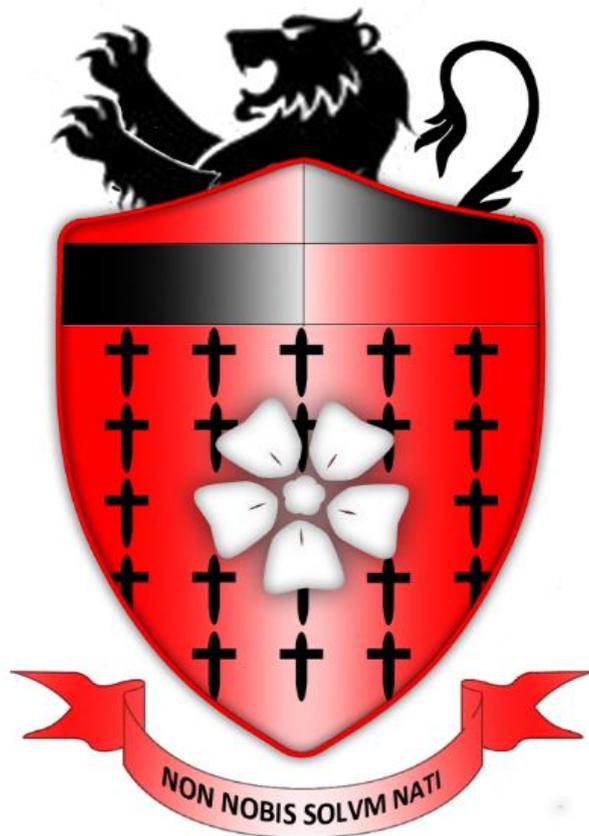


# Hornsea School & Language College



## Physical Intervention & Restraint Policy

|                             |                              |                                 |
|-----------------------------|------------------------------|---------------------------------|
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## **Physical Intervention and Restraint Policy**

### **Introduction**

At Hornsea School and Language College (HSLC), we are committed to a positive behaviour policy centred upon a formal Positive Discipline framework, which encourages pupils to make positive choices with regard to their behaviour in and out of school. It is always the case that the approach of choice when handling incidents of difficult and demanding behaviour is based upon being proactive, sensitive and utilising adjustments and informed de-escalation strategies to achieve a calm and positive outcome that serves the best interests of all parties.

We do however recognise that children sometimes do make the poor and ultimately unacceptable choices in school. On rare occasions, this may result in a situation that requires some form of unavoidable physical intervention by staff using what is termed "reasonable force". Our policy for physical intervention is based upon the following principles:-

- Physical intervention should be used only as a last resort when all other appropriate strategies have failed and reasonable adjustments have failed
- Any physical contact should be only the minimum required to restore order, maintain safety and an appropriate level of behaviour
- Physical intervention must be used in ways that maintain the safety and dignity of all concerned
- Incidents must be recorded and reported to the Headteacher as soon as possible
- Parents/carers will be informed of each incident

This policy is also guided by, and incorporates, 'De-escalation and Restraint Policy Guidance' issued at the request of the East Riding LA Behaviour and Attendance Partnership (July 2016).

### **1. The Legal Framework**

This Policy incorporates the advice and recommendations in the non-statutory guidance Use of Reasonable Force (July 2013) which itself relates to the Education Act 1996 Education and Inspections Act (2006). Section 93 of the Education and Inspections Act 2006 allows teachers and other persons who are authorised by the Head Teacher who have control or charge of pupils to use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following:-

- Causing injury to his/herself or others
- Committing an offence
- Damaging property
- Prejudicing the maintenance of good order and discipline

The key principles, relating to safeguarding, established in Keeping Children Safe in Education (2019 - September) inform the development and ongoing implementation of this policy.

The key point from the guidance 'Use of Reasonable Force (July 2013)' are:

- School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
- Senior school leaders should support their staff when they use this power

Advice and guidance contained within 'Search, screening and confiscation: Advice for headteachers, school staff and governing bodies, January 2018 (DfE) is also incorporated as necessary.

## 2. Our approach

At HSLC we aim to avoid the need for physical intervention and regard this as a last resort, considered, and required in a minority of situations. As a school we are proud of having very low episodes of such behaviour. We always aim to deal with behaviour using a positive approach and therefore this policy should be read in connection with the HSLC Behaviour Policy and Positive Discipline process.

It is not possible to define every circumstance in which physical restraint would be necessary. Appropriate staff will have to exercise their own judgement in situations which arise within the above categories. Staff should always act within the HSLC policy on behaviour and discipline, particularly in dealing with disruptive behaviour.

Staff should be aware that when they are in charge of young people during the school day, or during other supervised activities, they are acting in loco parentis and have a 'duty of care' to all young people they are in charge of. They must, therefore, take reasonable action to ensure all pupils' safety and well being.

Staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention.

Every effort will be made to ensure that 'reasonable adjustments' for disabled and children with Special Educational Needs are in place and that any response from school staff is informed by a consideration of additional / complex needs.

## 3. Use of Physical Restraint

### When can reasonable force be used?

Reasonable force can be used to prevent students from hurting themselves or others, from damaging property or from causing disorder

**Schools can use reasonable force for two main purposes – to control or restrain pupils. The decision whether or not to physically intervene is down to the professional judgement of the staff member and will always depend upon the individual circumstances. Examples of such situations are:**

- 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 other
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight
- Restrain a pupil at risk of harming themselves through a physical outburst
- Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules (see below).

### Working reality

**During a physical restraint, HSLC school staff seek to avoid injury to any pupil(s) involved, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that pupil(s) remains safe.**

## **What is reasonable force?**

Guidance provides the following information:

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.

## **Who can use reasonable force?**

All members of school staff have a legal power to use reasonable force in specified circumstances

This 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 students on a school organised visit.

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 "prohibited items". Please refer to the HSLC Policy - "Searching, screening and confiscation" for full guidance

## **4. Recording Incidents**

Immediately following an incident where force has been used the member of staff concerned or witnessing the incident, should tell the Head or senior member of staff and provide a written report as soon as possible afterwards. That should include:

- the name(s) of the student(s) involved, and when and where the incident took place;
- the names of any other staff or students who witnessed the incident;
- the reason that force was necessary;
- how the incident began and progressed;
- the student's response and the outcome of the incident;
- details of any injury suffered by the student, another student, or a member of staff and of any damage to property.

The Headteacher will need to consider when to inform parents of the incident and whether that should be done orally or in writing. This decision will be based upon professional judgement and the specific

details of any incident. If it is the case that school consider it would place a pupil at risk, if an incident of restraint were to be reported to the parents/carers, the incident should not be reported to parents/carers, but should be reported to the LADO and the implications discussed further.

Restraint must not be used as a disciplinary action or as a punishment. Staff should be extremely cautious about using restraint and must be aware of the school policy on behaviour and discipline.

## **5. Risk Assessments**

If we become aware that a pupil is likely to behave in a disruptive way, that may require the use of reasonable force, we will plan how to respond if the situation arises. Relevant information will be made available to appropriate staff and inform any decision making / action taken and planning will address:

- Strategies to be used prior to intervention
- Ways of avoiding 'triggers' if these are known
- Involvement of parents to ensure that they are clear about the specific action the school might need to take
- Briefing of staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance)
- Identification of additional support that can be introduced, if appropriate
- The school's duty of care to all pupils and staff
- Documentation of concerns / risk and planned response to this
- Whether external agency involvement is necessary (e.g. EHaSH contact, EHA, YFS, EIS etc)

## **6. Complaints and Allegations**

A clear restraint policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints and a dispute about the use of force by a member of staff might lead to an investigation, either under the complaints disciplinary or allegation management procedures.

It is our intention to inform all staff, pupils, parents and governors about these procedures and the context in which they apply.

**Appendix 1: Report of Physical Management of a Pupil**

|  |                   |                  |
|--|-------------------|------------------|
| Name of Pupil  | Tutor Group       | Date of incident |
|  |                   | Date of Report   |
| Name of Reporting staff  | Location          | Time             |
| Name of other staff present  |                   |                  |
| Name of Leadership notified  |                   |                  |
| Method   |                   |                  |
| Was medical treatment required?<br>Yes / No  | Treatment Given:  |                  |
|  | Administered by:  |                  |
| Was there damage to property?<br>Yes / No  | Outline of damage |                  |
| General report of the incident to include relevant events leading up to the incident and subsequent action taken |                   |                  |

|                               |                                |
|-------------------------------|--------------------------------|
| Signature of reporting staff: | Signature of Leadership staff: |
|-------------------------------|--------------------------------|

**Witness statement**

|                 |             |                  |
|-----------------|-------------|------------------|
| Name of Pupil   | Tutor Group | Date of incident |
|                 |             | Date of Report   |
| Name of witness | Location    | Time             |

Signature of witness: