

# Restraint Policy



<b>Approved by:</b>	Governing Body
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<b>Last reviewed on:</b>	September 2024
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## **1. Aims**

This policy aims to:

- Provide staff with clear guidance on the use of restrictive physical intervention with an emphasis on restrictive physical intervention being a last resort.
- Provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary.
- Ensure that the policy is understood by all school staff.

## **2. Legislation and statutory requirements**

This policy refers to the Department for Education (DfE) guidance and documents that should be read alongside this policy. These include:

- Use of reasonable force - Advice for Head Teachers, Staff and Governing Bodies. July 2013
- The School Discipline (Pupil Exclusions and Reviews) (England) Regulations 2012
- The Education and Inspections Act 2006
- Preventing and Tackling Bullying.
- DfE and ACPO Drug Advice for Schools
- Behaviour and Discipline in Schools
- DfE Searching, Screening and confiscation
- Ensuring Good Behaviour in Schools
- The Equality Act 2010
- Schedule 1 of the Education (Independent School Standards) Regulations
- Supporting pupils with medical conditions at school
- DfE Dealing with allegations of abuse against teachers and other staff
- Keeping Children Safe in Education (KCSIE, last updated September 2023)

## **3. Physical restraint**

Staff will receive training in a de-escalation and physical management approach. This will be provided by NVC Awareness Ltd, an accredited training provider in conflict management, conflict resolution and physical intervention. NVC Awareness holds centre recognition to administer BIIAB examinations with a centre number of CO1914 , Holds the Institute of Conflict Management (ICM) quality award relating to training design, training delivery and training evaluation and feedback, there registration number is QAC20067 and is an approved centre by Edexcel with centre number 67091.

Trevel Henry The company Director, is an expert witness and a training consultant in the prevention, management and resolution of challenging, aggressive and violent behaviour. He is also an active Board member of the Institute of Conflict Management (ICM), who were established with the support of the Health & Safety Executive in 1997, and fully incorporated as a national body in 2000. Trevel remains a representative of on a number of institutional panels/groups aimed at addressing the prevention and management of work-related violence.

These include:

- NHS and Care Trusts - reviewing, advising and providing guidance regarding policies, procedures and working practices, including search procedures to improve staff and patient/resident/service-user safety.
- HM Prison & Probation Service – member of the Scrutiny Panel reviewing changes to the Control & Restraint basic syllabus to ensure that the learning outcomes are aligned with the revised Use of Force Policy Framework.
- Security Industry Authority (SIA) – member of the Expert Working Group that reviewed the physical intervention specifications within the SIA's licence-linked revised programme specifications.
- ICM Development Group – Enforcement training lead for the ongoing review of physical intervention techniques, including high risk interventions used by appropriately trained staff.

We follow the DfE advice that schools should not have a 'no contact policy'.

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder. Schools do not require parental consent to use force on a student, however, the use of force will be a last resort and always in the best interests of children.

The use of physical intervention will be in the best interests of the pupil concerned and the circumstances are predicated on whether there is a foreseeable risk that the pupil will:

Harm themselves,  
Harm others,  
Damage property,  
Act in a way that is prejudicial to the maintenance of the order and discipline of the school or among any of its pupils,  
Commit a criminal act,  
and where there is a need to take positive action to prevent any of these risks.

Specifically, the DfE state that reasonable force can be used in the following circumstances:

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

All members of school staff have a legal power to use reasonable force. The power applies to any member of staff at the school. It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying pupils on a school organised visit.

Professional judgement should be used in circumstances where the use of physical restraint and reasonable force is needed. Staff should not hesitate to act in an emergency, provided they follow the guidance in this policy and Use of Force in Schools.

It may not always be appropriate for a member of staff to intervene in an incident without help unless it is an emergency. Help may be needed in dealing with a situation involving an older pupil, a large pupil, more than one pupil, or if the member of staff believes they or other pupils may be at risk of injury. In these circumstances where possible a single member of staff should consider summoning assistance from others or call the police

The following list from the DfE guidance is not exhaustive but provides some examples of situations where reasonable force can and cannot be used:

Schools can use reasonable force to:

- remove disruptive children 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 pupil, or to stop a fight in the playground; and
- restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.
- Use force to search for items banned under school rules which are not 'prohibited items' as detailed above

In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following "prohibited items"<sup>3</sup>:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Physical Intervention can take several forms and may involve staff physically interposing between pupils, blocking a pupil's path, holding, pushing, pulling, leading, shepherding, or the use of restrictive holds.

