

REASONABLE RESTRAINT POLICY

Document Detail

<u>Document Type:</u>	Education
<u>Document Name:</u>	Reasonable Restraint Policy
<u>Version Number:</u>	3.0
<u>Effective from:</u>	1 December 2020
<u>Owner:</u>	Mr C Sergeant
<u>Approved by:</u>	Board of Trustees
<u>Next Review Date:</u>	31 December 2021

Approvals

Name	Position	Signature	Date
A Warboys	CEO	<i>A Warboys</i>	8 February 2021
J D Leam	Chair of Trustees	<i>J D Leam</i>	8 February 2021

Document History

Version	Date	Author	Note of Revisions
1	July 2018		
2	July 2020	Board of Trustees	Due to Covid-19 review date extended to 31/12/2020
3	December 2020	C Sergeant	Wording throughout changed from student to pupil, document amended to include California Drive provision and risk of Covid-19 transmission

1. CONTEXT / THE LAW

The Education Act of 1996 clarifies the powers of teachers and other staff in school to use reasonable force to prevent pupils committing a crime, causing injury or damage, or causing disruption. Common law powers have been strengthened by the Act, which came into effect from 1 September 1998.

Corporal punishment is not authorised under any circumstances by this Act and continues to be illegal in maintained schools.

All schools are expected to devise a policy which can be understood by staff, parents/carers, Governors and pupils.

2. AUTHORISED STAFF

The Act allows all teachers at this Academy to use reasonable force to control or restrain pupils in certain circumstances. Other staff can be authorised to exercise this control and restraint at secondary academies within the Trust, including California Drive. The following staff have been authorised:

- all support and admin staff
- all Pastoral Year Leaders

3. EXTENT OF THE RESPONSIBILITY OF THOSE AUTHORISED

Section 550A of the Act allows teachers, and those authorised, to have control or charge of pupils to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continue to do, any of the following:

- Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
- Injuring themselves and/or others;
- Causing damage to property (including their own);
- Engaging in any behaviour prejudicial to maintaining good order and discipline at the Academy or among any of its pupils, whether in the classroom or elsewhere.

This provision applies whether the pupil is at the Academy or on an organised activity, for example a field trip or offsite visit. However, the section does not cover all situations in which it might be reasonable to use a degree of force. For example, everyone has the right to defend him/herself against attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene.

4. TYPES OF INCIDENT

There are a wide variety of situations where force might be appropriate, or necessary, to control or restrain a pupil:

- Where action is necessary in self-defence.
- Where there is a developing risk of injury, or significant damage to property.
- Where a pupil is behaving in a way that is compromising good order and discipline.

Examples of situations in the first two of the above categories include:

- A pupil attacks members of staff, or another pupil;
- 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 is at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- A pupil absconds from a class or tries to leave school (this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations that fall into the third category are:

- A pupil persistently refuses to obey an order/request to leave a classroom;
- A pupil behaving in a way that is disrupting a lesson and the learning of others.

5. REASONABLE FORCE

There is no legal definition of 'reasonable force'. It will always depend on all the circumstances of the case/incident. There are two relevant considerations:

1. The use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it;
2. 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. In all situations de-escalation tactics should be used to avoid any physical contact.

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. Before intervening physically, a teacher/member of staff should, wherever practicable, tell the pupil who is misbehaving to stop and what will happen if he or she does not.

The teacher should continue attempting to communicate with the pupil throughout the incident and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

A calm and measured approach to a situation is needed and teachers/staff should not give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

Sometimes a teacher should not intervene in an incident without help (unless it is an emergency). For example, where a weapon is present, when dealing with an older pupil or physically larger pupil, or more than one pupil, or if the teacher/member of staff believes they may be at risk of injury. In these circumstances the teacher should remove other pupils who might be at risk, and then summon assistants from a colleague or colleagues, or where necessary phone the Police. The teacher should inform the pupil(s) that they have sent for help. Until assistance arrives the member of staff should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

6. APPLICATION OF FORCE

It is important that only the minimum force necessary should be used to achieve a desired result. If possible give a clear oral warning to the pupil that force may have to be used.

Physical intervention can take several forms:

- Prompting;
- Barrier signals;
- Identify & Control Proximity;
- Escort Hold;
- Hip Support Hold;
- Double Wrist Hold;
- Cupped Fist Hold;
- Straight Arm Immobilisation and extended hold;
- Kneeling holds;
- Seated holds;
- De-Escalate & Remove Holds;
- Dynamic (fighting).

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 the concept of 'reasonable force': for example, to prevent a young pupil running off a pavement into a busy road, or to prevent a pupil hitting someone, or throwing something.

Staff should always avoid touching or holding a pupil in a way that might be considered inappropriate.

Where the risk is not so urgent the teacher should consider carefully whether, and if so when, physical intervention is right. Staff should always try to deal with a situation through other strategies before using force. All teachers/colleagues need developed strategies and techniques for dealing with difficult pupils and situations which they should use to defuse and calm a situation. In a non-urgent situation, force should only be used when other methods have failed. This consideration is particularly appropriate in situations where the aim is to maintain order and discipline, and there is no direct risk to people's property.

