



Physical Restraint Policy

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.

2 Powers of members of staff to detain students by use of force

2.1 *The Education and Inspections Act 2006* confirmed the right of staff to use 'such force as is reasonable' for the purpose of preventing a student 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 school or elsewhere when the pupils are in the care of the school.

2.2 The explanatory notes give an example of 'reasonable force' - leading a student by the arm to enforce an instruction to leave the class.

2.3 However, nothing in the law concerning the use of reasonable force legitimises corporal punishment.

2.4 Where a school has pupils with known severe behaviour disorder, 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.

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

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

- any teacher who works at the school;
- any other person who, with the authority of the headteacher, has lawful control or charge of pupils for whom education is being provided at the school;

- any paid member of staff whose job involves supervising pupils including teaching assistants, learning mentors and lunchtime supervisors

People whom the head has **temporarily authorised** to have control or charge of pupils. This could include:

- paid members of staff whose job does not normally involve supervising students (such as catering or premises related staff);
- unpaid volunteers (such as parents accompanying students on school organised visits).

In the case of these groups the head will 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 students (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 Right to search students

3.1 Following the *Education Act 2011* the head, and any member of the school staff authorised by the head, has the right to search a pupil for any article with the pupil's consent - or without their consent if the member of staff has reasonable grounds for believing that the student may have with him/her or in his/her possession, the following items:

- an article which has been or is likely to cause personal injury or damage;
- any other article likely to commit an offence, or to cause personal injury, or damage to the property of, any person including the student being searched;
- alcohol, drugs, stolen goods; and
- any other item identified in the school rules (as published) as an item for which a search may be made.

3.2 The head will ensure that the person carrying out the search is of the same sex as the student and the search must be carried out in the presence of another adult also the same sex as the student. The student cannot be required to remove any clothing other than outer clothing and if the student's possessions are searched this must also be done in the presence of another adult. The person carrying out the search is able to use such force as is reasonable in the circumstances for exercising that power.

However, the *Education Act 2011* provides that in the following circumstances the condition above will be satisfied:

- where a person making the search reasonably believes that serious harm will be caused if the search is not carried out as a matter of urgency, and
- in the time available it is not reasonably practicable for a search to be carried out by a person of the same sex or in the presence of a member of the same sex.

3.3 The head **cannot** normally ‘require’ the school staff to conduct the searches, only ‘authorise’ them to do so.

3.4 Dealing with articles found in a search

3.4.1 The head and authorised members of staff making searches may seize prohibited articles.

3.4.2 Where the article is an item used in the commission of any offence or to cause personal injury or damage to property the head must determine whether to:

- deliver the item to a police constable as soon as reasonably practicable;
- return the item to the owner;
- retain the item; or
- dispose of the item.

3.4.3 Where an article has been found for which a search may be made under academy rules the head may:

- return the item to the owner;
- retain it’ or
- dispose of it.

3.4.4 Where the confiscated article is a prohibited electronic article the person who seized the item may examine any data or files on the device if the person thinks there is good reason for doing so.

Following the examination the person seizing the article may erase the data or files if the person thinks there is a good reason to do so.

4 Circumstances where physical restraint may be justified

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

- 4.2 Whenever possible, the age, level of understanding and gender of the student should be considered. In addition staff should be mindful of any student who is on the Child Protection Register.
- 4.3 If there is need to restrain a child with known behavioural difficulties, only staff trained in appropriate restraint techniques should attempt to restrain such students.
- 4.4 The governing body appreciates that in some instances (such as stopping a child who is running along a corridor) staff may have to act quickly, and without having the time to consider all the circumstances.

5 Examples of behaviour likely to lead to restraint:

- 5.1
- physical attack by a student on an adult/student;
 - deliberate damage to school property;
 - a student 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 student running into a busy road;
 - refusal by a disruptive student to leave the classroom.
- 5.2 Restraint is **NOT** a punishment and must not be used as such.
- **ASSISTANCE** should be sought whenever possible.
 - The student(s) should be told that this has been done.
 - Remove any other students who are at risk.
 - Avoid the use of restraint in a one-to-one situation, witnesses are important.
- 5.3 Restraint should not lead to injury: staff **SHOULD NOT:**
- hold a student 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 student face down on the ground.

6 Physical contact with vulnerable students

- 6.1 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 school'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.

6.2 Specific arrangements should be:

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

6.3 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.

6.4 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 school's incident sheets and, if appropriate, a copy placed on the pupil's file.

7 Staff code of conduct

7.1 Staff at this school 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 children; and
- ensure that all incidents are reported and logged in the school's Incident Log.

7.2 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.

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

7.4 In all cases where physical intervention is deemed necessary, the incident and

subsequent actions should be documented and reported.

- 7.5 Under no circumstances should physical force be used as a form of punishment.
- 7.6 The use of unwarranted physical force is likely to constitute a criminal offence.
- 7.7 Staff at this school must:
- adhere to the school's physical intervention policy;
 - always seek to defuse situations; and
 - always use minimum force for the shortest period necessary.

8 Training and support

The head will ensure that appropriate training is provided for key staff annually.

The head will ensure that the system enables account to be taken of the records in the Incident Log and elsewhere.

9 Equal opportunities

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

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

10 Responsibilities

The governing body is responsible for making and reviewing the policy.

The head is 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.

11 Monitoring and review

- 11.1 The head will:
- ensure that a recording and reporting system is in place and is maintained;
 - ensure that all incidents are recorded on incident forms, signed by the Headteacher
 - report significant incidents and following outcomes and actions to the governing body.

11.2 The governing body will review the policy every two years.

Signed - _____

Date - _____