

Saffron Walden County High School



Policy and Guidelines on Physical Restraint/ Intervention

Date ratified: September 2015

Date updated: August 2020

References:

Use of Reasonable Force in Schools, Advice for Headteachers, staff, and governing bodies (Department for Education, July 2013)

Section 93, Education and Inspections Act (2006)

Section 550ZB(5), Education Act (1996)

This policy is regularly reviewed following recommended guidelines

Policy and Guidelines on Physical Restraint/ Intervention

Definition of physical restraint

Physical restraint is a form of physical contact in which one person imposes his or her will upon another often, but not always, by the use of superior physical strength. It is not a form of corporal punishment which is not allowed in any circumstances, nor should it be confused with other means of influencing pupils' behaviour through physical contact, such as the use of physical prompts to assist a child in acquiring particular motor or other skills.

In many situations involving physical restraint it is not possible to provide definitive guidance covering every eventuality and those authorised to use it will be expected to exercise their own judgement and to act reasonably.

Who can apply physical restraint?

The legislation (Section 93, Education and Inspections Act 2006) gives **statutory legal power** to all members of school staff to use 'reasonable force'. Therefore, the following groups of staff are **permanently authorised** to use physical restraint:

- Any teacher who works at the school.
- Any other person who, with the authority of the Headteacher, has lawful control or charge of pupils for whom education is being provided at the school.
- Any paid member of staff whose job involves supervising pupils including Teaching Assistants, Learning Mentors and Lunchtime Supervisors.

People who the Headteacher has **temporarily authorised** to have control or charge of pupils could include

- Paid members of staff whose job does not normally involve supervising pupils (such as catering or premises related staff).
- Unpaid volunteers (such as parents accompanying pupils on school organised visits).

In the case of these groups the Headteacher should inform the people concerned of their responsibilities and ensure that they understand what authorisation entails, and keep an up-to-date record of these people.

Paid staff and volunteers who are not authorised to have control or charge of pupils (either by nature of their job or temporary authorisation) do not have statutory power to use force. However, Section 93 of the Education and Inspections Act 2006 does not remove the common law right of any citizen in an emergency to use **reasonable force** in self-defence, to prevent another person from being injured or his property from being damaged. Any member of staff or volunteer has that right.

Where physical restraint can be used

Authorised staff can use physical restraint whenever they are on school premises and in charge of pupils, and on other occasions when they have lawful control of pupils on behalf of the school, such as on school trips or other out of school activities.

Physical restraint can be used under the following circumstances:

- Prevent a pupil from committing a criminal offence;
- Injuring themselves or others;
- Causing damage to property;
- Engaging in behaviour which is prejudicial to the maintenance of good order and discipline;
- Remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- Prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- 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;
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;
- Restrain a pupil at risk of harming themselves through physical outbursts.

Physical restraint or force cannot be used under the following circumstances:

- Use force as a punishment – it is always unlawful to use force as a punishment.

It is not possible to define every circumstance in which restraint would be necessary or appropriate and staff will have to exercise their own judgement in situations which arise within the categories above. Staff should always act within the School's policy on behaviour and discipline, particularly in dealing with disruptive behaviour.

Staff should be aware that when they are in charge of pupils during the school day, or during other supervised activities, they are acting in *loco parentis* and should, therefore, take reasonable action to ensure pupils' safety and well being. Failure to physically restrain a pupil who is subsequently injured or injures another, could, in certain circumstances, lead to an accusation of negligence. At the same time staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention.

Power to search pupils without consent

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" (Section 550ZB(5) of the Education Act 1996):

- 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.

De-escalation strategies

The following strategies **may** help to de-escalate a situation and avoid the use of physical restraint:

- Calm communication throughout an incident using non-threatening verbal and body language.
- Seek colleagues' support.
- Do not leave the pupil alone.
- Ensure that the pupil does not feel trapped.
- Offer the pupil the chance to move away from the incident.
- Offer the pupil the opportunity to sit down and to have a drink of water.
- Offer to call a member of staff well known to the pupil.
- Offer to call a friend or family member to help to defuse the situation.

How to apply physical restraint

Staff are only authorised to use **reasonable force** in applying physical restraint. However, there is no absolute definition of this, given that what constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied. As a general rule, only the force necessary to stop or prevent the behaviour should be used, in accordance with the guidelines below.

There are some forms of physical intervention, which may involve minimal physical contact, such as blocking a pupil's path, or the staff member physically interposing him or herself between the pupil and another pupil or object. However, in many circumstances, direct physical contact may be necessary.

