




Title	Physical Restraint and Reasonable Force Policy
Reviewed	September 2020
Associated Policies	Child Protection Policy Behaviour Policy Searching Pupils & Confiscating Pupils Property Policy SEND
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Approved	

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1. Aims

The aims of this policy are to:

- explain staff right to use physical restraint when necessary;
- explain the circumstances in which physical restraint may be justified;
- set out the recording and reporting system; and
- explain the various responsibilities.

In this policy the Senior leader includes the CEO, Principal, Vice Principals and Assistant Principals.

2. Responsibilities and Powers of members of staff to detain pupils by use of force

Staff should be aware of the guidance 'Keeping Children Safe in Education 2020' and their duties under the Equality Act 2010 in relation to making reasonable adjustments, non-discrimination and their Public Sector Equality Duty.

The Education and Inspections Act 2006 confirmed the right of staff to use 'such force as is reasonable' for the purpose of preventing a pupil from:

- committing an offence;
- causing personal injury to, or damage to the property of, any person (including themselves); and
- engaging in any behaviour prejudicial to the maintenance of good order and discipline in the academy or elsewhere when the pupils are in the care of the academy.

The legislation gives **statutory power** to use force to any person who, in relation to a pupil, is a member of staff at any academy at which education is provided for the pupil.

The following groups of staff are **permanently authorised** to use physical restraint:

- any teacher who works at an Hatton Academies Trust Academy;
- any other person who, with the authority of a senior leader, has lawful control or charge of pupils for whom education is being provided at the academy;
- any paid member of staff whose job involves supervising pupils including teaching assistants, learning mentors and lunchtime supervisors

People whom the senior leader has **temporarily authorised** to have control or charge of pupils. For example:

- 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 academy organised visits).

In the case of these groups the senior leader 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.

3. What is reasonable force?

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 pupil needs to be restrained to prevent violence or injury.

'**Reasonable in the circumstances**' means using no more force than is needed.

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.

When using reasonable force in response to risks presented by incidents involving pupils with SEND or Medical Conditions, academy staff must consider the additional vulnerability of these groups. Planned positive and proactive behaviour support e.g. through individual behaviour plans agreed with parents/carers can reduce any issues and the need to use reasonable force.

Academy staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

4. Who can use reasonable force?

All members of academy staff have a legal power to use reasonable force under the Education and Inspections Act 2006.

This power applies to any member of staff at the trust academy. It can also apply to people whom the senior leader has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying pupils on an academy organised visit.

5. When can reasonable force be used?

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder.

In an academy, force is used for two main purposes – to control pupils or to restrain them.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following section does not provide an exhaustive list but provides some examples of situations where reasonable force can and cannot be used.

6. Academy staff can use reasonable force to:

- Remove disruptive pupils from the classroom where they have refused to follow an instruction to do so;
- Prevent a pupil behaving in a way that disrupts an academy event or a 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; and
- Restrain a pupil at risk of harming themselves through physical outbursts.

Staff cannot: Use force as a punishment – **it is always unlawful to use force as a punishment.**

Nothing in the law concerning the use of reasonable force legitimises corporal punishment.

Where the academy has pupils with known severe behaviour disorder or the pupil is very violent and aggressive, only trained staff are allowed to use **restraint techniques**. The member of staff must be trained in the technique that is to be used. No staff can physically restrain pupils exhibiting extremes of behaviour unless so trained.

7. Using physical interventions:

The restrictive physical interventions authorised by the school are those techniques in which staff have received appropriate training and development through 'Team Teach'.

The core principles of 'Team Teach' include:

- Minimum of two staff involved.
- Last resort minimum force and time.
- Techniques that do not rely on pain or locks and allow for verbal communication.
- Staff safety and protection addressed.
- Planned responses and techniques are written out and included in positive handling plans for individual pupils.
- ¹ 'Positive touch' is a 'Team Teach' technique where the pupil is guided by touching the arm above the elbow. Please refer to the Team Teach training manual for specific guidance on the technique.

8. Circumstances where physical restraint may be justified

Physical restraint should only be used as a last resort; other non-physical strategies for diffusing the situation must be tried first.

Alternatives to physical intervention

A member of staff who chooses not to make a physical intervention can still take effective action to reduce risk. They can:

- Show care and concern by acknowledging unacceptable behaviour and requesting alternatives using negotiation and reason.
- Give clear directions to the pupils to stop.
- Remind them about rules and likely outcomes.
- Remove an audience or take vulnerable pupils to a safer place.
- Make the environment safer by moving furniture and removing objects which could be used as weapons.
- Use 'positive touch'¹ to guide or escort pupils to somewhere less pressurised.
- Ensure that colleagues know what is happening and get help.

Whenever possible, the age, level of understanding and gender of the pupil should be considered. In addition staff should be mindful of any pupil who is on the Child Protection Register.

If there is a need to restrain a pupil with known behavioural difficulties, only staff trained in appropriate restraint techniques should attempt to restrain such pupils.

The Board of Directors appreciates that in some instances (such as stopping a pupil who is running down a corridor) staff may have to act quickly, and without having the time to consider all the circumstances.

9. Examples of behaviour likely to lead to restraint:

- physical attack by a pupil on an adult/pupil;
- deliberate damage to academy property;
- a pupil behaving in a way which places others at risk, e.g. pushing, tripping on a staircase, rough play or running in a corridor;
- preventing a pupil running into a busy road;
- refusal by a disruptive pupil to leave the classroom.

Restraint is **NOT** a punishment and must not be used as such.

- **ASSISTANCE** should be sought whenever possible.
- The pupil(s) should be told that this has been done.
- Remove any other pupils who are at risk.
- Avoid the use of restraint in a one-to-one situation, witnesses are important.

staff **SHOULD NOT:**

- hold a pupil around the neck or collar, or in a way that might restrict breathing;
- slap, punch or kick;
- twist or force limbs against a joint;
- trip;
- hold or pull by the hair or ear; or
- hold a pupil face down on the ground.

Restraint should not lead to injury, but Team teach techniques, even when correctly carried out, can lead to minor injuries of the pupil and adult, these should be recorded in the bound and numbered book and parents informed.

10. Physical contact with vulnerable pupils

Normally all staff should avoid physical contact with pupils. But it is accepted that some more vulnerable pupils, and particularly those with special educational needs, require more physical contact than other pupils in order to assist their everyday learning. This is entirely appropriate and proper for staff, but it is crucial that they only do so in ways appropriate to their professional role and in accordance with the trust's policies on which restraint techniques may be used and by whom.

Except in an emergency only **trained staff** should use restraint techniques on vulnerable pupils with behavioural difficulties, and the techniques which may be used are only the ones that the member of staff is trained to use.

Specific arrangements should be:

- understood and agreed by all concerned;
- justified in terms of the pupil's needs;
- consistently applied;
- open to scrutiny; and
- reviewed regularly.

When physical contact is made with pupils this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity and background.

During a restraint procedure it is possible that unintentional minor injury may occur such as minor scratches or bruises. It is important that this is recorded on the restraint proforma/bound and numbered book (see Appendix 1) and parents/carers are informed.

If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be recorded as soon as possible on the Trust restraint proforma/bound and numbered book (see Appendix 1) and, if appropriate, a copy placed on the pupil's file.

11. Positive Handling Plans

Individual pupils assessed at being at greatest risk of requiring restrictive physical intervention will be identified through the member of staff with responsibility for Positive Behaviour. These pupils will be placed on Positive Handling Plans developed in consultation with the school, Parents/ Carers, and the pupil.

Positive Handling Plans set out the situations that may provoke difficult behaviour, preventative strategies and the de-escalation strategies that are most effective. Specific strategies and techniques that have been agreed by staff when physical intervention is required are also included. They will also warn against strategies which have been ineffective in the past and include preferred strategies and suggest ideas for the future. The process of developing a PHP will bring together contributions from key partners working in partnership and signed by all concerned. Plans will be reviewed regularly.

12. Post-incident support

The school recognises the need to ensure that staff and pupils have appropriate emotional support.

The pupil and the member of staff will be checked for any sign of injury after an incident. Immediate action will be taken to provide first aid for any injuries requiring attention.

The pupil will be given time to become calm whilst staff continue to supervise. When it is deemed that the pupil is composed, a senior member of staff will discuss the incident with them and ascertain the reason for its occurrence. All necessary steps will be taken to re-establish a positive relationship between the pupil and the member of staff involved in the incident.

All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. A senior member of staff (or his/her nominee) will provide support to the member of staff involved.

Parents/carers will be engaged in discussing the incident and for setting out subsequent actions and support.

13. Staff code of conduct

Staff employed in Hatton Academies Trust are expected to:

- be aware that even well-intentioned physical contact may be misconstrued by the pupil, an observer or by anyone to whom this action is described;
- always be prepared to explain actions and accept that all physical contact be open to scrutiny;
- be aware of the government guidance in respect of physical contact with pupils and meeting medical needs of pupils; and

- ensure that all incidents are reported and logged on the Hatton Academy Trust restraints pro-forma and that copies are sent to the CEO, Principal and, where appropriate, placed on the pupil's file. (see Appendix 1).

Staff may legitimately intervene using physical restraint to:

- prevent a pupil from committing a criminal offence;
- injuring themselves or others;
- causing damage to property;
- engaging in behaviour prejudicial to good order; and
- maintain good order and discipline.

Staff should have regard to the health and safety of themselves and others.

In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported to the CEO, Principal and, where appropriate, placed on the pupil's file. (see Appendix 1).

Under no circumstances should physical force be used as a form of punishment.

The use of unwarranted physical force is likely to constitute a criminal offence.

Staff within the Trust Academies must:

- adhere to this Hatton Academies Trust policy;
- always seek to defuse situations; and
- always use minimum force for the shortest period necessary.

14. Telling parents when force has been used on their child

Serious incidents involving the use of force should be reported to the pupils' parents/carers. The incident should be recorded on the Trust restraints pro-forma/bound and numbered book (see Appendix 1) and a copy kept in the pupil's file.

References to parent or parents are to fathers as well as mothers, unless otherwise stated.

In deciding what a serious incident is, teachers should use their professional judgement and consider the:

- pupil's behaviour and level of risk presented at the time of the incident;
- degree of force used;
- effect on the pupil or member of staff; and
- the pupil's age.

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

- 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.
- Suspension will not be an automatic response when a member of staff has been accused of using excessive force. The decision will be made using the “Dealing with Allegations of Abuse against Teachers and Other Staff” policy 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.
- The academy 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.
- If a decision is taken to suspend a teacher, the academy will ensure that the teacher has access to a named contact who can provide support.
- The CEO, on behalf of the Board of Directors, 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.
- As the employer, the academy trust has a duty of care towards our employees. We will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

16. What about other physical contact with pupils?

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

Examples of where touching a pupil might be proper or necessary:

- Holding the hand of the pupil at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.

17. Training and support

Team Teach training for key members of staff will be updated in line with the training provider.

The CEO/Principal will ensure that appropriate update training is provided for key staff annually and for all staff at least every two years. A log of this training must be kept.

A senior leader will ensure that previous recorded restraints are reviewed to establish any patterns that could be explored. For example, similar trigger points for pupils or when the same trigger point has led to multiple cases of restraint. Patterns should be identified and further training provided as required.

18. Equal opportunities

In implementing this policy all staff must take account of the Trust's equal opportunities policies.

Only **trained staff** are authorised to use permitted restraint techniques on pupils with disabilities who may exhibit behavioural difficulties.

19. Responsibilities

The CEO on behalf of the Board of Directors is responsible for writing and reviewing the policy.

The Principal responsible for the implementation of the policy in the school.

All staff have a duty to know the policy and to ensure that it is implemented.

20. Monitoring and review

The Principal will:

- ensure that a recording and reporting system is in place and is maintained
- ensure that a senior member of staff is in charge of the completion of the Trust restraints proforma (see Appendix 1)
- ensure a periodical review of all restraints that have occurred takes place and that findings of this review are reported promptly to the Leadership Team
- report incidents and the outcome to the CEO.

Appendix 1. Log of incident involving the physical restraint of a pupil (B&N Book)

BOUND AND NUMBERED BOOK v6

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RISK ASSESSMENT AND SIGNIFICANT INCIDENT / RESTRAINT / RESTRICTION RECORD
For Additional Details Refer To Supporting Documentation

Name of the child or young person concerned: _____ Age: _____

Name of the person using the measure: _____

Names of any other people present: _____

Name of person completing this record: _____

Date: _____ Time: _____ Location: _____

Details of the behaviour leading to the use of the measure (what the child or young person was doing or saying):

Details of any methods used to avoid the need to use that measure (what you did - what you said - what you tried):

Humour Verbal advice and support Firm clear directions Negotiation Limited Choices Distraction Diversion
 Reassurance Planned Ignoring Contingent Touch Calm talking Calm Stance Patience Withdrawal Offered Withdrawal Directed Swap Adult Reminders about Consequences Success Reminders

Why Was The Measure Necessary? - (describe your dynamic risk assessment and why you honestly believed that the measure you chose was in the best interests of the child or young person)

Risk to Self Risk to Others Risk to Safe Physical Environment Risk to Safe Psychological Environment Prevention of Psychological Distress Prevention of Physical Harm Prevention of Criminal offence Temporary Loss of Competence or Capacity

A description of the measure used (what you did and what you said):

The effectiveness of the measure: _____

Duration of any measure of physical restraint or restriction in minutes and any time intervals between provision of active support: _____

Any consequences of the use of the measure: _____

A description of any injury to the child concerned or any other person: _____

A description of any medical treatment offered or administered: _____

External Agencies Informed and supporting records: _____

Medical Referral _____ (Date and/or log number)

Social Worker _____ (Date and/or log number)

Health & Safety Report (RIDDOR) _____ (Date and/or log number)

LADO _____ (Date and/or log number)

Safer Schools Partnership Support Officer _____ (Date and/or log number)

Placing Authority _____ (Date and/or log number)

Responsible Parent _____ (Date and/or log number)

Confirmation that the person authorised to make the official record has spoken to the child or young person concerned and the person using the measure about the use of the measure and the feelings of both of them.

Views of the young person and any additional comments:

Name and signature of the person authorised to make this record: _____

Name, signature and designation of person monitoring the records: _____ Date Checked: _____

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The Bound and Numbered form must be completed the same day with copies given to the Principal and CEO (hard copy sent to CEO or scanned and emailed to hardcastler@hattonacademiestrust.org.uk). Where appropriate, a copy placed in the pupil's file.