



**WOOD END
INFANT SCHOOL**

Positive Restraint Policy

Policy to be signed off by the Headteacher	
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Madhu Bhachu
Headteacher

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Positive Restraint Policy

UNICEF Article 3: Every child's best interest must be at the heart of everything that affects them.

UNICEF Article 19: Every child has the right not to be harmed by anyone or anything.

UNICEF Article 6 – Every child has the right to life and to achieve their full potential.

UNICEF Article 28: Every child has the right to learn and to go to school.

UNICEF Article 1 - Every child has these rights no matter what.

This policy provides information and guidance for teachers, teaching assistants, non-teaching staff, parents and Governors on our approach to the use of reasonable force and positive restraint.

This follows the non-statutory advice from the Department for Education: *Use of Reasonable Force. Advice for headteachers, staff and governing bodies. July 2013*

This policy is intended to provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of the Headteacher and governing bodies in respect of this power.

Key points

School staff have the power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.

Suspension should not be an automatic response when a member of staff has been accused of using excessive force.

Senior school leaders should support their staff when they use this power.

All staff will use a variety of strategies to de-escalate a situation before 'holding' a child.

What is reasonable force?

The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involves a degree of physical contact with pupils. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm, through to more extreme circumstances such as breaking up a fight, or where a pupil needs to be restrained to prevent violence or injury.

'Reasonable in the circumstances' means using no more force than is needed. As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between two pupils, or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom. Restraint means to physically hold a pupil. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

School staff should always avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

Who can use reasonable force?

All members of school staff have a legal power to use reasonable force.

This power applies to any member of staff at the school. It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

When can reasonable force be used?

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

Remove disruptive children from the classroom where they have refused to follow an instruction to do so;

Prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;

Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;

Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and

Restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

Use force as a punishment – it is always unlawful to use force as a punishment.

Communicating the school's approach to the use of force

Every school is required to have a behaviour policy and to make this policy known to staff, parents and pupils. The governing body should notify the Headteacher that it expects the school behaviour policy to include the use of reasonable force.

There is no requirement to have a policy on the use of force, but we feel it is good practice. It is also referred to in the school's behaviour policy.

We acknowledge our legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEND).

We do not require parent consent to use force on a pupil. We do not have a 'no contact' policy, because there is a real risk that such a policy might place a member of staff in breach of their duty towards a pupil, or prevent them taking action needed to prevent a pupil causing harm.

Through regular training staff are clear about when force might be used.

Staff training

In deciding what a serious incident is, staff should use their professional judgement and consider the following:

- Pupil's behaviour and level of risk presented at the time of the incident;
- Degree of force used;
- Effect on the pupil or member of staff; and
- The child's age.

Key members of staff have attended Team Teach training and these members of staff are called upon when children require 'holding' to keep themselves and/or other safe.

Recording when force has been used and reporting to parents/carers

We will always report the use of force to parents and record all incidents in the *Positive Restraint Log Book* kept in the Headteacher's office.

What happens if a pupil complains when force is used on them?

All complaints about the use of force should be thoroughly, speedily and appropriately investigated by the Headteacher.

Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.

When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

Suspension must not be an automatic response when a member of staff has been accused of using excessive force. We will refer to our *Dealing with Allegations of Abuse against Teachers and Other Staff Policy*. Where an allegation of using excessive force is made against a teacher, this guidance makes clear that a person must not be suspended automatically, or without careful thought.

Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

Governing bodies should always consider whether a member of staff has acted within the law when reaching a decision on whether or not to take disciplinary action against the member of staff.

As employers, we have a duty of care towards our employees. It is important that we provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

What about other physical contact with pupils?

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. Examples of where touching a pupil might be proper or necessary:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.

If a member of staff is unclear about any aspects of this policy, they must seek the advice of a member of the Leadership team.