



ASHBY SCHOOL

RESTRAINT OF A PUPIL POLICY & PROCEDURE

Title of Policy	RESTRAINT OF A PUPIL POLICY & PROCEDURE
Date of adoption	Autumn 2020
Originator	A Binns
Date of review	Autumn 2022
Additional information	<p>Please note:</p> <ul style="list-style-type: none">• DfE The Use of Force to Control or Restrain Pupils (2013) <p>Read in conjunction with the Behaviour Policy</p>

Ashby School

Restraint of a Pupil Policy and Procedure

Principles

- Physical intervention should be avoided wherever possible.
- Any physical contact should be only the minimum required.
- There are occasions when physical intervention is appropriate.
- Incidents should be recorded and reported to the Head teacher or Director of Guidance & Care.

Prevention

It should always be a last resort to use force to restrain or control students. It is important to try to stay calm, in control, avoid confrontation, and de-escalate potential conflict. Staff should be made aware of any special arrangements for individual students.

When justifying the use of force, staff will need to show that they first took reasonable steps to deal with a difficult situation without using force. Any force used should be reasonable and the minimum required the shortest possible time to restore order.

The Power to use Force

The Education and Inspection Act 2006, Part 7, under the heading *Power to Restrain Students*, allows teachers and other authorised staff of a school to use reasonable force to prevent a student from doing, or continuing to do, any of the following:

- Committing any offence
- Injuring themselves or others
- Causing damage to property
- Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its students, whether that behaviour occurs during a teaching session or otherwise.

The power to restrain students came into force on 1st September 1998. It applies to the school premises as well as any authorised school activity e.g. field trip, sports teams etc.

Under common law, reasonable force can be exercised by any person to prevent someone committing an offence or causing injury or damage to property. This covers the situation where it appears necessary to restrain a student at the school or a person under the school leaving age who is on site for the purpose of education e.g. induction visits, youth activities, cross-phase visits.

Staff have a duty of care to themselves and others, which includes taking reasonable measures to prevent harm. If staff feel restraint is necessary but feel, unable to intervene then they must summon immediate help by shouting or sending a student for help. They may need to explain subsequently why they took this course of action.

There maybe rare occasions where it appears necessary to restrain a student. Physical intervention maybe employed to prevent a significant risk of harm, as in the following examples:

- To prevent a student running towards a busy road or misbehaving on the school crossing
- To prevent a student self-harming
- To prevent a student injuring another person
- To prevent a student committing an offence

It is important to note that corporal punishment is not allowable. Staff should be aware that they are not immune to complaints or charges that they have acted inappropriately and may have to justify their actions if they have used physical intervention. Any complaints will be dealt with through the relevant policy or procedure.

Authorisation of Staff

A school policy cannot lawfully prevent teachers or other staff whose job includes responsibility for pupils from using reasonable force.

The absence of accredited training does not preclude a member of staff from using reasonable force where needed.

Using Force to Prevent Injury to the Student and/or others, or Serious Damage to Property

Physical intervention should be avoided but if used the following guidelines should be applied:

- Staff should have good grounds to believe that restraint is necessary
- Physical restraint should be used after less intrusive methods have been tried
- If possible call for assistance or have a credible adult witness present
- Tell the student you are going to restrain him/her and give reason. If other students are nearby it would be helpful if they hear this explanation
- Physical restraint should involve only reasonable force and involve the minimum time to bring the situation under control. Adults should be aware of their own strength and body weight and be sensitive to issues of gender.
- For students known to have emotional or behavioural difficulties then strategies should be made known to the staff and preferably with parents or carers. These should be regularly reviewed.

Physical intervention can be defined in two broad categories:

- Non-restrictive (low risk) e.g. manual guidance to assist a student walking
- Restrictive (higher risk) e.g. holding a person's hands to prevent them hitting someone, holding onto them to prevent an accident, moving them away from a person or situation, taking an article off them with which they may harm themselves etc.

Staff need to assess that the possible adverse outcomes e.g. injury or distress will be less severe than the adverse consequences of not intervening.

Staff may need counselling after such an incident and contact may be made with the Welfare Service through Education Personnel.