The key issue is establishing good order and action that exacerbates a situation needs to be avoided.

The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated. The age and level of understanding of the pupil is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older pupils. It should never be used as a substitute for good behavioural management.

If a decision is taken to use physical force it is often advantageous to have another responsible adult in attendance. They can support, observe and help call for assistance. Such a person can also make a witness statement for the record.

On some occasions, teachers/staff will be required to make very quick judgement calls and may have to act without presence of another colleague/responsible adult.

7. RECORDING INCIDENTS

It is important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where force is used, a copy must be given to the Principal a member of the Senior Leadership Team (SLT). The report should include:

- The name(s) of the pupil(s) involved and when and where the incident took place;
- The names of any other staff or pupils who witnessed the incident;
- The reason that force was necessary (e.g. to prevent injury to the pupil, another pupil or a member of staff);
- How the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
- The pupil's response and the outcome of the incident;
- Details of any injury suffered by the pupil, another pupil, or a member of staff and if any damage to property.

A proforma return form is included in Annex A.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

Incidents involving the use of force can cause the parents/carers of the pupil involved great concern. It is Academy policy to inform parents/carers of an incident involving their child and given them an opportunity to discuss it. A member of the SLT will need to consider whether this should be done straight away or at the end of the Academy day and whether parents/carers should be told orally, in writing or both.

8. POST INCIDENT CONSIDERATIONS

Decisions related to an incident could include:

- Whether or not medical help is required;
- Is the incident reportable as a Child Protection issue?
- Do the Police need to be involved?
- Does the Chair of the Governing Body and/or Local Authority require notification?
- When and how to contact parents?
- Does action need to be taken to review/establish a One Page Profile (OPP), and/or Special Educational Needs (SEN) provision review?
- Post event counselling for staff involved and/or pupils involved;
- Any additional risk assessment for managing foreseeable risks for pupils who present challenging behaviour;
- Pupil Support/Inclusion and use of fixed term exclusions and/or permanent exclusion;
- Reconciliation and rebuilding of relationships;
- Context, review and learning points for whole school, team and individual consideration.

9. COMPLAINTS

Involving parents/carers when an incident occurs with their child should help to avoid complaints from parents/carers. It may not prevent all complaints however, and a dispute about the use of force by a member of staff could lead to an investigation, either under disciplinary procedures or by the Police and Social Services department under child protection procedures.

The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a pupil or parent/carer, cannot be ruled out. In these circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all circumstances. In such an event however, the panel or court would have regard to the provisions of section 550A. It would also be likely to take account of the school's policy on restraint/force, whether that had been followed and the need to prevent injury, damage, or disruption, in considering all the circumstances of the case.

10. PHYSICAL CONTACT WITH PUPILS IN OTHER CIRCUMSTANCES

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by section 550 of the 1996 Act. Some physical contact may be necessary. To demonstrate exercises or technique during PE lessons, Sports Coaching, Design Technology, or if a member of staff has to give first aid and therapy for disabled pupils.

Pupils with special education needs may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil, particularly a younger child is in distress or needs comforting. Staff will use their own professional judgement when they feel a pupil needs this kind of support.

There may be some pupils for whom touching is particularly unwelcome. For example, some pupils may be particularly sensitive to physical contact because of their cultural background, or because they have been abused. It is important that staff are aware of context.

Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

11. STAFF TRAINING

The Academy has an ongoing programme of continuous professional development for all colleagues in terms of de-escalation. New staff undertake an induction programme that makes them aware of Academy policies and procedures. In addition, all latest training on using reasonable force and Positive Handling took place on **15th February 2019** for Pastoral Year Leaders.

12. RISK ASSESSMENT

Risk assessment procedures are in place to help establish the likelihood of adverse outcomes for pupils or adults.

SLT will also assess and review the frequency and severity of incidents requiring use of force that do, and are likely to occur at secondary academies with the Trust, including California Drive. Historical patterns will also be subject to review.

13. POLICY MONITORING

The policy is to be monitored annually.

REASONABLE RESTRAINT FORM

Use of Force to Control or Restrain Pupils: Incident Record

Pupil(s) on whom force was used.	
Date, time and location of incident	
Details 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 why it was deemed appropriate to use force.	
Reason for using force and description of force used.	
Any injury suffered by staff or pupil(s) and any first aid and/or medical attention required?	
Has a full staff statement been made in relation to this incident? (attach copy of statement)	YES / NO
Follow up, including post-incident support and any disciplinary action against pupils.	
When and how those with parental responsibility were informed about the incident and any views they have expressed.	
Has any complaint been logged? (details should not be recorded here)	YES / NO

Report compiled by:	Report Countersigned by: (Principal or HR Manager)
Role:	
Signature:	Signature:
Date:	Date: