

**PHYSICAL RESTRAINT POLICY:
A POLICY ON THE USE OF FORCE TO CONTROL OR RESTRAIN CHILDREN**

INTRODUCTION

St Margaret's is an inclusive school, committed to the care and well - being of all its children so that they may grow and learn in a safe, secure environment. Staff, children, parents and the wider community work together to ensure that the school community remains true to the equal value principle underpinning its policies.

EQUAL VALUE PRINCIPLE

Each child at St Margaret's has equal value. The policy of equality of opportunity in diversity is based on the principle of respect for the individual. The school is an integrated whole, inclusive of the children with physical or sensory impairments, communication, learning, social, emotional or behavioural difficulties. It addresses each person's unique needs: intellectual, physical, spiritual, emotional or social.

All members of the school community work together to create an atmosphere in which each member can grow and flourish regardless of race, class, colour, creed, sex, sexuality, age or ability. Positive interpersonal relationships are fostered in a climate of high expectations and respect for individual achievement.

All children experience a community of diversity in which they value and celebrate the unique contribution that each individual makes. They learn to respect the rights not only of each other but also of groups in the local and wider community.

The language used in the school community, spoken or written fosters a positive attitude to each person whatever her/his race, class, colour, creed, sex, sexuality, age or ability.

Children have full and open access to a broad and balanced curriculum and to a range of extra - curricular experiences. Attention is given to adequate resources and the development of an appropriate environment to meet the needs of individual children and groups within the school community.

Every area of school life reflects this attention to individual needs and rights, as all school policies are founded on these basic principles, which are embodied in the school aims and values.

STATEMENT OF INTENT

St Margaret's has a duty to maintain the health and safety of children and staff, prevent serious breaches of school discipline and prevent serious damage to property. It therefore seeks through its various policies, to develop emotional literacy and create a calm learning environment to minimise risk.

It recognises that the welfare of the child is paramount and that each one has the right to be protected from harm. It seeks to protect all children from any form of physical intervention which is unnecessary, inappropriate, excessive or unlawful by using de - escalation and positive behaviour strategies.

However, it also recognises that on occasions and **as a last resort**, situations may arise where, in order to ensure the welfare and protection of children or other adults, staff may need to use reasonable physical restraint. **In all other circumstances, they should employ appropriate strategies which do not require such intervention.**

Staff using reasonable and appropriate physical force, in line with this guidance, will have the support of the school authorities and of the Local Authority.

REQUIREMENTS ON SCHOOLS

All schools are required to have a policy on the use of force to control or restrain children. St Margaret's has adopted and adapted the West Sussex Education Authority policy on the use of force to control or restrain children. This policy was based on that written in consultation with representatives of the teachers' associations, Headteachers' executives and UNISON and in liaison with West Sussex Social Services and Sussex Police.

LEGISLATION ON WHICH THE POLICY IS BASED

This document is informed by advice contained in the DCSF Non - statutory guidance for schools in England, published in 2007 which replaces and supersedes the DfES circular 10/98 'The Use of Force to Control or Restrain Children' and Section 550A of the Education Act 1996. It does not preclude the exercise of the power of members of staff to use force provided by the Education and Inspections Act 2006, section 93.

OUTLINE OF POLICY

In relation to physical control or restraint of children this policy sets out:

- Staff authorised to use control or restraint in line with this guidance.
- What is 'reasonable' force in terms of the circumstances where it may be appropriate.
- What is 'reasonable' force in terms of the degree and type of force used.
- The procedures which should be followed when physical restraint is used to control or restrain children.

STAFF AUTHORISATION

The members of staff to whom the Headteacher allows the power to use reasonable control or restraint as a last resort in order to ensure the welfare and protection of children or other adults in circumstances described in this policy, are:

- Any teacher who works at the school
- Any other person whom the Headteacher has authorised to have control or charge of children, including support staff such as TA's, learning mentors, lunchtime supervisors, cover staff, administrative or premises - related staff, and unpaid volunteers.

This power applies when a teacher, or other authorised person, is on the school premises or when he/she has lawful control or charge of the child concerned elsewhere e.g. on a field trip or authorised out of school activity.

Any member of staff who may have to intervene physically with children must understand the options and strategies open to him or her. The list of staff authorised matches those whose Criminal Records Bureau (CRB) checks are on file. In exceptional circumstances a note may be added excluding a member of staff or other person from this authorisation.

WHAT IS REASONABLE FORCE?

Since there is no legal definition of ‘reasonable force’, the expectation is that the force used in restraining a student/young person should be both **appropriate to the circumstances** and **reasonable in degree**.

The Guidance (para 13) states that the test of what is reasonable:

“will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent.”

and

“the degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. However, deciding what is trivial also depends on the circumstances.”

A) Circumstances where physical restraint may be appropriate.

Any member of staff, as every citizen, has the right to defend her or himself against attack, providing s/he does not use disproportionate force, and to act in an emergency to prevent injury to a child or by a child to someone else. Section 93 gives teachers and authorised staff three appropriate reasons for the use of force to restrain. The policy of the school, however, is to restrict the use of force to emergencies, relating to items 1 and 2 below, and in all other situations, to call for help and use strategies which fall short of physical control or restraint unless such situations escalate and a senior member of staff makes a decision to use minimal restraint.

The three reasons are:

1. committing any offence,
2. causing personal injury to, or damage to the property of, any person (including the child himself), or
3. prejudicing the maintenance of good order and discipline at the school

Examples of emergency situations that fall within categories 1 and 2 are:

- a child attacks a member of staff or another child;
- children are fighting and the teacher feels they can intervene without placing themselves at risk;
- a child is causing, or at risk of causing, injury or damage by accident, by “rough play” or by misuse of dangerous materials or objects;

- a child is running in a corridor or on a stairway in a way that may cause an accident likely to injure him or herself or others;
- a child absconds from a class or tries to leave school (N.B. this will only apply if a child could be at risk if not kept in the classroom or at school);
- a child is on the verge of committing deliberate damage or vandalism to property (N.B. staff members should only intervene where they feel it is safe to do so. Personal safety is always more important than property).

Examples of situations falling into the third category are:

- a child persistently refuses an order to leave a classroom;
- a child is behaving in a way that is seriously disrupting a lesson.

Members of staff should be particularly cautious about the use of force in non - urgent circumstances like these. Teachers should always exhaust all other appropriate behaviour management strategies before ever considering using force.

In situations where there is no direct risk to people or property, therefore, and the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing disruption or provoking attack, need to be very carefully evaluated.

- Other than in emergencies, members of staff are not expected to attempt to restrain a child/young person if it may put the member of staff at risk.

B) What is a ‘reasonable’ degree/type of force?

The intervention can take several forms but the force used should always be the minimum necessary in the circumstances.

- Physically interposing between children
- Blocking a child’s path
- Pushing
- Pulling
- Leading a child by the hand
- Shepherding a child away by placing a hand in the centre of the back
- Holding, which is specifically intended to avoid causing injury to the child or others in the vicinity (usually to be avoided unless two members of staff are available)
- (in extreme circumstances) Using more restrictive holds (**only where specific training has been received**)
- In exceptional circumstances, where there is immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of ‘reasonable force’. Examples of this are: to prevent a young child running off a pavement onto a busy road, or to prevent a child hitting someone, or throwing something or striking someone with a dangerous object.

Actions identified as ‘**unacceptable**’ by the school and the LA (as they might reasonably be expected to lead to injury) include:

- holding a child round the neck, or by the collar, or in any way that might restrict the child's ability to breathe;
- slapping, punching or kicking a child;
- twisting or forcing limbs against a joint (e.g. forcing a child's arm up his/her back);
- tripping a child;
- holding or pulling a child by the hair or ear;
- shaking a child;
- tying up or binding a child;
- jabbing a child with a finger or implement;
- exerting excessive pressure on any part of a child/young person's body;
- holding a child face down on the ground;
- touching or holding a child in a way that might be considered indecent.

PROCEDURES

Although the school makes clear through this policy the procedures which should be followed, it is vital that staff exercise sound judgement and act with discretion in reacting to a particular set of circumstances.

A. Before Intervening

If a child is likely to commit a crime, cause injury, damage or serious disruption, staff may decide that physical intervention is necessary as a last resort, or in an emergency. Before using force control or restrain they should:

- try to deal with the situation through other behaviour management strategies (except in emergencies);
- if at all possible summon additional staff support and tell the child this has been done. This has the dual purpose of reducing the risk to the member of staff and providing a witness should the situation develop;
- give a clear oral warning: tell the child to stop and warn the child of the consequences of his/her behaviour;
- (except in emergencies) consider whether they will place themselves at risk of injury by intervening, for example when dealing with older, larger children. Where they judge this to be the case teachers should remove other children who might be at risk and summon assistance from colleagues, or where necessary the police;
- Until assistance arrives continue to attempt to defuse the situation orally.

B. Whilst Intervening

The member of staff must:

- employ minimum force for the minimum period necessary to restrain the student;
- keep talking to the student, making it clear to him/her that the physical contact or restraint will stop as soon as it ceases to be necessary;
- avoid threatening or committing any act of punitive violence;
- keep his/her temper under control;
- have regard to others in the vicinity.

C. After Intervening

Members of staff concerned provide a contemporaneous written **record of incidents**. Forms are completed on every occasion that force, even minor, is used, as it is important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) that force is used.

The procedure followed balances the protection of children and staff on one hand and keeping bureaucracy to reasonable levels on the other.

1. The member of staff reports the necessity of intervention to a member of the SL Team who will also consider Child Protection issues.
2. In almost every case as the member of the SL Team judges necessary, a 'Use of Physical Restraint Report Form' (see appendix) is completed, which is for internal use but may be made available to the LA, Police and/or Social and Caring Services if a complaint has to be investigated. A permanent record of any investigation then remains on the person's record.
3. The child is seen by First Aid staff, if the incident results in injury, and an Accident/Incident Reporting Form is completed. This may be instead of, or in addition to, the 'Use of Physical Restraint' form.
4. If the member of staff intervening has been offered or threatened with violence, he or she will complete the Accident/Incident form with the member of the SL Team dealing with it, in relation to the violence at work procedures.

The SL Team:

1. Investigate incidents (not minor or trivial, which are simply logged) and evaluate them in the light of the school's risk assessment procedures, disseminating any conclusions reached.
2. Notify parents/carers of the action being or to be taken and initiate appropriate follow - up.
3. Initiate appropriate follow - up with the child/young person involved and others present if appropriate.
4. Offer support, or opportunities for counselling, as appropriate to staff involved.
5. Monitor and review the policy and its impact on practice and develop training and improvements.

Complaints/Allegations

The Education Act 1996 (Paras. 31 and 32) deals with complaints and allegations.

The school involves parents immediately an incident occurs with their child. The policy and the member of staff's adherence to the policy are explained. Usually, careful and sensitive responses by all concerned lead to agreement and to a plan for repairing and rebuilding the relationship and ensuring that there will be no recurrence of the behaviour leading to the incident.

Clearly if there is not agreement and/or a complaint is made or there is a dispute about the use, or type of force used by a member of staff, there may be an investigation, either under disciplinary procedures or by the Police and/or the Social and Caring Services Department under child protection procedures. A permanent record of any investigation then remains on the person's record.

Should the use of physical restraint lead to an allegation of physical abuse which is to be investigated under disciplinary procedures, the school follows the advice in the *Schools' Personnel Manual* (Appendix 8.4) '*Employees in Schools Facing an Allegation of Physical/Sexual Abuse: Procedures and Guidelines*'. It follows the advice in the *West Sussex Child Protection Procedures* about investigations under child protection procedures relating to allegations against teachers.

Training

The school provides regular training for new staff and updates to all, on the Positive Behaviour management strategies, which are the school's preferred practice. Behaviour management courses, which are available through West Sussex Inset provision.

Links with other Policies:

- Child Protection/Safeguarding
- Behaviour/Anti - Bullying
- Equal Opportunities/Equality in Diversity: SEN Policy
- Staffing

St Margaret's CE Primary School

Use of Physical Restraint Report Form

The school retains this form. The member(s) of staff involved may also retain a copy.

Staff may wish to seek advice from a senior colleague or a representative of their professional association when compiling the report.

Incident date:

Time:

Location:

Name of staff member(s) involved:

Name(s) of child(ren) involved:

Name(s) of any witnesses: *(indicate if child(ren) or staff)*

Reason that force was judged necessary: *(e.g. to prevent injury to another child)*

Details of how the incident progressed: *(include details of child's behaviour, what was said by all parties, the steps taken to defuse the situation – the type and degree of force used and for how long)*

Continue at end of next page or attach continuation sheet as required
Outcome of the incident: *(including child's response)*

Details of any injuries to any parties/ damage to property

Accident/Incident Reporting Form completed by: *(Name First Aider and attach copy)*

Action taken by Headteacher/or member of SL Team: *(e.g. LA representatives, external agencies contacted, discussion with parents)*

Signature(s):

Date:

Additional sheets attached

YES/ NO

PHYSICAL CONTACT AND RESTRAINT

Statement of Intent

St Margaret's has a duty to maintain the safety of children and staff, prevent serious breaches of school discipline and prevent serious damage to property. It therefore seeks through its various policies, to develop emotional literacy and create a calm learning environment to minimise risk.

It recognises that the welfare of the child is paramount and that each one has the right to be protected from harm. It seeks to protect all children from any form of physical intervention which is unnecessary, inappropriate, excessive or unlawful by using de-escalation and positive behaviour strategies.

However, it also recognises that on occasions and **as a last resort**, situations may arise where, in order to ensure the welfare and protection of children or other adults, staff may need to use physical restraint. In all other circumstances, they should employ appropriate strategies which do not require such intervention. These circumstances are: when someone is committing an offence, or is causing or risking causing personal injury to, or damage to the property of, any person (including the child himself).

Staff using reasonable and appropriate physical force, in line with this guidance, will have the support of the school authorities and of the Local Authority.

Use of Physical Contact and Restraint

If a child is likely to commit a crime, cause injury, damage or serious disruption, you may decide that physical intervention is necessary **as a last resort, in an emergency**. In all other circumstances, before using force to control or restrain you should assess the risk to yourself and others and endeavour to call a colleague or your assistance.

- Try to deal with the situation through other behaviour management strategies except in emergencies
- (Except in emergencies) consider whether you place yourself at risk of injury by intervening, for example when dealing with older, larger children. Where you judge this to be the case, remove other children who might be at risk and summon assistance from colleagues, or where necessary the police.
- Tell the child to stop and warn the child of the consequences of his/her behaviour, including possible interventions
- If at all possible summon additional staff support and tell the child this has been done. This has the dual purpose of reducing the risk to the member of staff and providing a witness should the situation develop.
- Until assistance arrives continue to attempt to defuse the situation orally.

You must

- employ minimum force for the shortest time necessary to restrain the student;
- keep talking to the child, making it clear to him/her that the physical contact or restraint will stop as soon as it ceases to be necessary;
- avoid threatening or committing any act of punitive violence;

- **keep your own temper under control;** (“*Calm yourself before you calm the child*”, Bill Rogers) or call for assistance;
- have regard to others in the vicinity, particularly children.

If you have had to use force

Always ensure the child is seen by First Aid staff, especially if the incident results in injury, and an Accident/Incident Reporting Form is completed. This may be instead of, or in addition to, the 'Use of Physical Restraint' form.

As soon as possible, report the incident to the Headteacher or Deputy Headteacher who will also consider Child Protection issues. Provide a written record of any incident. Forms are available (in appendix): either a brief entry is made in the 'Incidents of Restraint' log or, in most cases, a 'Use of Physical Restraint Report Form' is completed, which is for internal use but may be made available to the LEA, Police and/or Social and Caring Services if investigating a complaint.

The Headteacher or Deputy Headteacher investigates incidents (not minor or trivial, which are simply logged) and evaluates them, notifies parents/carers of the action being or to be taken and initiates appropriate follow - up.

“Reasonable” Force

Since there is no legal definition of ‘reasonable force’, the expectation is that the force used in restraining a student/young person should be both **appropriate to the circumstances** and **reasonable in degree**.

You should take account of special needs, which render an individual child physically more vulnerable.

The intervention can take several forms but the force used should always be the minimum necessary in the circumstances:

- Physically interposing between children
- Blocking a child’s path
- Pushing
- Pulling
- Leading a child by the hand
- Shepherding a child away by placing a hand in the centre of the back
- Holding, which is specifically intended to avoid causing injury to the child or others in the vicinity
- In extreme circumstances, using more restrictive holds **only where specific training has been received**

In exceptional circumstances, where there is immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force'.

Examples of this are: to prevent a child running off a pavement onto a busy road, or to prevent a child hitting someone, or throwing something or striking someone with a dangerous object.

Actions considered 'unacceptable' by the school and the LA (as they might reasonably be expected to lead to injury) include:

- Holding a child round the neck, or by the collar, or in any way that might restrict the student's ability to breathe.
- Slapping, punching or kicking a child
- Twisting or forcing limbs against a joint (e.g. forcing a child's arm up his/her back)
- Tripping a child
- Holding or pulling a child by the hair or ear
- Shaking a child
- Tying up or binding a child
- Jabbing a child with a finger or implement
- Exerting excessive pressure on any part of a child's body
- Holding a child face down on the ground
- Touching or holding a child in a way that might be considered indecent