

HURST PRIMARY SCHOOL



Physical Restraint Policy

Policy Reviewed: Spring Term 2017

To be Reviewed: Spring Term 2018

Signed: 

Dated: 23/03/2017

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INTRODUCTION

Although the School Standards and Framework Act 1998 barred corporal punishment in all schools, it made clear that anything done to avert immediate danger, or personal injury or damage to property would not be considered corporal punishment.

POWER TO USE REASONABLE FORCE

S550A of the Education Act 1996 (inserted into that Act by s4 of the Education Act 1997) gives teachers the right, if authorised by the Head, to use reasonable force to prevent a pupil from doing any of the following:

- committing a criminal offence;
- injuring themselves or others;
- damaging property, including their own; and
- behaving in a way which is prejudicial to the good discipline and order of the school whether in the classroom or elsewhere where the teacher has lawful control of the pupil(s).

Guidance is given in the Circular 10/98 Section 550A of the Education Act 1996: The Use of Force to Control or Restrain Pupils.

DEFINITION OF REASONABLE FORCE

There is no legal definition of 'reasonable force', and Circular 10/98 does not describe when it might be used with impunity. The Circular points out that it is the circumstances surrounding a particular incident which make the use of force reasonable, and warrant its use when other means might have been used.

The kind and degree of force used also has to be proportionate to the offence, and the minimum necessary to bring the behaviour under control.

The Circular gives examples of situations where reasonable force might be justified. These include:

- a pupil fighting another;
- a pupil attacking a teacher;
- acts of vandalism, rough play, running in a corridor, or misuse of objects which might cause personal injury or damage to property; and
- refusal by a disruptive pupil to leave the classroom.

The Circular urges staff to exercise caution in the use of force and to always try other strategies to resolve a situation, particularly if there is no immediate threat of personal injury and damage.

DEGREE OF FORCE

Staff should not use any force that might inflict pain such as striking a pupil, or holding them by the neck, or pulling hair, or acting in any way that might be considered indecent.

RESPONSIBILITIES OF STAFF

Any member of staff may use reasonable physical restraint in order to avoid injury, damage to property or the committing of a criminal act by a pupil or group of pupils. Physical intervention should only be used if verbal instructions are ignored. In all cases members of staff must consider whether they put themselves at undue personal risk by intervening in this way. With regard to managing behaviour that is prejudicial to class / school discipline, staff should ask for the Head Teacher, Deputy Head Teacher or a senior leader to assist with the removal from class of a pupil who is being disruptive and has refused to leave as instructed.

KEEPING RECORDS

When force has been used the Head Teacher, Deputy Head Teacher or Senior Assistant Head Teacher should be informed.

The school will keep detailed, up-to-date, written records of all incidents where force of any kind has been used.

The record will include:

- name of member of staff;
- date of the incident;
- names of pupils involved;
- witnesses;
- where the incident took place;
- description of the incident;
- any steps taken to calm the situation before force was considered necessary;
- reason why the use of force was necessary;
- nature of the force used;
- the pupil's response;
- the outcome; and
- details of any injury suffered or damage to property.

COMPLAINTS

Parents can complain about the policy and its implementation via the school's normal complaints procedure.