

APPENDIX 4 – THE USE OF REASONABLE AND PHYSICAL RESTRAINT POLICY

Purpose

The purpose of this policy is to safeguard the well-being of pupils and staff when an incident requires the use of physical intervention. Its intention is to develop and encourage consistent and safe practices in the use of physical restraint. Staff should not hesitate to act in an emergency provided they follow this guidance; however, they should always satisfy themselves that the action they take would be considered justifiable by a wider audience.

Rationale

Whilst wishing to resolve serious incidents without the use of physical intervention, the Governing Body and staff understand that there are some situations in which the use of physical intervention may be the appropriate course of action. As outlined below, staff are encouraged to avoid this eventuality if at all possible. However, the right of teachers to use reasonable force is laid down in the Education and Inspections Act 2006. Revised DfE guidelines in the Use of Reasonable Force guidance (June 2011; review March 2012, July 2013) clarify the following -

Force may be used to prevent pupils committing a criminal offence, injuring themselves or others or damaging property
Force may be used to maintain good order and discipline
Force may not be used as a form of punishment
Incidents where force is used should be recorded and parents informed
Schools should not adopt a 'no-contact' policy
Teachers have a duty of care to pupils but are not required to put their own safety at risk.

The following are some examples of situations in which the use of reasonable force might be appropriate:

- pupils are fighting;
- a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- a pupil is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure him or herself or others;
- a pupil persistently refuses to obey or leave a classroom;
- a pupil is behaving in a way that is seriously disrupting a lesson; or
- a pupil absconds from a class or tries to leave school (NB. this will only apply if a pupil could be at risk if not kept in the classroom or at school)

Definition

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 student 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.

School staff should always try to avoid acting in a way that might cause injury, but in extreme cases.

Physical Restraint is the positive application of force in order to protect/prevent a child from causing injury to him/herself or others or seriously damaging property.

Injury means 'significant injury'; this would include: actual or grievous bodily harm, physical or sexual abuse, risking the lives of, or injury to, themselves or others by wilful or reckless behaviour, and self-poisoning.

It must be shown that on any occasion where physical restraint is used there were strong indicators that if immediate action had not been taken, injury or the committing of a criminal act would have followed.

Procedures

Guidance during an Incident

In any application of physical restraint, the minimum reasonable force should be used to calm down the situation. Help should be summoned from colleagues; other pupils should never be involved in restraint.

The pupil should be approached calmly but firmly. Where possible, explain the consequences of refusing to stop the behaviour and continue to communicate with the pupil throughout the incident; it should be made clear that the physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach is needed and a teacher/practitioner must never give the impression that she/he has lost his/her temper, or is acting out of anger or frustration - or to punish the pupil.

The method of restraint employed must use the minimum force for the minimum time and must observe the following requirements:

Restraint must NOT: involve hitting the pupil involve deliberately inflicting pain on the pupil restrict the pupil's breathing involve contact with sexually sensitive areas

During any incident the restrainer should: offer verbal reassurance to the pupil cause the minimum level of restriction of movement reduce the danger of any accidental injury

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 or (in extreme circumstances) using more restrictive holds.

Parents must be informed on the same day or as soon as reasonably practical for any incident with any age group of child across the school.

Some Dos and Don'ts

Do: be aware of any feelings of anger summon help continue to talk to the pupil in a calm way provide a soft surface if possible be aware of any accessories worn by you or the pupil hold the pupil's arms by his/her sides

Don't: try to manage on your own stop talking even if the pupil does not reply straddle the pupil push arms up the back touch the pupil near the throat or head put pressure on joints.

The Physical Control in care Medical Panel (2008) 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.

Where it is necessary to use force a teacher should not, except in the most exceptional cases where there is no alternative, do so in a way that might reasonably be expected to cause injury, for example by;

- holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;
- slapping, punching or kicking a pupil;
- twisting or forcing limbs against a joint;
- tripping up a pupil;
- holding or pulling a pupil by the hair.

Teachers should always avoid touching or holding a pupil in a way that might be considered indecent.

Recording Incidents

It is important that a written report is kept on any occasion when force is used; the member of staff concerned should advise the Headmaster or a senior member of staff immediately following the incident and provide a written report as soon as possible afterwards.

The report should include:

the name(s) of the pupil(s) involved

when and where the incident took place

the name(s) of any other staff or pupils who witnessed the incident

the reason that force was necessary

how the incident began and progressed the pupil's response?

the outcome of the incident details of any injury suffered by the pupil/another pupil/member of staff, and any damage to property.

Staff may find it helpful to seek advice from their professional association or a senior colleague when writing a report.

Physical Contact with Pupils in Other circumstances

There are situations in which physical contact with a pupil may be appropriate or necessary other than those covered by Section 550A of the 1996 Act and the Education and Inspection Act of 2006 and the Education Act of 2011. Some physical contact may be necessary to demonstrate exercises or techniques in the course of PE lessons or sports coaching, or if a member of staff has to administer first aid.

Touching may also be appropriate where a pupil is in distress and needs comforting. Teachers should use their own professional judgement when they feel a pupil needs this kind of support.

Physical contact between teachers and pupils of the opposite sex becomes increasingly open to question as pupils reach and proceed through adolescence. Teachers should also bear in mind that even innocent and well intentioned physical contact can sometimes be misconstrued.

Corporal punishment is not to be used by teachers in any circumstances.

What happens if a pupil complains when force is used on them?

- 1) All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- 2) 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.
- 3) 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.
- 4) Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance 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.
- 5) Schools must 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.
- 6) If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact that can provide support.
- 7) Governing bodies should 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.

8) As employers, schools, governors and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

SUPPORTING DOCUMENTATION

Physical Restraint Log Book