Physical restraint can be partial, restricting or preventing particular movements, or total as in the case of immobilisation

The nature of the physical intervention must be:

- with a reasonable but minimum amount of force,
- proportionate to the risk posed by a pupil's behaviour,
- be absolutely necessary,
- be a last resort, and
- be in the best interest of the pupil.

The physical intervention will be for the shortest amount of time, and whenever possible, will be away from other pupils and with a second adult present. Whilst physical intervention is sometimes necessary, any such incidents will be managed to preserve the dignity of the pupil as far as possible.

Staff maintain a duty of care and make decisions based on the best interests of the pupil before, during and after any physical intervention. This duty of care extends to a member of staff's inaction if a risk is present or could reasonably have been expected to be recognised, although it is not expected for a member of staff to put themselves at risk in the process of taking action.

The school recognises the legal duty to make reasonable adjustments for disabled children and children with SEN and acknowledge that such behaviours are often a sign of communication by the pupil and staff will be cognisant of this fact. Staff are trained in a NVC de-escalation approach which promotes a holistic view of behaviour and the precept that any use of force will be a last resort and not a default position. Staff acknowledge there are risks involved whenever people use reasonable force.

There is no legal definition of a reasonable amount of force and staff will always use the minimum amount of force necessary using a continuum of force beginning with physical presence. The DfE state that 'school 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 a pupil.'

The DfE define reasonable force as:

1. 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.
2. 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.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. 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.
5. 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.
6. School 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.

The use of force should not involve certain restraint techniques which present an unacceptable risk when used on children and young people (DfE, July 2013). The techniques which should not be used 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.

The judgement on whether to use force and what force to use should always depend on the circumstances of each case and, crucially in the case of SEN/disabilities, information about the individual concerned. Schools may need to make individual risk assessments where it is known that force is more likely to be necessary to restrain a particular pupil such as where a pupil's SEN or disability is associated with extreme behaviour or is likely to present extreme risk. Such risk assessments may be dynamic due to the circumstances which are presented.

When deciding if force is appropriate, the seriousness of the incident should be assessed by the effect of the potential injury, damage or disorder which is likely to result if force is not used. The greater the potential for injury, damage or disorder, the more likely it is that force will be justified.

Whether the force used is reasonable will always depend on the particular circumstances of the case and the test is whether the force used is proportionate to the consequences it is intended to prevent. This means the degree of force used should be the minimum needed to achieve the desired result. The DfE state that school staff have a power to use force and lawful use of this power will provide a defence to any related criminal prosecution or other legal action.

All instances of physical intervention should be recorded on the school physical intervention form and entered into the physical intervention file. Any incident of restrictive physical intervention will be considered to be a critical incident and will be the subject of a review to identify learning points and future opportunities to negate the need for such action.

#### **4. Complaints**

Where a complaint is made regarding any force used during a physical intervention this will be managed via the school's complaints policy and in accordance with the DfE guidance which states:

- 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 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 (see the 'Further sources of information' section below) 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.

- 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.
- If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- 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.
- As employers, schools 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.

## **5. Monitoring arrangements**

This restraint policy will be reviewed by the Head Teacher and Governing Body annually.

## **6. Links with other policies**

This restraint policy links to other school policies and documents including:

- Special Educational Needs
- Safeguarding and Child Protection Policy
- Educational Visits Policy
- Mobile Phone Policy
- Attendance Policy
- Autism Response Strategy
- Our Philosophy and Approach
- Bullying Policy
- Behaviour Policy

Copies of this policy are available on request. These can be obtained from the school's reception.

## **Amendment**

In January 2024, the following amendment is made to this policy:

If any physical restraint results in an injury to a pupil or to staff, however minor, this will be discussed with the County LADO Service for advice and direction. A record of this discussion and the advice received will be recorded.



## Appendix A

### Physical Intervention Form

The following physical intervention form should be used to record any physical intervention:



#### Incident Report - Physical Intervention Record

Belle Vue and Cornfields School will view all incidents of physical intervention as a critical incident.

It is therefore important that this record is completed as soon as practicable and with as much detail as possible. If you are in any doubt consult with the Designated Safeguarding Lead or senior member of staff on duty.

