



PARK HOUSE SCHOOL & SPORTS COLLEGE

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CHANGE HISTORY

Version	Date	Description
Issue 1	2010	Original
Issue 2	2014	Reviewed in line with legislation
Issue 3		

LINKED DOCUMENTS

[SEAL curriculum](#)



PARK HOUSE SCHOOL

Restraint Policy

It is the responsibility of Headteachers and staff to promote positive behaviour and equal opportunities and maintain an orderly community. This is part of the duty of care.

Physical intervention to restrain students may rarely or never be necessary. This policy sets out the importance of preventive approaches so all staff operate within a clear behaviour policy and have a range of strategies to promote appropriate behaviour. Staff need to know how to avoid and de-escalate potentially dangerous situations.

It must be emphasized because of the legal framework within which schools operate, some practices of physical management are unacceptable and unlawful. The school should not fall into such practice through lack of awareness.

Key Principles

1. Physical contact should be justifiable in terms of the promotion of students' learning and personal development.
2. Physical contact should be an act of care and show respect for dignity and physical well being of a student.
3. Using the minimum force necessary, restraint only used as a "last resort" course of action aiming to create calm and stability and never as a punishment.
4. Anticipating and avoiding the need for restraint should be a prime aim.
5. Consider the option of removing other students to avoid need for restraint.
6. Where possible, staff should not act in isolation, and every effort should be made to secure the presence of other staff before applying restraint.
7. Opportunity for discussion with the student who has been restrained must be provided for.
8. All incidents of restraint should be recorded in writing and logged.

The Law

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a student from doing, or continuing to do, any of the following:

- (a) committing any offence (or, for a student under the age of criminal responsibility, what would be an offence for an older student);
- (b) causing personal injury to any person (including the student); 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 a teaching session or otherwise.

The staff to which this power applies is defined in Section 95 of the Act. They are:

- (a) any teacher who works at the school, and
- (b) Any other person whom the Head teacher has authorized to have control or charge of students. This:
 - i) Includes support staff whose job normally includes supervising students, such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.
 - ii) can also include people to whom the Head teacher has given temporary authorization to have control or charge of students such as paid members of staff whose job does not normally involve supervising students (for example, catering or premises-related staff) and unpaid volunteers (for example, parents accompanying students on school-organized visits.)
 - iii) Does not include prefects.

The power may be used where the student (including a student from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehavior. However, deciding whether misbehavior is trivial also depends on circumstances. For example, running in a corridor crowded with small children may be dangerous enough not to be regarded as trivial.

Those exercising the power to use force must also take proper account of any particular special education need (SEN) and/or disability that a student might have. Under the Disability Discrimination Act 1995 schools have two key duties:

- (a) not to treat a disabled student less favorably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and
- (b) to take reasonable steps to avoid putting disabled students at a substantial disadvantage to students who are not disabled (known as the reasonable adjustments duty).

Reasonable force may also be used in exercising the statutory power, introduced under Section 45 of the Violent Crime Reduction Act 2006, to search students without their consent for weapons. This search power applies to Head teachers and staff authorized by them, where they have reasonable grounds for suspecting that a student has a weapon. Reasonable force could be used by the searcher and/or the second person required being present at a search. However, the Department strongly advises schools not to search students where resistance is expected, but rather to call the police. See Sections 4(f), 9 and 13 of the guidance on weapons searching at www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity.

It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1996.

As the statutory power to use force is held by individual members of staff, no school should have a policy of “no physical contact” because this would make staff members feel deprived of that power or hinder their exercise of it.

Students with special educational needs and/or disabilities

The following advice is particularly relevant to students with SEN and/or disabilities:

- (a) As far as practically possible, make staff who come into contact with such students aware of the relevant characteristics of those individuals, particularly:
 - i) situations that may provoke difficult behaviour, preventive strategies and what escalation techniques are most likely to work;
 - ii) what is most likely to trigger a violent reaction, including relevant information relating to any previous incident requiring use of force; and
 - iii) if physical intervention is likely to be needed, any specific strategies and techniques that have been agreed by staff, parents and the student concerned.
- (b) Designate staff to be called if incidents related to particular students occur. This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent. However, they should always be involved in post-incident follow-up.

Reducing the likelihood of situations arising where use of force may be required

Although preventative measures will not always work, there are a number of steps which the school can take to help reduce the likelihood of situations arising where the power to use force may need to be exercised.

- (a) Creating a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind.
- (b) Developing effective relationships between students and staff that are central to good order.
- (c) Adopting a whole-school approach to developing social and emotional skills. The *Social and Emotional Aspects of Learning* (SEAL) programme provides staff development opportunities and curriculum materials for helping students to develop skills such as managing strong feelings.
- (d) Taking a structured approach to staff development that helps staff to develop the skills of positive behavior management; managing conflict and also to support each other during and after an incident.
- (e) Recognising that challenging behaviors are often foreseeable.
- (f) Effectively managing individual incidents. It is important to communicate calmly with the student, using non-threatening verbal and body language and ensuring the student can see a way out of a situation. Strategies might include, for example, going with the staff member to a quiet room, away from

- bystanders or other students, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the student; and
- (g) Wherever practicable, warning a student that force may have to be used before using it.

Deciding if use of force would be appropriate

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 students with SEN and/or disabilities – information about the individual concerned.

Decisions on whether the precise circumstances of an incident justify the use of significant force must be reasonable. Typically, such decisions have to be made quickly, with little time for reflection. Nevertheless, staff need to make the clearest possible judgements about:

- (a) the seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used. The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified;
- (b) the chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified; and

Examples of situations

Examples of situations that particularly call for judgements of this kind include:

- (a) a student attacks a member of staff or another student;
- (b) students are fighting, causing risk of injury to themselves or others;
- (c) a student is committing, or on the verge of committing, deliberate damage to property;
- (d) a student is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or object;
- (e) a student absconds from a class or tries to leave school other than at an authorised time. Refusal of a student to remain in a particularly place is not enough on its own to justify use of force. It would be justifiable where allowing a student to leave would:
- i) entail serious risks to the student's safety (taking into account age and understanding), to the safety of other students or staff, or of damage to property; or
- ii) lead to behaviour that prejudices good order and discipline, such as disrupting other classes;
- (f) a student persistently refuses to follow an instruction to leave a classroom;
- (g) a student is behaving in a way that seriously disrupts a lesson; or
- (h) a student is behaving in a way that seriously disrupts a school sporting event or school visit.

Using Force

Before using force staff should, wherever practicable, tell the student to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not give the impression of acting out of anger or frustration, or to punish a student, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

The types of force used could include:

- a) passive physical contact resulting from standing between students or blocking a student's path
- b) active physical contact such as :
 - i) leading a student by the hand or arm;
 - ii) ushering a student away by placing a hand in the centre of the back;
 - iii) in more extreme circumstances, using appropriate restrictive holds, which may require specific expertise or training.

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a student running off the pavement on to a busy road or preventing a student from hitting someone with a dangerous object, such as a glass bottle or hammer.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances, it may not always be possible to avoid injuring a student.

Strategies which staff must avoid using:

- Holding a student around the neck, or by the collar, or in any way that might restrict the student's ability to breathe
- Slapping, punching or kicking a student
- Working against natural body alignment
- Twisting or forcing limbs against a joint
- Taking arms behind the shoulder/back
- Tripping up a student
- Holding or pulling a student by the hair or ear
- Holding a student face down on the ground
- Locking students in rooms
- Touching genital area, buttocks, or breasts

Recording and Reporting Incidents

The school will keep systematic records of every significant incident in which force has been used, in accordance with school policy and procedures on the use of force and its child protection requirements.

The school may find the following questions helpful in deciding whether an incident is significant and requires a written record. A significant incident will be determined by addressing the following questions:

- a) Did the incident cause damage to property, and/or injury or distress to a student or member of staff?
- b) Even though there was no apparent injury or distress, was the incident sufficiently serious in its own right to require a written record? Any use of restrictive holds would, for example, fall into this category.
- c) Is a written record needed to be able to justify the use of force? This is particularly relevant where the judgement was very finely balanced.
- d) Is a record needed to help identify and analyse patterns of student behaviour or staff training needs?
- e) Were other agencies involved, such as the police?

If the answer to any of these questions is “yes”, a written record must be made. Such records can provide evidence of defensible decision making in case of a subsequent complaint or investigation. (See Appendix B).

Review date: 2016

Headteacher: _____ **Date:** _____

Chair of Governors: _____ **Date:**

USE OF FORCE TO CONTROL OR RESTRAIN STUDENTS: INCIDENT RECORD

Details of student or students on whom force was used by a member of staff (name, class)	
Date, time and location of incident	
Name of staff involved (directly or as witnesses)	
Details of other students involved (directly or as witnesses), including whether any of the students involved were vulnerable for SEN, disability, medical or social reasons	
Description of incident by the staff involved, including any attempts to de-escalate and warnings given that force might be used	
Reason for using force and description of force used	
Any injury suffered by staff or students and any first aid and/or medical attention required	
Reasons for making a record of the incident	
Follow up, including post-incident support and any disciplinary action against students	
Any information about the incident shared with staff not involved in it and external agencies	
When and how those with parental responsibility were informed about the incident and any views they have expressed	
Has any complaint been lodged (details should not be recorded here)?	
Report compiled by:	Report countersigned by:
Name and role:	Name and role:
Signature:	Signature:
Date:	Date: