



Restraint Policy

This policy applies to all pupils and staff of Abbot's Hill, including EYFS.

1. Introduction

- 1.1 The Education Act 1996 forbids corporal punishment but allows all teachers to use reasonable force to prevent a pupil from:
 - Committing a criminal offence
 - Injuring themselves or others
 - Damaging property
 - Acting in a way that is counter to maintaining good order and discipline at the school.
- 1.2 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.
- 1.3 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 student needs to be restrained to prevent violence or injury.
- 1.4 Staff, other than teachers, nursery staff and volunteer helpers, are also able to use force if necessary, provided they have been authorised by the Head to have control or charge of pupils. People with such authorisation might include Teaching Assistants, specialist support assistants, people accompanying pupils on visits, etc.

2. What is 'reasonable force'?

- 2.1 There is no legal definition of 'reasonable force' so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.
- 2.2 There are three relevant considerations:
 - 2.2.1 The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it; therefore, physical force could not be justified to prevent a pupil from committing a trivial misdemeanour or in a situation that clearly could be resolved without force.
 - 2.2.2 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. Any force used should always be the minimum needed to achieve the desired result.
 - 2.2.3 In deciding, teachers should use their professional judgement and consider the:
 - a. Pupil's behaviour and level of risk presented at the time of the incident
 - b. Degree of force used
 - c. Effect on the pupil or member of staff, and
 - d. The child's age
- 2.3 Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age and understanding of the pupil, and the school's

duty to make reasonable adjustments for disabled children and children with special educational needs.

2.4 There are a wide variety of situations where the need for the use of reasonable force may arise. For example, where;

- A pupil attacked a member of staff, or another pupil
- Pupils are fighting
- A pupil is vandalising property
- A pupil is causing, or at risk of causing, injury, harm or damage, by rough play, or by misuse of dangerous materials or objects to themselves or others.
- A pupil is running in a corridor or stairway and might have, or cause, an accident
- A pupil absconds from a class, or tries to leave school – but this will only apply if a pupil could be at risk if not kept in the classroom or at school
- A pupil persistently refuses to obey an order to leave a classroom
- A pupil seriously disrupts a lesson

2.5 In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

3. Searching

3.1 Searching

3.1.1 School staff can search a pupil for any item if the pupil agrees.

3.1.2 Any member of the Exec has the authorisation from the Head to search pupils or their possessions, without consent, where they have reasonable grounds for suspecting that a pupil may have alcohol, illegal drugs, tobacco and cigarette papers or any other item banned by the school rules.

3.1.3 Staff permitted to search will have appropriate training if required to undertake this responsibility.

3.1.4 The person searching must be of the same sex as the person being searched and there must be a witness (also a staff member); if possible the witness should also be the same sex as the pupil being searched.

3.1.5 In exceptional circumstances, a member of staff of the opposite sex can perform the search without a witness present if it is reasonable to believe that there is a risk of serious harm if not performed immediately and it is not reasonable to summon another member of staff. The member of staff should bear in mind that a pupil's expectation of privacy increases as they get older.

- 3.1.6 Staff must establish clear grounds for a search, for example a teacher overhears pupils talking about an item or pupils behaving in a way that causes them to suspect that a pupil is concealing a prohibited item.
- 3.1.7 Searches can only be carried out on the school premises or where the member of staff has lawful control or charge of the pupil. This only applies for school trips in England.
- 3.1.8 The person conducting the search may not require the pupil to remove any clothing except outer clothing. Outer clothing is clothing that is not worn next to the skin or immediately over underwear but this excludes hats, shoes, boots, gloves or scarves. Personal searches need to be conducted by a person with more extensive powers (e.g. a police officer).
- 3.1.9 Pupil's possessions are those that the pupil has or appears to have control of – this includes lockers and bags.
- 3.1.10 Reasonable force is permitted when searching for alcohol, illegal drugs, tobacco and cigarette papers but not for other items banned under school rules.
- 3.2 Any suspected substance found in school must be put into a sealed container in the presence of a witness, preferably the Senior Deputy Head or the Head. Although there are no statutory requirements to do so, the Secretary for State would expect the police to be informed when illegal drugs are found on a pupil or on school premises. The responsibility for deciding whether or not to report an incident rests with the Head. The police need to be informed at this point:
- in cases of pushing or dealing;
 - where class A drugs are involved; cocaine, heroin, LSD, ecstasy, methadone, morphine, opium and pethidine;
 - where a separate police investigation is likely
- 3.2 In such cases it would be expected that the police would be informed before the school made any detailed investigation.
- 3.3 It is not permissible for the school to retain the substance as this would constitute an offence against the Misuse of Drugs Act 1971. With Amendment 2014 nor is it permissible for staff to try to analyse or to taste an unidentified substance.
- 3.4 It is expected that staff involve the Senior Leadership Team as soon as possible rather than seeking to investigate an issue by themselves. In investigating drug issues it is important that no unacceptable stress is caused to the innocent.
- 3.5 The Head or Senior Deputy Head will notify parents as soon as possible of any investigation taking place.
- 3.6 If a witness or suspect shows signs of distress she should be offered the opportunity to have another member of staff present or to speak to her parents on the telephone or have them present. It is essential in any case for a suspect to have an adult "friend" (Form Tutor, Head of Year) present during any interviews. It is considered

good practice to get any witness to give, initial and date a written version of any information they provide.

3.7 In the case of a suspect, it is considered best practice to:

- explain that answers to questions will be noted down and considered carefully;
- explain what has been alleged and, unless good reason for confidentiality, by whom;
- read over notes, ask if correct, initial notes date and time;
- tell pupil of next stages;
- if a pupil wishes to make a statement this should be done in the presence of an additional adult;
- if parents have not been present earlier and if a suspect has admitted a serious breach which is likely to lead to exclusion, parents must be asked to attend without delay.

3.8 On suspicion, searches of a pupil's desk or locker may be made. A witness should also be present. Pupils may be asked to hand over substances voluntarily, for example, by turning out their pockets or bag. However, physical searches of pupils beyond the removal of outer clothing are not allowed by law. Further information can be found here

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/674416/Searching_screening_and_confiscation.pdf.

If a pupil refuses to turn out her pockets, etc. the DfE advice is that the police should be called. This decision should only be taken by the Head.

3.9 If parents choose to accuse the school of not behaving appropriately, the courts will apply the principles of natural justice, i.e.:

- the pupil is not pre-judged;
- the procedures are fair, unbiased and impartial;
- all investigations that appear necessary are carried out;
- measures are taken to ensure the well-being of the pupil(s);
- the pupil and parents are given the opportunity to be heard;
- in the case of expulsion, the pupil and parents are informed of an appeal or complaints mechanism.

3.10 Abbot's Hill School reserves the right to ask the School Nurse to carry out testing for illegal drugs for monitoring purposes. This will require the authorisation of the Head.

4. Avoid physical intervention wherever possible

4.1 As a general rule, staff should always try to avoid physical intervention and the use of force – particularly where the risk is not urgent.

4.2 Staff are encouraged to use strategies other than force to diffuse difficult situations:

- Tell pupils to stop the inappropriate behaviour
- Try to calm the situation

4.3 Physical intervention can increase disruption or actually provoke attack.

- If force is necessary, the teacher should continue trying to communicate with the pupil throughout the incident, making clear that physical contact or restraint will stop as soon as it is no longer necessary.
- It is crucial that the teacher take a calm and measured approach. He/She must never appear to lose his or her temper, or to act out of anger or frustration simply to punish the pupil concerned.

5. Records

5.1 Detailed and up-to-date records should also be kept of any incidents where force is used. It is always advisable to inform parents of such an incident and to allow an opportunity to discuss it. In the instance of a child in EYFS being restrained, parents will be informed the same day, or as soon as possible thereafter.

5.2 Records of incidents should include the following information:

- The name(s) of the pupil(s) involved
- When and where the incident took place
- Why the use of force was deemed necessary
- Details of the incident, including all steps taken to diffuse the situation and resolve it without force and the nature of the force used
- The pupil's response
- The outcome of the incident
- A description of any injuries suffered by the pupil and others and/or any property damaged during the incident.

6. Legal implications

6.1 Teachers faced with a situation where a pupil needs to be restrained or where force is necessary are particularly vulnerable to accusations by pupils or parents of assault.

6.2 Allegations may be made in the heat of the moment; as a result of misrepresentations and misunderstandings – or they may be false, malicious or misplaced.

6.3 School staff must bear in mind that it is a criminal offence to use or threaten physical force unless there is lawful excuse, or justification for the use of force.

6.4 Similarly, it is an offence to lock an adult or child in a room without a court order (even if they are not aware that they are locked in) except in an emergency when, for example, locking someone in while seeking help would be justified.

6.5 Physical intervention may also lead to a civil negligence action if it results in injury, including psychological trauma, to the person concerned.

7. Corporal punishment

7.1 Corporal punishment is unlawful and cannot be justified by the position of the member of staff acting in loco parentis.

- 7.2 Corporal punishment is defined as any intentional application of force for the purpose of punishment, which would constitute battery. This does not preclude the use of force in certain situations, where force is not being used as a disciplinary sanction but to prevent personal injury or damage to property as outlined above.
- 7.3 For Further information refer to: **“Use of reasonable force: Advice for headteachers, staff and governing bodies” DfE, July 2013**

Signed:

Issue Date: November 2020

Review Date: November 2021 or earlier if major change

A handwritten signature in dark ink, appearing to read 'K. Gorman'.

Mrs Kathryn Gorman
Head