<b>Bound book reference no.</b>			<b>Pupil's Name</b>	
Date		Time		Location
Other pupils involved				
Activity			Duration of incident	
Antecedents				
Function of behaviour	Sensory	<input type="checkbox"/>	Escape	<input type="checkbox"/>
	Attention	<input type="checkbox"/>	Tangible	<input type="checkbox"/>
	Unclear	<input type="checkbox"/>		

Active strategies used to resolve the situation prior to Physical Intervention				
Presence <input type="checkbox"/> (Open PALMS)	Active Listening <input type="checkbox"/>	Reassurance <input type="checkbox"/>	Paraphrasing <input type="checkbox"/>	Humour (DRA) <input type="checkbox"/>
Use of space / <input type="checkbox"/> Containing the situation		Switching with another <input type="checkbox"/> member of staff		Step away / <input type="checkbox"/> Withdraw to position of safety
Ignoring the child <input type="checkbox"/> (DRA)		Assertive communication <input type="checkbox"/> (DRA)		Other (specify) <input type="checkbox"/>
Does the behaviour support plan require updating?		Yes <input type="checkbox"/>		No <input type="checkbox"/>

Behaviours observed during incident				
Biting <input type="checkbox"/>	Self-harm <input type="checkbox"/>	Spitting <input type="checkbox"/>	Swearing <input type="checkbox"/>	
Punching <input type="checkbox"/>	Pinching <input type="checkbox"/>	Grabbing <input type="checkbox"/>	Scratching <input type="checkbox"/>	
Kicking <input type="checkbox"/>	Stripping <input type="checkbox"/>	Head butting <input type="checkbox"/>	Sexist/racist etc language <input type="checkbox"/>	
Damage <input type="checkbox"/>	Allegations <input type="checkbox"/>	Pushing <input type="checkbox"/>	Presence/ Close proximity <input type="checkbox"/>	
Verbal abuse <input type="checkbox"/>	Verbal violence <input type="checkbox"/>	Posturing <input type="checkbox"/>	Deliberate silence <input type="checkbox"/>	
Other (specify) <input type="checkbox"/>				
Does the behaviour support plan require updating?		Yes <input type="checkbox"/>		No <input type="checkbox"/>

<b>Reason for the use of Physical Intervention</b>			
Child liable to injury/danger	<input type="checkbox"/>	Other child liable to injury/danger	<input type="checkbox"/>
Staff liable to injury/danger	<input type="checkbox"/>	Damage to property	<input type="checkbox"/>
Realistic threat (direct/indirect) damage to property	<input type="checkbox"/>	Other (specify)	<input type="checkbox"/>

<b>Description of the incident</b>

Physical Intervention used	
<u>Unplanned Interventions</u>	<u>Planned Interventions</u>
1 Person guiding/prompting <input type="checkbox"/>	2 Person guiding/prompting <input type="checkbox"/>
1 Person non-restrictive support hold <input type="checkbox"/>	2 Person non-restrictive support hold <input type="checkbox"/>
1 Person restrictive escort hold <input type="checkbox"/>	2 Person restrictive escort hold <input type="checkbox"/>
(DRA) 1 person adapted non-restrictive or restrictive hold (specify below) <input type="checkbox"/>	(DRA) 2 persons adapted non-restrictive or restrictive hold (specify below) <input type="checkbox"/>
Does the behaviour support plan need updating?	Yes <input type="checkbox"/> No <input type="checkbox"/>

Injury sustained during intervention		Pupil <input type="checkbox"/>	Staff <input type="checkbox"/>
Accident Ref No.	Name of injured person(s)	Brief nature of injury	
Body Map attached	Yes <input type="checkbox"/> No <input type="checkbox"/>		
Did the injury require medical attention?	Yes <input type="checkbox"/> No <input type="checkbox"/>		

<b>Person(s) Completing Report</b>	
Name (PRINT)	Signature
	Date

**The following pages will be completed by the Head Teacher or senior member of staff on site as soon as practicable and within 48 hrs of the incident occurring. The member of staff conducting the debrief must not be involved in the event.**

<b>Pupil Debrief</b>	Conducted by	
Debrief date, time and those present:		

The pupil debrief should not be undertaken by any staff involved in the intervention and should not be used to chastise or apportion blame. It is important that the person being debriefed feels supported and listened to. The debrief should be taken as an opportunity to understand what went wrong to prevent a reoccurrence in the future.

<b>Persons Informed (Consider: Social Worker/Parent/Carer/Virtual School/LADO)</b>			
Name	Date	Time	By whom

<b>Name and Signatures of all staff involved – All staff involved to provide written record either a statement/file note or completion of physical incident report.</b>	
Print Name	Signature

A post incident evaluation and reflection will be conducted by the Head Teacher or senior member of staff on site within 48 hrs of the incident. A meeting will be held with the relevant staff to share the evaluation in order to maintain the high standards we have and to reduce the need for physical interventions.

<b>Post Incident Evaluation and Reflection with Staff</b>		
Name (person conducting evaluation)	Signature	Date
Evaluation and Reflection conducted by		

<b>Signed</b>	
Name (PRINT)	
Signature	
Date	

This report has also been assessed and signed off as satisfactory by the following Governor:

<b>Signed by Governor</b>	
Name (PRINT)	
Signature	
Date	