



# GRACE DIEU

## MANOR SCHOOL & NURSERY

This is the policy of Grace Dieu Manor School, incorporating the Early Years Foundation Stage, Pre-Prep and Junior Prep.

### Use of Restraint (Reasonable Force) Policy

*School Mission Statement:*

***“Learning and growing in  
the light of the gospel”***

#### **WITHIN THE POLICY:**

- Policy statement

## USE OF RESTRAINT (REASONABLE FORCE) POLICY

(With reference to the '**Use of reasonable force: Advice for head teachers, staff and governing bodies**' DFE July 2013)

The current climate of suspicion with regard to child abuse poses a genuine dilemma for caring adults. This is true in all schools, but especially so in schools such as Grace Dieu Manor School & Nursery where we have children from 0 -11. In order to protect children from abuse, and staff from suspicions of abuse, the natural inclination to comfort and reassure children through physical contact has to be restrained by a considered assessment of the situation.

This does not mean that physical contact is never permissible. However, it does mean that adults touching children must operate within understood limits, and that contact beyond those limits must be a considered response which can be justified if necessary.

All members of School and Nursery staff have a legal power to use reasonable force. This power also applies to any other member of the School staff, and includes staff temporarily put in charge of children by the Headmistress, such as unpaid volunteers or parents accompanying students on a school visit.

At Grace Dieu Manor School & Nursery we consider it extremely unlikely that there will be occasions in which staff will have to use physical force with a pupil. However, physical contact is proper, necessary and important when at School and can be essential at Nursery to prevent accident or injury, e.g.

- Guiding an infant from falling and hurting themselves, tripping, etc.
- Administering essential first aid.
- As a result of, the need for medical care.
- In technical coaching, e.g., of games, musical instruments.
- When a pupil is being congratulated or praised, or by way of encouragement.
- When comforting a distressed pupil or an infant having a tantrum.
- Supporting a child with special educational needs.

Physical contact may be misconstrued by a child, parent or observer. Touching children, including well intentioned gestures such as putting a hand on a shoulder, can, if repeated regularly, lead to serious questions being raised. **As a general principle staff must not make gratuitous physical contact with children.** It is particularly unwise to attribute touching to a teaching style or as a way of relating to children.

(See KCSIE - 2019 update below – paras 111 & 112)

Every child has the right not to be touched but, on the other hand, the duty of the School & Nursery is to safeguard the child's welfare. There can therefore be occasions on which physical restraint is necessary, when there is developing risk of injury to themselves or others. As such, any use of force by staff will be reasonable, proportionate and lawful. Reasonable force will be used only when immediately necessary and for the minimum time necessary to prevent a pupil from doing or continuing to do any of the following:

- committing a criminal offence
- injuring themselves or others
- causing damage to property, including their own
- engaging in any behaviour prejudicial to good order and discipline at the School or among any of its pupils, whether that behaviour occurs in a classroom or elsewhere (including on a School trip)
- **Force will never be used as punishment.** (See our Whole School Behaviour Policy re: no Corporal Punishment)

Other circumstances where reasonable force may need to be used include:

- Pupils found fighting will be physically separated.
- Pupils who refuse to leave a room when instructed to do so may be physically removed.
- Restraint may be used to prevent a pupil leaving a classroom where allowing him or her to do so would risk their safety or lead to disruptive behaviour.
- Pupils at risk of harming themselves through physical outbursts will be physically restrained.
- Using force, as is reasonable in the circumstances, to conduct a search of "prohibited items" – again, most unlikely, but which may include:
  - 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.

(The School can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline (Screening, Searching and Confiscation, April 2012). However, **force** cannot be used to search for items banned under School rules.

**May I search?**

Yes, if you are a Headmistress or a member of school staff and authorised by the Headmistress.

**Under what circumstances?**

You must be the same sex as the pupil being searched; and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the pupil being searched.

There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

Additional guidance on the power to search without consent can be found at [www.education.gov.uk/schools/pupilssupport/behaviour/f0076897/screening.](http://www.education.gov.uk/schools/pupilssupport/behaviour/f0076897/screening.))

- Reasonable adjustments will be made for pupils with special educational needs or a disability. (See *KCSIE – 2019 update below – para 114*)
- Reasonable force may be used in self-defence, where risk of injury is imminent.

Prevention should be the primary consideration. Wherever possible, steps to avoid these situations should be taken and the member of staff should be able to demonstrate that those steps were taken. Physical restraint should always be the **last resort**.

Before intervening physically a member of staff should, wherever practicable, do the following:

- tell the child who is misbehaving to stop, and what will happen if he or she does not
- continue attempting to communicate with the child throughout the incident
- make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the child.

Physical intervention may involve staff in:

- holding
- pushing
- pulling
- blocking movement

Staff should never act in a way that could be expected to cause injury.\*

The Headmistress must always be informed immediately of any incident in which physical restraint or force has been used. The circumstances must be recorded as soon as possible stating the time, duration, hold used, injuries, witnesses and further actions or events.

The Headmistress, at her discretion and using her professional judgement, will contact parents/guardians of pupils who have had to be physically restrained on the same day or as soon as reasonably possible.

### **Complaints from Pupils Regarding Physical Restraint**

All complaints about the use of force will be thoroughly and appropriately investigated.

- 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 and so follows the guidance contained within the School's: *Dealing with Allegations of Abuse against Teachers and Other Staff* 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.
- The School will 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 will ensure that the teacher has access to a named contact who can provide support.
- The Governing Body will always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- The School and Governing Body recognise its obligations in its duty of care as an employer towards its employees. The School would ensure and provide the appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force.

\*A panel of experts identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

Change highlighted in **Keeping Children Safe in Education (Sept. 2019)**

Three new paragraphs (111-113) have been added to address the use of reasonable force.

103. There are circumstances when it is appropriate for staff in schools and colleges to use reasonable force to safeguard children and young people. The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury. 'Reasonable' in these circumstances means 'using no more force than is needed'. The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

104. The department believes that the adoption of a 'no contact' policy at a school or college can leave staff unable to fully support and protect their pupils and students. It encourages headteachers, principals, governing bodies and proprietors to adopt sensible policies, which allow and support their staff to make appropriate physical contact. The decision on whether or not to use reasonable force to control or restrain a child is down to the professional judgement of the staff concerned and should always depend on individual circumstances.

105. When using reasonable force in response to risks presented by incidents involving children with SEN or disabilities or with medical conditions, schools and colleges should in considering the risks carefully recognise the additional vulnerability of these groups. They should also consider their duties under the Equality Act 2010 in relation to making reasonable adjustments, non-discrimination and their Public Sector Equality Duty. By planning positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children, and agreeing them with parents and carers, schools and colleges can reduce the occurrence of challenging behaviour and the need to use reasonable force.

Grace Dieu Manor School & Nursery's Use of Restraint Policy takes the above into account.

### **Advice to Staff**

The key message for all staff is to share any concerns they may have about physical contact with children or the power to search pupils with the Headmistress, who is also the Senior Designated Lead for Child Protection (DSL), or with any other member of the Senior Management Team.

### **Link to other policies**

Safeguarding and Child Protection Policy

Read this policy in conjunction with: *EYFS Physical Intervention Strategy*

Reviewed Jan. 2020 (MK)