



Twyford
C of E
Academies Trust

Document Title	Restraint Policy
Committee Responsible for Policy	Board of Directors (in consultation with Student Committees).
Review Frequency	Every 3 years
Last Reviewed	June 2016
Next Review Due	June 2019
Policy Author	Deputy Headteacher (Pastoral)

NB this policy has been amended with reference to the following document:

“Use of Reasonable Force”

Advice for Headteachers, staff and governing bodies July 2013

Department for Education

(It is described as non-statutory and intended to provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of Headteachers and governing bodies in respect of this power.)

1 Aims and Policy

1.1 Overall Aim

- To protect every person in each school community from harm
- To protect all students against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful
- To provide adequate information and training for staff so that they are clear as to what constitutes appropriate behaviour and to deal effectively with violent or potentially violent situations
- To give full support to staff who have been assaulted or have suffered verbal abuse, or threatening behaviour, from students or others

1.2 Policy Statement

The Education Act 1996 forbids corporal punishment [force used as a disciplinary penalty], but allows all school staff to use **reasonable force as a protective measure** in order to prevent a student from:

- Harming him/herself
- Preventing the student from causing harm to another person, this may include other staff, adults, volunteers
- Seriously damaging property
- Committing a criminal offence
- Acting in a way which is counter to maintaining good order and discipline at each school

If force is used it must be **reasonable force**. Reasonable force covers a broad range of actions used by teaching staff that involve a degree of physical contact with pupils. 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. It must be proportionate to the consequences it is intended to prevent, and therefore the **minimum needed to achieve the desired result**.

Force is usually used either to **control** or **restrain**.

Control can mean either passive physical contact (e.g. standing between students or blocking a student's path) or active physical contact (e.g. such as leading a pupil by the arm out of a classroom).

If members of staff use **restraint** they **physically prevent a student from continuing what they were doing after they have been told to stop**. The use of restraint techniques is usually used in more extreme circumstances, such as when two students are involved in a fight and refuse to separate without physical intervention.

Use of force is deemed to be a last resort and Twyford CE Academies Trust's Behaviour Policy has been written in order to provide the structure for a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind. Our emphasis is on care and protection for everyone within our school community.

- We believe that restraint will be needed on very rare occasions.
- We will endeavour to handle situations with care and responsibility.
- We will apply follow-up and repair strategies in the event of restraint being used.

Physical Restraint should be limited to emergency situations and used only in the last resort.

2 Legal Context

2.1 Section 93 Education and Inspections Act 2006

All members of school staff have a legal power to use reasonable force. This may be to prevent a student from:

- a) Committing a criminal offence (or, for a student under the age of criminal responsibility, what would be an offence for an older student)
- b) Causing personal injury or damage to property
- c) Prejudicing the maintenance of good order and discipline at the school or among any students receiving education at the school, whether during the teaching session or otherwise.

The staff to which this power applies are:

- i) Any member of staff at the school;
- ii) Any other person whom the head teacher has authorised to have control or charge of students. This can also include people to whom the head teacher has given temporary authorisation to have control or charge of students such as unpaid volunteers or parents accompanying students on school-organised visits
- iii) Does not include any students.

2.2 Section 246 of the Apprenticeships, Skills, Children and Learning Act 2009

Governing bodies are required to ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a student; and reporting each such incident to each parent of the student as soon as practicable after the incident.

This is to ensure that parents are kept informed of serious events at school concerning their child. It also provides a level of transparency that means that a spurious or malicious allegation based on the incident would be less likely to succeed.

The member of staff must not report the incident to a parent if it appears to that member of staff that doing so would be likely to result in significant harm to the student. If that is the case and there is no parent of the student to whom the incident could be reported, then the incident must be reported to the local authority where the student normally lives.

2.3 Common law power

The statutory power conferred by section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use **reasonable force in self-defence or to prevent another person from being injured or committing a criminal offence**. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is **only available to people authorised to have control or charge of students**. Section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

2.4 Section 45 of the Violent Crime Reduction Act 2006 (and re-enacted by Section 242 of the ASCL Act 2009)

Reasonable force may also be used in exercising the statutory power to search pupils without their consent for weapons.

This search power may be exercised by head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a student has a weapon. Reasonable force may be used by the searcher.

Where resistance is expected school staff may judge it more appropriate to call the police or, if they have one, their Safer School Partnership (SSP) officer. From September 2010, the power to search pupils without their consent will be extended to include alcohol, illegal drugs and stolen property ('prohibited items').

3 Ethos and Guidelines

3.1 Preventative Ethos

Twyford CE Academies Trust aims to provide a calm, orderly and supportive climate where all pupils and staff feel safe and secure and able to work constructively.

The Trust's Behaviour Policy aims to establish and maintain good order in the school and models clear expectations and boundaries on behaviour. This policy will be followed by pupils and staff and the use of this policy will aim to reduce the need for possible physical intervention through the on-going maintenance of the good order of the school.

Where possible, staff should take steps in advance to avoid the need for physical restraint by using de-escalation techniques (see Staff Handbook)

If the student is known to present with ongoing challenging behaviour, appropriate staff will:-

- Identify personal and environmental factors, which impact on individual students
- Ensure that strategies are developed that help prevent challenging behaviour
- Ensure access to appropriate professional support for students
- Monitor and evaluate behaviour and continue to review interventions accordingly.
- However, instances where physical restraint is required may still arise on occasion

3.2 Deciding Whether to Use Force

Physical Restraint may only be used as a last resort when other de-escalation strategies have failed. It must serve to defuse or prevent a violent, or potentially violent, situation. **It must not be used purely to force compliance with staff instructions when there is no immediate risk to people or property.**

Staff should have good grounds for believing that immediate action (Physical Restraint) is necessary in order to prevent a student from injuring him/herself or others, or causing serious damage to property.

3.3 Schools 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 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 student
- Stop pupils fighting
- Restrain a pupil at risk of harming themselves through physical outbursts
- Restrain a pupil who is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects
- Restrain a pupil A student who is running in a corridor or on a stairway in a way in which he/she might have or cause an accident likely to injure her/himself or others
- Prevent a vulnerable pupil who is trying ~~tries~~ to leave school if they would be at risk because, for example, they are not independent travellers.

Schools cannot:

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

3.4 Using Force

- Physical restraint must not be used in anger. When it becomes apparent that the pupil is not responding to verbal instructions and a violent incident is imminent, the member of staff, wherever possible, should call for the duty teacher before engaging in physical restraint.
- A female staff member should be summoned as assistance in the instance of female students requiring restraint. Calling for support and assistance provides support and witnesses.
- A male staff member should be summoned as assistance in the instance of male students requiring restraint. Calling for support and assistance provides support and witnesses.
- When it becomes necessary to restrain a student, the member of staff must, if possible, continue to talk to the student in a calm manner, offering choices and time for the student to become calm.

- The age and competence of the student must be taken into account in deciding what degree of intervention is necessary.
- Only the minimum force necessary, to prevent physical injury or damage, should be applied. Particular care must be taken to avoid inflicting any unnecessary pain or injury.
- Restraint must not involve deliberately painful or dangerous procedures. It must:
 - Never interfere with breathing, blood supply or genital areas;
 - Never involve holding the head, throat or fingers.
 - Be discontinued as soon as the situation is deemed safe.
- As soon as it is safe, restraint must be gradually relaxed as the pupil regains self-control.
- A student must never be asked to restrain another student
- Where possible, groups of students should be moved away from the incident to support calm management of the situation or the student in question moved to a suitable space.

4 School Procedure

- Where physical restraint may be required, the duty teacher should be alerted immediately via Reception
- Reception personnel should also ensure that at least two designated members of senior staff are alerted to attend the incident.
- Reception personnel should ensure lessons are covered by 'on call' staff or SLT
- Where possible, physical restraint should only occur when staff witnesses are present.
- Once a student is restrained they should be taken to the designated place in the school so the student can be calmed and not returned to class until the incident has been fully investigated.
- Two designated members of staff must remain with the student at all times, until the student's parents/carers have been contacted.
- Reception personnel should alert the relevant Head of Year who will contact parents/carers and if appropriate provide work for the student.

4.1 Recording and Reporting Incidents

- Details of incidents where restraint is used by a member of staff should be recorded on the pro forma in Appendix 2 at the end of this document. This should be done within 24 hours of the incident taking place and preferably on the same day.
- Witness statements from staff and/or students should also be written within 24 hours and attached to the pro forma.
- The circumstances and reason for using physical restraint must be recorded immediately, or as soon as possible, but ideally no later than the next working day. (See Appendix 1 for form).

- Any incident involving restraint and/or physical intervention must be reported by the member of staff to the Associate Headteacher/Deputy Headteacher or duty teacher as soon as possible.
- The student's views should also be recorded as soon as possible, preferably on the same day.
- The Associate Headteacher should discuss the incident with the teacher within 24 hours.
- Students will be interviewed about the reasons that led to the incident and the circumstances that followed. The interviewer must be a senior member of staff who was not directly involved in the incident.
- An incident will be reported to the parent/carer unless it appears that it is likely to result in significant harm to the pupil.
- External agencies such as local authority children's services, Child protection, Health and Safety executive, Youth Offending teams, Police may be contacted as appropriate.

4.2 Post-Incident Support

- Support may be needed for staff or pupils who, following the incident, are distressed.
- Staff should be provided with opportunities to discuss incidents involving restraint and their subsequent feelings. Where it is clear that the teachers need further advice/training, the Associate Headteacher should take prompt action to see that it is provided.
- Parents/carers will usually be informed when physical restraint has been used and will be given the opportunity to discuss the matter with the school.

4.3 Complaints and Allegations

- The use of physical intervention is distressing to all involved and can lead to concerns, allegations or complaints of inappropriate or excessive use. In particular, a student might complain about the use of restrictive physical intervention in the heat of the moment but on further reflection might better understand why it happened. In other situations, further reflection might lead the student to feel strongly that the use of physical intervention was inappropriate. This is why the school should ensure that all students have a chance to review the incident after they have calmed down. If a child or parent has a concern about the way restrictive physical intervention has been used, the Trust's Complaints Procedure explains how to take the matter further and how long we will take to respond to these concerns.
- Where there is an allegation of assault or abusive behaviour, we ensure that the Associate Headteacher is immediately informed. We would also follow our child protection procedures and inform the head child protection officer who will log all the paperwork. In the absence of the Associate Headteacher, the Deputy Headteachers will be informed. If the complaint or allegation concerns the Associate Headteacher, we ensure that the Chair of Governors and the Deputy Headteachers are informed.

- If parents/carers are not satisfied with the way the complaint has been handled, they have the right to take the matter further as set out in our Complaints Procedure.

4.4 Staff Training

This policy is part of the training programme for NQTs, BTs and GTPs All staff reminded of policy at a staff meeting annually

4.5 Monitoring and Review

All incidents involving the use of restraint will be reported to the Associate Headteacher and the school's governing body.

4.6 Further Information

If the student is statemented their key worker from Learning & Inclusion should be involved as soon as possible

Appendix 1: Record form for incident where physical restraint/positive handling was used

Record of Restraint Form

SCHOOL:		
Date of Incident:		Time of incident:
STUDENT NAME:	Date of birth:	Form:
Member(s) of staff involved:		
Adult witnesses to restraint: (attach statements to this document)		
Student witnesses to restraint: (attach statements to this document)		
Description of incident leading to restraint by member of staff involved: (to include attempts made to de-escalate incident and warnings given that restraint might be used, restraint itself and outcome of restraint)		
Injuries suffered by staff, student(s) and any subsequent treatment :		
Date parent/carer informed of incident:		Time:
Parent/carer name:		
By whom informed:		
Outline of parent/carer response:		
Signature of staff member completing report:		
Date:		
Signature of Headteacher/SLT:		
Date:		
Brief description of any subsequent inquiry/complaint or action:		