



GIGGLESWICK SCHOOL

Restraint and Physical Contact with Pupils Policy

Lead Author(s)	Deputy Head and DSL, Senior School
Reviewed by	Head of the Prep School
Last review	September 2023
Review frequency	Annually
Next review	August 2024
Policy Type	Internal

1 RESTRAINT POLICY

This policy sets out the legal position and Giggleswick School ("the School") policy concerning any form of physical restraint offered by a member of staff to a pupil. Situations involving decisions about whether to use force or restraint can occur in any School. Both using force and, conversely, deciding not to can entail significant risks for pupils and staff. Establishing a clear School policy on the use of force by staff is an important part of minimising these risks.

2 THE LEGAL POSITION

The use of physical restraint is established by the Education and Inspections Act 2006. This policy takes note of section 45 of the Violent Crime Reduction Act and also non-statutory guidance from the DfE entitled 'Use of Reasonable Force: Advice for Headteachers, Staff and Governing Bodies' (July 2013) as well as Section 550ZB5 of the Education Act 1996.

Section 93 of the Education and Inspections Act 2006 enables School staff to use such force as is reasonable in the circumstances to prevent pupils from doing, or continuing to do, any of the following:

- Committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil).
- Causing personal injury to, or damage to the property of, any person (including the pupil themselves).
- Prejudicing the maintenance of good order and discipline at the School or among pupils receiving education at the School, whether during a teaching session or otherwise (this would include a pupil trying to physically attack a teacher or assistant; running away, out of a school building or grounds).

Any use of force by staff must be reasonable, proportionate and lawful.

2.1 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 involve 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 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 hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

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

2.2 Key Principles

- School staff have a legal power to use reasonable 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;

- School leaders should support their staff when they use this power appropriately; and
- Schools cannot use force as a punishment.

The Headmaster and authorised staff can use such force as is reasonable given the circumstances to conduct a search for “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). Force cannot be used to search for items banned under the School rules.

3 MINIMISING THE NEED TO USE FORCE

The School has put in place a number of measures to minimise the likelihood of situations arising where the use of force may be required. These measures include its Wellbeing Principles and Practice, a Staff Code of Conduct, a Behaviour, Rewards and Sanctions Policy, an Anti-Bullying Policy, and engagement with the pupil body through pupil voice.

Issues of conflict resolution and classroom management are dealt with during induction for new staff and through ongoing CPD for the Common Room. Colleagues are always advised to de-escalate incidents if they do arise and must only use reasonable force when the risks involved in doing so are outweighed by the risks involved in NOT using force. However, **where practicable, a warning should be given to a pupil that force may have to be used, before using it.** Where there are specific educational and emotional needs of pupils that need to be taken into account it is good practice to carry out regular assessments of the risks posed to the pupil and to colleagues.

For a member of staff who experiences persistent provocation, support and advice is available which may assist him or her in dealing with the situation. In those circumstances, the member of staff is strongly encouraged to discuss the difficulty at an early stage with the relevant Housemaster/mistress, their Head of Department or Faculty, their mentor, other senior colleagues, the Deputy Head, or the Headmaster.

4 USING FORCE

4.1 Who is Authorised to use Reasonable Force?

The use of reasonable force or physical restraint is a power delegated by the Headmaster to all staff who have control or charge of pupils, including unpaid volunteers or parents accompanying pupils on a school organised trip. This is a permanent authorisation. Staff are reminded in their induction process of their statutory powers to use force and are explicitly informed of their responsibilities in relation to the School policy on the use of reasonable force.

Authorisation to use reasonable force does not extend to Praepostors or other pupils.

4.2 Deciding Whether to use Force

The judgement on whether to use force and what force to use should always depend on the circumstance of each case and information about the individual concerned. Typically, such decisions have to be made quickly with little time for reflection. Nevertheless, in general terms it would be appropriate for staff to intervene only when:

- The potential consequences of not intervening are sufficiently serious to justify considering the use of force;
- The chances of achieving the desired result by other means are low; and
- The risk associated with not using force outweighs those of using force.

There may be occasions when a member of staff should not intervene physically without assistance, particularly if a pupil appears likely to resist.

4.3 Using Force

Staff should only use the minimum force necessary to achieve the desired result. Before using force staff should, wherever practicable, tell the pupil to stop misbehaving and communicate in a calm and measured manner. Staff should not give the impression of acting out of anger.

A verbal warning should always precede any use of physical force.

If a situation arises where a pupil has to be restrained, the member of staff should send for assistance and should try to calm the pupil down and escort them to a place of safety and quiet, such as the Wellbeing Centre or School Office.

If either the pupil or member of staff is injured medical attention should be sought immediately.

5 OTHER PHYSICAL CONTACT WITH PUPILS

DfE guidance for schools makes it clear that it is not illegal to touch a pupil (Use of Reasonable Force, 2013, p8). There are occasions when physical contact, other than reasonable force, is 'proper and necessary'. These include:

- 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.

6 RECORD KEEPING

All incidents where force has been used should be recorded using the Report Form [which is available here](#). Reports are submitted to the Headmaster and Deputy Head (and for use of force in the Prep School to the Head of the Prep School using the same form). Reports should be made immediately. The form requires the following information:

- Name(s) of pupil(s) involved.
- The time and place of the incident.
- Names of witnesses.
- The reason for the force being necessary.
- How the incident began and progressed.
- In addition, the pupil's response and the outcome should be described.
- Details of any injuries suffered should be recorded.

Parents should be informed at the earliest possible opportunity of any recordable incident by a pupil's Housemaster/mistress or, in more serious cases, by the Headmaster or Deputy Head/DSL.

The Deputy Head maintains a Restraint Log of all incidents for the Senior and Prep Schools.

Any member of staff who uses physical force against any pupil, whatever the circumstances should inform the Headmaster or Deputy Head immediately.

6 COMPLAINTS

Parents and pupils have a right to complain about actions taken by School staff. Where there is unsatisfactory resolution of an incident requiring the use of force, the Complaints Procedure is available to parents and pupils. If inappropriate behaviour is established, staff disciplinary procedures will be invoked.

7 LINKED POLICIES

Staff Code of Conduct
Behaviour, Reward and Sanctions Policy
GPS Behaviour Policy