



Staff Conduct, Safer Practice and Restraint

I Summary of Code of Conduct

St Andrew's School aims to be a calm, purposeful and co-operative institution with teachers able to manage their classes effectively, without confrontation, with good humour, with fairness and with innate respect for young people. This code of conduct is also to be used amongst staff and to parents. All staff are reminded that even outside school they must not damage the reputation of St Andrew's by inappropriate behaviour or breaking confidences.

What is unacceptable

Shouting

- A member of staff should not shout at a class or an individual
- In particular an individual child must not be shouted at in front of others
- Prolonged haranguing.

Anger

- Loss of control
- Threatening language
- Threatening behaviour (e.g. using height, invading personal space, etc.)
- Intimidation
- Damage to property

Inappropriate Language

- Swearing
- Sexual references or inferences
- Personal references – e.g. to height, hair colour, etc.
- References to intelligence (e.g. “stupid”, “thick”, etc.)
- Use of words such as “shut up”, “loser”, etc.
- Sexism or racism
- Cynicism or sarcasm

Picking out an individual

- Favouritism or repeated criticism
- Unreasonable allocation of duties
- Persistently asking question of an individual
- Ignoring an individual (exclusion).
- Setting impossible targets
- Becoming involved in a long and complicated feud

What is acceptable

Controlled use of the voice

- Raising your voice to gain attention. Thereafter you must speak in normal tones

Control at all times

- Staff must remain calm and collected at all times

Appropriate Language

- All members of the school community have every right to be addressed in a courteous manner

Inclusion

- All pupils/staff/parents must be treated fairly, according to the needs of the individual

What is unacceptable

Ejection from the Classroom

- In most circumstances it is poor classroom management to eject a pupil and deprive him/her of the lesson

Physical Contact (see 'safer practice')

- Inappropriate touching of a child
- In no circumstances can a member of staff strike a child in anger

Deprivation of Rights

- To the telephone
- To food and drink
- To sleep
- To medical or dental help
- To contacting of parents
- Excessive fines
- Locking into a room

Humiliation

- Many of the above points will lead to the humiliation of an individual
- Singled out (e.g. in an assembly, etc.)
- "Points scoring"
- Requirement to wear distinctive clothes

What is acceptable

Time Out

- If the removal of a pupil would benefit the pupils and/or others (e.g. to talk to an individual pupil)

Restraint and Pastoral Care

- In some, exceptional cases, a member of staff may use physical restraint (**see policy**)
- Touching a child is also acceptable as part of the pastoral care (e.g. when a child is very upset, injured, etc.) **see 'safer practice'**

Rights

- All pupils have certain rights by law – these must be respected

Self esteem

- Staff must aim to build a pupil's self esteem

2 Summary Guidelines for Safer Working Practice

All staff are strongly recommended to read

“Guidance for Safer Working Practice for Adults who Work with Children and Young People”

<http://webarchive.nationalarchives.gov.uk/20100202100434/dcsf.gov.uk/everychildmatters/resources-and-practice/ig00311/>

Introduction

This document is part of St Andrew’s School policies, procedures and guidance to safeguard and promote the welfare of the pupils. Adults who work with children are responsible for their own actions and behaviour and should avoid any conduct which would lead any reasonable person to question their motivation and intentions.

Working with children brings demands and challenges. There are also great rewards, not least of which are the good personal relationships which help the growth and development of those young people. In a very small number of cases, things can go wrong. Allegations against staff are very rare, but the damage to all concerned is so great that all staff should be aware of the issues and think carefully about their conduct so that misinterpretations can be minimised. It is not possible to prescribe courses of action for every circumstance but staff should observe these guidelines in the conduct of their work with pupils.

Private Meetings

Staff should be aware of the dangers which may arise from private interviews with pupils. It is recognised that there will be occasions when confidential interviews must take place but, where possible, such interviews should be conducted in a room with visual access, or with the door open, or in a room or area which is likely to be frequented by other people. If it is practical another pupil or another adult should be present or nearby during the interview.

Meetings with pupils away from School premises are not permitted unless the specific approval of the Head Master has been obtained.

Distressed or Injured Pupils

In schools there may be occasions where a distressed pupil needs comfort and reassurance such as a caring parent would give. Staff should exercise caution in such cases to ensure that what is, and what is seen to be by others present, normal and natural does not constitute unnecessary and unjustified contact, particularly with the same pupil over a period of time.

Physical Restraint – see the Policy (Use of Force to Control or Restrain Pupils)

Where it is necessary for a member of staff to restrain a pupil physically to prevent him or her from inflicting injury to others or to prevent self-injury, only the minimum force necessary may be used and any action taken must be solely to restrain the pupil.

If a member of staff has used reasonable force to restrain a pupil this must be reported to the Head Master immediately and a full written report (signed and dated) submitted the same working day. If the Head Master is not in School, then the incident must be reported to one of the Deputy Heads. The report must give names of the pupil(s) involved; witnesses; reason why force was necessary and the magnitude of the restraint used; details of the incident (including how it began and progressed); the pupil’s response, and details of any injuries and/or damage incurred.

Where Physical Contact may be Acceptable

In some instances, particularly those involving physical and outdoor activities, it may be necessary for staff in the course of their duties to come into occasional physical contact with pupils. There are likely to be occasions when it would be negligent not to do so, and it is therefore essential that appropriately

qualified staff are confident in their need to make such physical contact when appropriate. Some responsibilities necessitate intimate physical contact with children, for example assisting young children with toileting. Staff should make other staff aware of what is happening and also explain to the child what is happening.

Where it is necessary to provide physical support or to touch or guide a pupil in physical and outdoor activities, every attempt should be made in advance to explain openly and factually what physical contact is or may be required. Unnecessary contact must be avoided. In situations of potential significant danger, such as in a capsizing or rock climbing incident, it may become necessary to resort to exceptional methods to save life or avoid injury. Under normal circumstances, however, establishments should have in place and observe clear codes of practice to ensure consistent methods of providing physical support and for the fitting or adjustment of apparatus such as climbing harnesses or buoyancy aids. In this way the risk of misinterpretation will be minimised.

Gratuitous Physical Contact with Pupils

As a general principle staff must not make gratuitous physical contact with pupils and it is unwise to attribute touching to their teaching style or as a way of relating to children generally. Such contact might include well intentioned informal and formal gestures such as putting a hand on the shoulder or arm, which if repeated with an individual could lead to serious questions being raised.

Any form of physical punishment of pupils is unlawful, as is any form of physical response to misbehaviour unless it is by way of reasonable restraint.

Pastoral Conversations

Many staff in schools have a pastoral responsibility for pupils and in order to fulfil that role effectively there will be occasions where conversations will cover particularly sensitive matters. Staff must in these circumstances use their discretion to ensure that, for example, any probing for details cannot be construed as unjustified intrusion. Staff must judge whether it is appropriate for them to offer counselling and advice or whether to refer the pupil to another member of staff with acknowledged pastoral responsibility.

Inappropriate Comments and Discussions with Pupils

As with physical contact, comments by staff to pupils individually or in groups can be misconstrued. As a general principle, therefore, staff must not make unnecessary comments to and/or about pupils which could be construed to have a sexual connotation. It is also unacceptable for staff to introduce or to encourage debate amongst pupils in class, or elsewhere, which could be construed as having a sexual connotation that is unnecessary, given the context of the lesson or the circumstances. At the same time, it is recognised that a topic raised by a pupil is best addressed rather than ignored.

Systematic use of insensitive, disparaging or sarcastic comments is also unacceptable.

Teaching Materials

When using teaching materials of a particularly sensitive nature, staff should be aware of the danger that their selection could be misinterpreted and may be criticised after the event.

Personal Care and First Aid

Children are entitled to respect and privacy at all times and especially when in a state of undress, changing clothes, bathing or undertaking any form of personal care. Any supervision should be appropriate to the needs and age of the pupils concerned and sensitive to the potential for embarrassment.

When administering first aid, wherever possible, staff should ensure that another adult is aware of the action being taken and the parents are informed when first aid has been administered.

General Relationships and Attitudes

Staff should ensure that their relationships with pupils are appropriate to the age and gender. Staff should take particular care that their conduct is not such as to give rise to comment or speculation.

Attitudes, demeanour and language all require care and thought, particularly when staff are dealing with adolescent boys and girls.

Staff should dress in ways which are appropriate to their role and this may need to be different to how they dress when not at work.

Staff should be aware that the giving of gifts can be misconstrued and any gifts should be given openly and not based on favouritism. Staff should not accept any gift that may be construed as a bribe by others or lead the giver to expect preferential treatment. It is acceptable to receive small tokens of appreciation (e.g. at the end of a year as a thank-you or at Christmas) but it is not acceptable to receive gifts on a regular basis or of any significant value.

Social Networking, mobile phones and email

See Section 12 of the staff handbook

Photography and Videos

see Section 12 of the staff handbook

Educational Visits and Extra Curricular Activities

Staff should be particularly careful when supervising pupils in a residential setting such as a ski-trip, outdoor education camp or extended visit away from home. Similarly, the less formal approach adopted in extra curricular activities generally can be open to misinterpretation. Although more informal relationships in such circumstances tend to be usual, the standard of behaviour expected of staff will be no different from the behaviour expected within a school.

Reporting Incidents

Following any incident where a member of staff feels that his or her actions or comments have been, or may be, misconstrued he or she should discuss the matter with the Head Master. Where it is agreed with the Head Master that this is the case, the member of staff should provide a written report of the incident. It is especially important to speak with the Head Master in cases where a member of staff has been obliged to restrain a young person physically and where a complaint has been made, whether by the person concerned or by somebody else.

Conclusion

It would be impossible and inappropriate to lay hard and fast rules to cover all the circumstances in which staff relate to pupils and where opportunities for their conduct to be misconstrued might occur.

In all circumstances, professional judgement will need to be exercised. For the vast majority of staff the above guidelines will serve only to confirm what has always been their practice.

If staff require any amplification on the advice contained in this document they should consult the Head Master or consult the DCSF document: *“Guidance for Safer Working Practice for Adults who Work with Children and Young People”* (national archives)

3 Use of Force to Control or Restrain Pupils

A new provision of the Education Act 1996 came into force on 1st September 1998. This clarified the powers of teachers and other staff, who have lawful control or charge of pupils, to use reasonable force to prevent pupils committing a crime, causing injury or damage, or causing disruption. Such powers already existed under common law but they have often been misunderstood.

Neither the Act nor this new provision authorise the use of corporal punishment, nor are they intended to encourage the use of inappropriate force.

1. The illegality of corporal punishment in schools was extended to include the independent sector under the School Standards and Framework Act 1998, s.131.
2. There is a common misconception that, since the Children Act 1989, any physical contact with a child is in some way unlawful. That is not true. **Where necessary, reasonable force can be used to control or restrain pupils. Physical contact with pupils may also be appropriate or necessary in other circumstances.**
3. Such force as is reasonable may be used to prevent a pupil from doing, or continuing to do, any of the following:
 - committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
 - injuring themselves or others;
 - causing damage to property (including the pupil's own property);
 - engaging in any behaviour prejudicial to maintaining good order and discipline at the School or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

The above applies when a teacher, or other authorised person, is on the School premises, and when he or she has lawful control or charge of the pupil concerned elsewhere, e.g. on a field trip or other authorised out-of-school activity.

4. Everyone, whether authorised by the Head Master or not, has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency – e.g. if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else – any member of staff would be entitled to intervene. The purpose of this provision is to make it clear that teachers and other authorised staff are also entitled to intervene in other less extreme situations.
5. There is no legal definition of “reasonable force”. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. 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. **Any force used should always be the minimum needed to achieve the desired result.**
6. **Before intervening physically a teacher should, wherever practical, tell the pupil who is misbehaving to stop, advising of the consequences if he or she does not.** The teacher should continue attempting to communicate with the pupil throughout the incident and should 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 pupil.**

7. Physical intervention can take several forms. It might involve:
- physically interposing between pupils
 - blocking a pupil's path
 - holding
 - pushing
 - pulling
 - leading a pupil by the hand or arm
 - shepherding a pupil away by placing a hand in the centre of the back
 - **in extreme circumstances only**, using more restrictive holds.
8. A teacher, or any other authorised person, must not:
- hold a pupil around the neck or by the collar or in any other way that might restrict the pupil's ability to breathe
 - slap, punch or kick a pupil
 - twist or force limbs against a joint
 - trip up a pupil
 - hold or pull a pupil by the hair or ear
 - hold a pupil face down on the ground
 - use rope, string or tape for restraint.
 - **ALWAYS AVOID TOUCHING OR HOLDING A PUPIL IN A WAY THAT MIGHT BE CONSIDERED INDECENT**
9. Teachers must not put themselves at personal risk by intervening in an incident.
10. If a member of staff has used reasonable force to restrain a pupil **this must reported to the Head Master immediately** and a full written report (signed and dated) submitted the same working day. If the Head Master is not in School, then the incident must be reported to one of the Deputy Heads. The report must give names of the pupil(s) involved; witnesses; reason why force was necessary and the magnitude of the restraint used; details of the incident (including how it began and progressed); the pupil's response, and details of any injuries and/or damage incurred.

NOTE

Corporal Punishment

Under Section 131 of the School Standards and Framework Act 1998 corporal punishment is prohibited for all pupils in independent and maintained schools. The guidance provided by DfEE (then DCSF, now Department for Education) on Notes of Sections 1998 makes it clear that the prohibitions include the administration of corporal punishment during any activity, whether or not within the School Premises. The prohibition applies to all members of staff. These include all those acting in *loco parentis* such as unpaid, volunteer supervisors.

Document Review History

date	comments	date	comments
Nov 2009	Three documents (new), DL,	Mar 2010	Reviewed by Governing Body
		Mar 2011	Reviewed by Governing Body
		Mar 2012	Reviewed by Governing Body
Mar 2013	Three documents combined by DL and minor revisions	Mar 2013	Reviewed by Governing Body
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