Adults need to be aware of DfE guidance, which list the actions, which might be considered unjustifiable, including:

- Holding the student round the neck or by their collar which might restrict breathing
- Slapping, punching or kicking a student
- Twisting or forcing limbs against a joint
- Tripping up a student
- Holding or pulling a student by the hair or ear
- Holding a student face down on the ground

Follow up Action

After an incident where a student has been restrained staff should report in writing to the Head teacher or Director of Guidance & Care as soon as possible after the incident and no later than 24 hours. Details required are on the form attached to this policy. These will be kept with the Head teacher or Director of Guidance & Care. It is the Head teacher's responsibility to decide whether an incident is significant or not.

Responsibility of SLT

It is the Head teacher's responsibility to ensure that the member(s) of staff involved receive a copy of the final report. It is the Director of Guidance & Care's responsibility as the DSL, to check the record.

Parents (all parties with parental care duties/or relevant LA) will be informed as soon as possible that physical restraint was used and the member of staff and the student should be able to talk about it in a calm and safe environment

The names of those involved (both staff and pupils) may be omitted from the report to parents. However, this information may be gained from the pupil(s) involved. In the event that a parent requests the names of those involved, this should be dealt with in accordance with the Data Protection Act 1998.

It is the responsibility of the Head teacher to ensure such records remain on file for no less than ten years, unless the member of staff involved has reached normal retirement age.

Injury because of Restraint

If students or staff are injured then First Aid treatment will be sought.

If the member of staff is assaulted or suffers injury as a consequence then they are advised to contact their union. Assaults on staff should be reported immediately to the Head teacher and to the LA.

RESTRAINT OF STUDENTS – INCIDENT REPORT

DETAILS OF PUPIL ON WHOM FORCE WAS USED – NAME, CLASS & ANY SEN, DISABILITY OR OTHER VULNERABILITY:

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DATE, TIME & LOCATION OF INCIDENT:

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NAMES OF STAFF INVOLVED (DIRECTLY OR AS WITNESSES):

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DETAILS OF OTHER PUPILS INVOLVED (DIRECTLY OR AS WITNESSES) INCLUDING WHETHER ANY OF THE PUPILS INVOLVED WERE VULNERABLE FOR SEN, DISABILITY, MEDICAL OR SOCIAL REASONS:

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DESCRIPTION OF INCIDENT BY THE STAFF INVOLVED, INCLUDING ANY ATTEMPTS TO DE-ESCALATE & WARNINGS GIVEN THAT FORCE MIGHT BE USED:

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REASON FOR USING FORCE & DESCRIPTION OF FORCE USED:

ANY INJURY SUFFERED BY STAFF OR PUPILS & ANY FIRST AID &/OR MEDICAL ATTENTION REQUIRED:

REASON FOR MAKING A RECORD OF THIS INCIDENT:

FOLLOW UP, INCLUDING POST-INCIDENT SUPPORT & ANY DISCIPLINARY ACTION AGAINST PUPILS:

ANY INFORMATION ABOUT INCIDENT SHARED WITH STAFF NOT INVOLVED IN IT & EXTERNAL AGENCIES:

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WHEN & HOW THOSE WITH PARENTAL RESPONSIBILITY WERE INFORMED ABOUT THE INCIDENT & ANY VIEWS THEY HAVE EXPRESSED (THE HEAD TEACHER OR DIRECTOR OF GUIDANCE & CARE SHOULD BE RESPONSIBLE FOR CONTACTING PARENTS. PLEASE NOTE THAT IF IT IS LIKELY THAT REPORTING AN INCIDENT TO A PARENT MAY RESULT IN SIGNIFICANT HARM TO THE PUPIL, THEN THE INCIDENT SHOULD BE REPORTED TO THE LA – EG SOCIAL/ SERVICES):

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HAS ANY COMPLAINT BEEN LODGED (DETAILS SHOULD NOT BE RECORDED HERE)?:

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REPORT COMPILED BY:

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NAME & ROLE:

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DATE:

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REPORT COUNTERSIGNED BY:

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NAME & ROLE:

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DATE:

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PLEASE NOTE THE NAMES OF PUPILS SHOULD BE REMOVED BEFORE THE COMPLETED FORM IS SENT TO PARENTS & THE NAMES OF MEMBERS OF STAFF SHOULD ONLY BE INCLUDED WITH THEIR CONSENT.