

Burtonwood CP School

Guidelines and Policy for the Physical Restraint of Pupils.

This policy draws on local authority guidance

1) Legal Framework

Physical restraint of pupils should be limited to emergency situations and used only in the last resort. Section 550A of the Education Act 1996 and DFEE Circular 10/98 allow teachers and other members of staff at a school who are authorized by the Head teacher (see Appendix 2), to use such force as is reasonable in circumstances where the pupil may need to be prevented from engaging in behaviours which are likely to cause injury to themselves, others or damage to property. The guidance extends this to maintaining good order and discipline for both on-site and off-site activities.

All teachers have a professional 'duty of care' within their job description which is underwritten by paragraph 58.7 of School Teachers' Pay and Conditions Document 2002. Together with the legislative framework this enables teachers and other members of staff in the school, authorised by the Head teacher to use such force as is reasonable in the circumstances to prevent a pupil from:

- Committing an offence
- Causing personal injury to, or damage to the property of, any person (including the pupil himself)
- Engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among its pupils, whether during a teaching session or otherwise.

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.

There are two relevant considerations: the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. 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.

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. Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, understanding, and sex of the pupil. Staff have a legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).

Schools do not require parental consent to use force on a student.

2) Definition

Restraint can be defined as the reasonable application of the minimum necessary force to control a child with the intention of preventing them from harming themselves or others or from causing serious damage to property.

3) General Principles Governing Physical Intervention To Maintain Control

- The form of intervention should be reasonable. Interpretation of what is reasonable should be based on agreed and planned responses, training and good judgement.
- The degree and duration of any force applied to maintain control must be proportional to the circumstances including the degree of disruption and the potential damage to persons and property.
- The failure of a particular intervention to secure a child's compliance should not automatically signal the immediate use of another more forceful form of intervention.
- The age, gender, developmental level, prior history, and understanding of the child should be taken into account in deciding what degree of intervention is necessary.

"Wherever possible, restrictive physical interventions should be used in a way that is sensitive to, and respects, the cultural expectations of children/young people and their attitudes towards physical contact." (DfES/DofH Guidance on Restrictive Physical Intervention - July 2002.)

4) When to Use Restraint

Physical restraint of pupils should be avoided and only used in exceptional circumstances unless when a child's actions and/or behaviour are likely to cause immediate risk of harm. In such circumstances, it must be the last course of action when all other attempts to diffuse a particular situation have failed.

It should be a considered response and in keeping with the incident leading up to it.

It should not be used as a form of punishment or, in normal circumstances, to enforce compliance with instruction. It should not be attempted where the member of staff is put at undue risk.

It should be used when a child is:

1. **Committing an offence**
2. **Causing personal injury to, or damage to the property of, any person (including the pupil himself)**
3. **Engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or amongst it's pupils, whether during a teaching session or otherwise.**

Examples of situations that fall into one of the first two categories are

- A pupil attacks a member of staff or another pupil
- Pupils fighting

- A pupil is causing, or at risk of causing, injury or damage by accident by rough play or by misuse of dangerous materials, substances or objects;
- A pupil is running in a corridor or on a stairway in a way in which he/she might have or cause an accident likely to injure her/himself or others
- A child is engaged in, or is on the verge of committing deliberate damage or vandalism to property
- To remove a disruptive child from the classroom where they have repeatedly refused to follow an instruction to do so;
- To prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- To restrain a pupil at risk of harming themselves through physical outbursts.

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"³:

- 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 by the school.

5) Action To Be Taken prior to The Use Of Restraint:

1. Tell the pupil who is misbehaving to stop and state possible consequences of failure to do so;
2. If possible summon another adult;
3. Continue to communicate with the pupil throughout the incident;
4. Make it clear that restraint will be removed as soon as it ceases to be necessary;
5. Appropriate follow-up action should be taken, which may include:
 - i. Providing medical support
 - ii. Providing respite for those involved
6. Attempt to diffuse the situation

* A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper or are acting out of anger or frustration when handling a problem. *

6) Strategies for Restraint of Pupil

The first course of action in any potentially difficult situation which may eventually necessitate the use of restraint is to adopt strategies and techniques for dealing to defuse and calm a situation.

- Move calmly and confidently.
- Make simple, clear statements.
- Intervene early.
- Try to maintain eye contact.
- If necessary summon help before the problem escalates.
- Remove audience from the immediate location.

If restraint is necessary based on an appropriate assessment of the situation based the identifying factors outlined earlier in this policy then the method of restraint employed must use the **minimum force** for the **minimum time**. It must only be used after verbal persuasion has failed.

Restraint must NOT:

- Involve hitting the pupil, straddling the pupil or pushing arms up the pupil's back.
- Involve deliberately inflicting pain on the pupil.
- Restrict the pupil's breathing
- Involve contact with sexually sensitive areas.
- Be used for longer than is absolutely necessary to make safe a situation
- Involve putting hands or arms around a pupil's neck
- Slapping, punching or kicking a child
- Holding a child by the hair or ear
- Holding a child face down on the ground

Physical intervention can take several forms. It might involve staff:

- 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, using more restrictive holds.
- In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with reasonable force. For example, to prevent a young child from running onto a busy road or from hitting someone.

During any incident the restrainer should:

- Offer verbal reassurance to the pupil in a calm manner

- Aim to hold the young person's clothes instead of skin.
- Reduce the danger of any accidental injury by being aware of any accessories worn by themselves and/or the child
- Seek to minimise movement as quickly and as safely as possible.
- Focus on helping the young person to regain control and behave safely.

Staff should not attempt to restrain a child if they are likely to put themselves at risk

7) Situations in which should not intervene physically on their own

Assistance should be sought when dealing with:

- A physically large pupil,
- More than one pupil, or
- When the teacher believes that s/he may be at risk of injury.

In those circumstances where the member of staff has decided that it is not appropriate to restrain the pupil without help they should:

- Remove other pupils who might be at risk,
- Summon assistance from colleagues,
- Where necessary, telephone the police,
- Inform the pupil(s) that help will be arriving,
- Until assistance arrives, the member of staff should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

8) Recording

Staff should record (Appendix 1) all incidents of restraint as soon as possible after the incident in accordance with School Policy and report these to the Head teacher.

Details should include:

- Name of pupil(s)
- Staff member(s) involved
- Factors necessitating physical intervention
- The strategies which were employed prior to using physical intervention
- How physical intervention was effected
- Outcome of restraint

Any other action taken in the management of the incident

Parents/carers should be contacted as soon as possible and the incident explained to them. This action should also be recorded. It is good practice to telephone parents as soon as possible after the incident before confirming details in writing.

9) Training

Training will be provided to staff when it is deemed necessary, for example when they are looking after a child who could need restraining. The school will organise training for all staff every three years.

10) Dealing with complaints and allegations regarding the use of force

Parents and pupils have a right to complain about actions taken by school staff, including any use of force. All complaints about the use of force should be thoroughly, speedily 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.

Any complaints will be dealt with through the school's Complaints policy and Managing Allegations Against Staff policy.

Appendix 1: Reporting and Recording Proforma

RECORD OF THE USE OF REASONABLE FORCE

This report should normally be completed as soon as practically possible after the incident by person/s involved in incident or, if not practical, by a senior member of staff.

A copy should be kept in the school and a copy should be sent to the Pupil Support Manager, Mrs S E Fullerton, Children's Services Directorate, New Town House, Buttermarket Street, Warrington WA1 2NJ.

NAME OF SCHOOL: _____

Name of Pupil: _____

Registration Group/Class: _____

Date of Birth: _____ Child in Public Care Y/N Please circle

Ethnicity: _____

Date & Time of Incident: _____

Place: _____

Reporting Staff: _____

Staff Witnesses: _____

Child Witnesses: _____

RECORD OF INCIDENT

Reason why Reasonable Force was thought necessary:

Was the child concerned liable to injury? Yes/No Details:

Were other children liable to injury? Yes/No Details:

Were staff liable to injury? Yes/No Details:

Was property about to be damaged? Yes/No Details:

Was property actually damaged? Yes/No Details:

Was good order prejudiced? Yes/No Details:

Other Reason:

Concise details of how the incident began, nature of pupil behaviour, the use of techniques other than physical control to defuse the situation, and measures taken to avoid harm to the pupil.

Description of physical intervention/control/restraint used, including the degree of force used, how that was applied, and for how long:

Record of any injuries to pupils/staff:

Record of any damage to property:

Measures taken to ensure that the pupil was calmed after the incident:

Signature:

Time: am/pm

Date:

Designation:

Signatures of adult witnesses.....

NB If necessary please use additional pages which should be numbered

ACTION TAKEN BY HEADTEACHER/DEPUTY HEADTEACHER/SENIOR MANAGER

Name: _____

Incident Book Completed: Yes/No

Signed by Headteacher: Yes/No

Details of how and when parents were informed:

Incident discussed with pupil Yes/No

Date: _____

Other Professionals informed: Yes/No

Details:

Personal injury form completed for Staff/Pupil: Yes/No

Support offered to member of staff: Yes/No

Details:

Support requested by member of staff: Yes/No

Details:

Action Log (any other actions taken/follow up from other professionals etc)

Date: _____

Summary of Actions/Reports

Appendix 2: Authorised Staff

From section 550A of The Education Act 1996:

9. The Act allows all teachers at a school to use reasonable force to control or restrain pupils. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the Head teacher to have control or charge of pupils. Those might include classroom assistants, care workers, midday supervisors, specialist support assistants, education welfare officers, escorts, caretakers, or voluntary helpers including people accompanying pupils on visits, exchanges or holidays organised by the school.

10. Head teachers should identify people, other than teachers, whom they wish to authorise to have control or charge of pupils and therefore be able to use force if necessary. Authorisation may be on a permanent or long term basis because of the nature of the person's job, or short term for a specific event such as a school trip. The Head should explicitly inform the people concerned, and ensure that they are aware of and properly understand what the authorisation entails. To ensure that, Heads may find it helpful to arrange for a senior member of the teaching staff to provide training or guidance. They should keep an up-to-date list of authorised people and ensure the teachers know whom they are.