a child / young person; and much will depend on the circumstances and background.

3.3 Circumstances Justifying Physical Restraint

The starting point is that Meadowhead School has tried and tested systems to deal with most situations. The guideline is still not to lay hands on any pupil.

The use of physical restraint should be seen as the last resort. Physical restraint should only be used to prevent a child / young person:

- from harming him/herself;
- from harming others;
- from causing serious damage to property;
- from committing a criminal offence;
- from engaging in any behaviour prejudicial to maintaining good order and discipline.

NB: We are talking here about extreme behaviour. Normal referral systems e.g. to the On Call Teacher will still operate and be sufficient in all but the most exceptional circumstances.

Staff are not expected to attempt to restrain a child / young person if they are likely to put themselves at risk.

There may be occasions when physical intervention is necessary to avert potential danger. Meadowhead School has a system to enable staff to obtain help in an emergency i.e. the on call system

3.4 Physical Restraint Procedures

The policy outlined here forms part of the Agreement included in the Code of Conduct between Governors, staff and parents. The parents are deemed to have accepted the policy when they enrol their child in the school, but the policy is available to them e.g. via the Prospectus and Code of Conduct.

It is imperative that staff exercise sound judgements and act with discretion in deciding how to react in a particular set of circumstances.

Before Intervening

Good practice indicates that parents/carers should be involved in setting programmes for the behaviour modification of their child.

The parent/carer needs to be aware that physical intervention may be necessary and agree to its use in defined circumstances.

As soon as a member of staff has decided that physical intervention may be necessary in order to prevent injury to any person, or serious damage to property, then he/she should:

- warn the child / young person of the consequences of his/her behaviour (**Note** – this warning must not compromise any threat of unlawful assault).
- if at all possible, summon additional staff support. The importance of the presence of a colleague(s) is twofold. First, there is a witness if allegations of assault are subsequently made by children / young people to parents. Second, another member of staff may be able to reduce the physical risk to both the member of staff and the young person of suffering bodily harm – a solitary staff member is in a very exposed position if, for example, a fight is in progress.

While Intervening

The member of staff must:

- employ minimum force for the minimum period necessary to restrain the child / young person;
- keep talking to, or otherwise communicating with, the child / young person; e.g. “When you are calm I can let go”;
- avoid threatening or committing any act of punitive violence;
- keep his/her temper under control;
- have regard to others in the vicinity.

After Intervening

The member of staff must:

- follow when necessary the school’s injury / accident procedures
- report the necessity for intervention to a senior member of staff
- record a full report in writing – a sample pro forma is appended. Copies will be kept in the Bound Book in both offices and should be lodged with the Head when completed. The Bound Book is held by Kate Miller, Assistant Headteacher

The management of the school will:

- provide appropriate support for the child(ren) and staff concerned
- consider the needs of others present who observed the incident
- notify parents or carers of the action taken and initiate appropriate follow-up
- initiate appropriate follow-up with the child / young person
- review the incident in the light of the school’s procedures and disseminate any conclusions reached
- follow the appropriate complaint or disciplinary procedures.

4. INVOLVEMENT OF PARENTS AND CARERS

At all times parents and carers have a responsibility and right to be involved in their child’s management and general well-being.

Since the pupil’s behaviour affects both the home and the school environment, it is a parent’s/carer’s right to work with the education authority and vice versa in order to promote the most effective management.

It is vital that the school and the parents work in partnership. All parents/carers should be involved when a serious incident occurs and should have access to the formal procedures for reporting and recording such an incident.

5. GUIDANCE ON BEHAVIOUR BY MEMBERS OF STAFF TOWARDS CHILDREN AND YOUNG PEOPLE

- a) The following behaviours fall within *permitted* limits:

Physical

Physical restraint within permitted limits in circumstances where it is necessary for the protection of children and young people, of other persons and/or to prevent serious damage to property, and/or to prevent a criminal offence being committed, and/or to prevent behaviour which would be prejudicial to maintaining good order and discipline.

Emotional

Whilst recognising that occasional admonition or criticism is necessary children and young people should always be treated with dignity, respect and positive regard.

- b) The following behaviours are considered to be *unprofessional conduct* and therefore *inappropriate and unacceptable*:

Physical

The use of more force than is necessary to control the situation. This includes the use of threats and other verbal abuse.

Sexual

Not making proper arrangements for privacy. Invading a person's privacy, making suggestive remarks, sexual jokes etc., using physical contact which is not overtly sexual but makes the child / young person feel uncomfortable.

Emotional

Persistent admonition, direct insults, severe criticism, shaming, embarrassing, sexist and racist behaviour. The persistent use of scorn, ridicule or sarcasm.

- c) The following behaviours are abusive or potentially abusive behaviour and are *likely to be unlawful*:

NB Some, such as corporal punishment, are already unlawful

Physical

Excessive or persistent use of force in control and restraint situations. Corporal punishment or other assaultive behaviour, which results in a persisting bruise or lacerations, would almost certainly constitute prima face evidence of a criminal offence.

Sexual

Any sexual contact will almost certainly constitute a criminal offence. Persistent suggestive remarks or sexual jokes could be considered sexual harassment and therefore may be unlawful.

Emotional

Gross examples of persistent admonition, direct insults, severe criticism, shaming, embarrassing, sexist and racist behaviour. The persistent use of scorn, ridicule or sarcasm.

This policy follows guidelines set out by the NSPCC