

Northern Education Trust

Positive Handling and Restraint Policy



Named personnel with designated responsibility for Safeguarding:

Designated Safeguarding Lead	Deputy Designated Safeguarding Lead(s)	Safeguarding Officer	Nominated Governor	Chair of Governors
Mr M Wood	Mrs M Butler	--	Mr C Ferguson	Mr C Ferguson

Policy review dates:

Review Date	Changes made	By whom	Date shared
January 2019	X	X	X

This policy should be read in conjunction with the DfE non-statutory advice ‘**Use of reasonable force: advice for headteachers, staff and governing bodies**’ (July 2013) and DfE guidance ‘**Behaviour and discipline in schools: advice for headteachers and school staff**’ (January 2016).

Background:

In July 2013, the DfE issued guidance on the use of force to control or restrain pupils. This guidance supersedes previous guidance. While the guidance does not in itself have statutory status, compliance nevertheless is ‘strongly advised’. It should be pointed out, however, that it is mandatory for schools to report and record significant incidents, under section 246 of the Apprenticeship, Skills, Children and Learning Act 2009. Staff members may be concerned about the possibility of false accusations of unreasonable or unlawful conduct in the form of a complaint or even legal action if force is used to restrain or control a pupil. This DfE guidance is intended to help staff feel confident about using force when they think it is right and necessary. It states ‘if the force used is reasonable, all staff will have a robust defence against any such accusations’.

In the context of schools, force is used either to control or restrain. Control generally implies passive physical contact, for example, blocking a pupil’s path, or can mean physical contact like leading a pupil by the arm away from a situation which might escalate. Restraint means to hold back physically or to bring a pupil under control, for example, dealing with pupils who are fighting and who refuse to separate.

At all times, staff should try to avoid causing any injury to pupils, but the advice concedes that ‘in extreme cases it may not always be possible to avoid injuring the pupil’. Schools cannot use force as a punishment; this is always unlawful.

There is no statutory definition of ‘reasonable force’. Whether the force used is reasonable will always depend in part on the context in which the misbehaviour took place. The test is whether the force used is proportionate to the consequences it is designed to prevent. The force used should be the minimum needed to obtain the desired effect – it can never be justified in cases of trivial misdemeanours.

Under section 93 of the Education and Inspections Act 2006, school staff are enabled by statute to use reasonable force to prevent a pupil from:

- Committing a criminal offence (or if under the age of criminal responsibility, from committing what would be a criminal act for an older pupil).
- Causing damage to property.
- Causing personal injury.
- Prejudicing the maintenance of good order and discipline at the school or among any pupils at the school whether during a teaching session or otherwise. This is regardless of whether the behaviour in question would constitute a criminal offence or not.

The power to use reasonable force applies to:

- Any member of staff at the school.
- Any other person whom the headteacher has authorised to have control or charge of pupils. This can include people who have been given that power temporarily, such as unpaid volunteers (eg parents accompanying pupils on school-organised visits).
- Where the pupil, or a pupil from another school, is on school premises or elsewhere in the lawful charge of a staff member.
- The power to use reasonable force does not apply to pupils.

Note the following:

- Schools do not require parental consent to use force on a child.
- The above statutory power 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 committing a criminal offence or being injured.
- So far as damage to property is concerned, 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 pupils.

Searching pupils:

Under the Schools (Specification and Disposal of Articles) Regulations 2012 reasonable force may be used by headteachers and those authorised by the headteacher to search pupils for prohibited items including:

- 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.
- Any item banned by the school rules which has been named in those rules as something for which staff will search.

Recording and reporting significant incidents:

Under section 246 of the Apprenticeships, Skills, Children and Learning Act 2009 (ACSL), governing bodies must:

- Ensure that a procedure is in place for recording each significant incident when a member of staff uses force on a pupil. They must also ensure that staff follow the pupil restraint policy.
- Ensure that every significant incident is reported to each parent of a pupil as soon as practicable afterwards.
- If there is no parent/carer to whom the incident can be reported, ensure that every significant incident is reported to the LA where the pupil normally lives.
- If the member of staff or school has reason to believe that significant harm might occur to a pupil if an incident is reported to parents, ensure that every significant incident is reported in the first instance to the LA and advice sought.

A 'significant' incident is one where:

- Unreasonable force has been used
- Substantial force has been used.
- A restraint technique has been used.
- A child is very distressed (though clearly not over-reacting).

In determining whether incidents are significant, schools should consider:

- The pupil's behaviour and the level of risk presented at the time.
- The degree of force used and whether it was proportionate to the behaviour of the pupil.
- The effect on the pupil or member of staff.

Definitions:

Force as a means of control

Control can mean either:

- Passive physical contact (for example, standing between pupils, blocking a pupil's path).
- Active physical contact (for example, taking a pupil by the arm or hand, or ushering a pupil away by placing a hand in the centre of the back).

Force as a means of restraint

This usually means physically preventing a pupil from continuing what they are doing after having been told to stop. The circumstances are generally more extreme than control situations, for example, when pupils are involved in a fight.

Examples where reasonable force might be used:

- Preventing a pupil from attacking a member of staff, or another pupil, or to stop a fight between two or more pupils.
- Preventing a pupil from causing deliberate damage to property.
- Preventing a pupil from causing injury or damage by accident, rough play, or misuse of a potentially dangerous object or materials.
- Ensuring a pupil leaves a room where the pupil persistently refuses to do so.
- Preventing a pupil from behaving in a way that seriously disrupts a lesson.
- Preventing a pupil from behaving in a way that seriously disrupts a school sporting event or visit.

General advice:

Members of staff should not put themselves at risk. They will not be deemed to have failed in their duty of care by not using force to prevent injury if their own safety would thereby be threatened.

Schools should therefore *not* adopt a no-contact policy. This would inhibit the ability of staff to use reasonable force where necessary. Such a policy could place a member of staff in breach of their duty of care towards a pupil or prevent them from taking an action needed to prevent pupils causing injury to others or harming themselves.

Schools should minimise the possibility of force being used by striving to create a calm, orderly and supportive school climate that lessens the risk and threat of any kind of violence, so the use of force should only be a last resort.

Schools have a legal duty to make reasonable adjustments to their possible use of force with SEND children. It is particularly important that when a situation involves pupils with SEN or disabilities, special care should be taken to appreciate the circumstances and if possible obtain and use information about the individual concerned before using any reasonable force. Schools would be wise to make individual risk assessments in anticipation of the possibility of behavioural incidents where control or restraint of SEN and/or disabled pupils might have to be used.

There are some situations where it is better to remove the rest of the pupils from the class if a child is a danger to them. The child causing the problem can then be dealt with.

Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

Suspension should not be an automatic response when a member of staff has been accused of using excessive force and senior staff in schools should support their staff when they use this power. If a decision is taken to suspend a teacher, the school has a duty of care to the employee and 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.

Positive Handling and Restraint Policy

Introduction:

At Thomas Hepburn Community Academy we aim to offer a welcoming, secure and safe environment in which our children will flourish. We also aim to create an environment in which the use of force in relation to a pupil is unlikely. However, in the circumstances where physical restraint may be needed to secure the safety of a pupil or staff member, or where there is a serious breach of school discipline, or to prevent serious damage to property, this policy will apply. Physical restraint will be considered in the following situations:

- The prevention of a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility).
- Searching for prohibited items.
- A pupil injuring themselves or others.
- A pupil causing damage to property (including the pupil's own property).
- Engaging in any behaviour prejudicial to maintaining good order and discipline.

Objectives and targets:

The objectives of this policy include:

- Maintaining the safety of pupils and staff.
- Preventing serious breaches of school discipline.
- Preventing serious damage to property.
- Preventing criminal offences (or if under the age of criminal responsibility, from committing what would be a criminal act for an older pupil).

Action plan:

We aim to minimise the need to use force by:

- Creating a calm environment that minimises the risk of incidents arising that might require using force.
- Using social and emotional aspects of learning (SEAL) approaches to teach pupils how to manage conflict and strong feelings
- De-escalating incidents if they do arise.
- Only using force when the risks involved in doing so are outweighed by the risks involved in not using force.
- Risk assessments and positive handling plans for individual pupils.

Staff authorised to use force:

The headteacher and all members of the teaching staff have the statutory power to use pupil restraint/force at all times.

In addition, those members of school staff authorised by the headteacher, including support staff, teaching assistants, lunchtime supervisors and office staff may be authorised by the headteacher. The headteacher has the responsibility to ensure that staff are fully informed of the school's policy and understand what authorisation entails.

Temporary authorisation will be given to others who do not normally supervise children, for example, volunteers and parents accompanying pupils on school-organised visits.

Staff will only use force when:

- The potential consequences of not intervening are likely to be sufficiently serious to justify considering use of force.
- The chances of achieving the desired result by other means are low.
- The risks associated with not using force outweighed those of using force.

Wherever possible these judgements will take account of the particular characteristics of the pupil, including age, SEN or disability.

Before taking steps to restrain pupils, all members of staff will tell the pupil to stop misbehaving and what will happen if they do not. The member of staff will communicate in a calm and measured manner throughout the incident.

Training:

Staff will receive training in pupil restraint and de-escalation techniques from their colleagues and from reputable training agencies. They will be informed about:

- How to deal with pupils who present particular risks to themselves or others (as a result of SEN and/or disabilities and/or other personal circumstances, such as domestic violence).
- How to minimise the highest risks, for example, by calling the police if a pupil suspected of having a weapon seems likely to resist a search.

Types of restraint that could be used, for example:

- Standing between pupils or blocking a pupil's path.
- Leading a pupil by the hand or arm.
- Ushering a pupil away by placing a hand in the centre of the back.
- Using appropriate restricting holds in more extreme circumstances.

Any form of restraint that is likely to injure a pupil (particularly anything that could constrict breathing) will only be used in extreme emergencies and where there is no viable alternative.

There are some types of restraint that are unacceptable because they present an unacceptable risk. These 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.
- The 'nose distraction technique' which involves a sharp upward jab under the nose.

Staff will also be advised that, as far as possible, they should not use force unless or until another responsible adult is present to support, observe and call for assistance.

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 so the incident record form (see written form) will be completed as soon as possible after any incident has occurred. Written forms will be scanned into the academy CPOMS (Safeguarding and Child Protection Software for Schools) system. Similarly, all injuries will be recorded in accordance with the school's health and safety policy. In considering whether an incident needs to be recorded, the following will be taken into consideration:

- The level of risk presented at the time of the incident.

- The degree of force used.
- Any effect on the pupil or member of staff.
- The child's age.

Reporting incidents:

Parents/carers will be informed of any recordable incident and given an opportunity to discuss the incident with the headteacher, deputy headteacher or appropriate class teacher and given a copy of this policy. Afterwards arrangements will be made for supporting staff and pupils involved in the incident, including meeting immediate physical needs and rebuilding relationships, to ensure that lessons are learned from the incident.

However, if it is considered that it is likely to result in significant harm to the pupil then parents will not be informed of any recordable incident.

In some cases, the appropriate external agencies (for example, local authority children's services, the local children's safeguarding board, the health and safety executive, youth offending teams and the police) will also be informed.

Complaints and allegations:

Should there be any complaint or allegation following an incident, then the school's arrangements for dealing with complaints and allegations of misconduct will be followed. However, suspension will not be an automatic response when a member of staff has been accused of using excessive force.

Monitoring and evaluation:

The headteacher will make an annual report to the governing body of the recordable incidents after which the impact of the policy will be considered and the policy changed if necessary.

Reviewing:

This policy will be reviewed annually. Additionally, parents will be invited to comment on the policy if their child is involved in an incident involving restraint.

Next review due: January 2019

**Use of force to control or restrain pupils:
Incident record for scanning into CPOMS**

Details of pupil on whom force was used by a member of staff	Name: Class:
Date, time and location of incident	Date and time: Location:
Names of staff involved (directly or as a witness)	
Details of other pupils involved directly or as witnesses, including any pupils involved who were vulnerable: SEN, disability, medical or social reasons	
Description of incident by staff involved, including any attempts to de-escalate and warnings that force might be used	
Reason for using force and description of force used	
Any injury suffered by staff or pupils and any first aid required	
Reasons for making a record of this incident	
Follow up, including post-incident support, any disciplinary action against pupils	
Any information about the incident shared with staff not involved in it and external agencies	
When and how parent/carer informed and any views expressed	When How?
Has any complaint been lodged?	

Report compiled by:	
Name:	Role:
Signature:	Date:
Report countersigned by:	
Name:	Role:
Signature:	Date:

Notes:

- This completed form must be scanned and inserted into the CPOMS (Safeguarding and Child Protection Software for Schools) record for the incident.
- Names of pupils should be removed before the completed form is sent to parents and the names of members of staff should only be included with their consent.