In all circumstances other methods should be used if appropriate or effective. **Physical restraint is a last resort.**

If it is necessary to apply restraint:

DO

- Tell the pupil what you are doing and why
- Use the minimum force necessary
- Involve another member of staff if possible
- Tell the pupil what s/he must do for you to remove the restraint (this may need frequent repetition)
- Use simple and clear language
- Hold limbs above a major joint if possible eg. above the elbow
- Relax your restraint in response to the pupil's compliance

DON'T

- Act in temper (involve another member of staff if you have lost control of your emotions)
- Involve yourself in a prolonged verbal exchange with the pupil

Involve other pupils in the restraint
Touch or hold the pupil in sexual areas
Twist or force limbs back against a joint
Bend fingers or pull hair
Hold the pupil in a way which will restrict blood flow or breathing eg. around the neck
Slap, punch or kick
Trip up the pupil

Physical restraint should be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing the pupil to regain self-control. It should never take a form which could be seen as a punishment.

Where there is a **high and immediate risk of death or serious injury**, any member of staff would be justified in taking any action (consistent with the principle of using the minimum force required to achieve the desired result). Such situations could include preventing a pupil running off the pavement onto a busy road or hitting someone with a dangerous object such as a glass bottle or hammer.

Actions after an incident

Physical restraint often occurs in response to highly charged emotional situations and there is a clear need for debriefing after the incident, both for the staff involved and the pupil. Matt Blayney (Deputy Head – Pastoral) should be informed as soon as possible and will take responsibility for making arrangements for debriefing once the situation has stabilised. It is important that colleagues who have been involved in such situations are offered support, and are kept informed of subsequent decisions concerning the pupil.

A member of SLT should always be involved in debriefing the pupil and, as well as talking through the situation with the pupil, consideration should be given to whether or not the incident merits the involvement of outside agencies in addition to Pastoral staff and the SENCO. If the behaviour is part of an ongoing pattern it may be necessary to address the situation through the development of a behavioural IEP or a Pastoral Support Programme (PSP), which may include an anger management programme, or other strategies delivered by the support services.

All incidents should be recorded in writing with 24 hours of the incident on a Restraint Incident Form (attached) and should include the following:

- Name of pupil;
- Date, time and location of incident;
- Staff involved both directly and as witnesses (**any witnesses should provide a signed statement and hand to the member of SLT investigating the incident**);
- Other pupils involved;
- Nature of the incident;
- Events leading to the use of force;
- Any de-escalation or other strategies used to minimise the need for the use of force;
- Reasons for using force;
- Description of force used (type, duration);
- Subsequent actions, including those related to the welfare of the pupil and staff involved;
- Any injury suffered by staff or pupils and any first aid and/ or medical attention

- required;
- Information given to other staff, parents and external agencies.

A copy of the Restraint Incident Form is attached to this policy.

A member of SLT will contact the parents as soon as possible after an incident to inform them of the actions that were taken and why, and provide them with an opportunity to discuss it.

Dealing with complaints

Parents and pupils have a right to complain about actions taken by school staff, including the use of force, and will be dealt with using the School's Complaints Procedure.

In the event of a formal complaint to the school it would be for the Headteacher and the Governors to decide whether the use and degree of force was reasonable in the circumstances. In doing so they would be likely to take account of the school's policy on the use of force and whether that had been followed. In the event of a complaint to the police about unreasonable use of force the allegation may be referred to the local Children's Safeguarding Board. The school policy and the degree to which it had been followed will be at the core of any investigation.

Colleagues who have undertaken Physical Restraint Training:

Matt Blayney: Deputy Head

Phil Heath: SENDCO

Jill Kenyon: Assistant SENDCO

Sally Ogilvy: Science

Penny Banks: Pastoral

Sam Lock: Humanities

Nick Lee: Site Team

USE OF FORCE TO CONTROL OR RESTRAIN PUPILS: INCIDENT RECORD

Details of pupil or pupils on whom force was used by a member of staff (name, class):	
Date, time and location of incident:	
Names of staff involved (directly or as witnesses):	
Details of other pupils involved (directly or as witnesses), including whether any of the pupils involved were vulnerable for SEN, disability, medical or social reasons:	
Description of incident by the staff involved, including any attempts to de-escalate and warnings given that force might be used:	
Reason for using force and description of force used:	
Any injury suffered by staff or pupils and any first aid and/or medical attention required:	
Reasons for making a record of the incident:	
Follow up, including post-incident support, and any disciplinary action against pupils:	
Any information about the incident shared with staff not involved in it and external agencies:	
When and how those with parental responsibility were informed about the incident and any views they have expressed:	
Has any complaint been lodged (details should be recorded here)?	
Report compiled by:	Report countersigned by Deputy Head (Pastoral):
Name and role:	Name and role:
Signature:	Signature:
Date:	Date: