



PHYSICAL RESTRAINT POLICY

Policy created:

Policy first adopted:

Signed chair of Governors:

Re-adopted & signed:

Consultation with SLT & Pastoral Leaders - November 2013



PHYSICAL RESTRAINT POLICY

This policy is written in line with legislation contained in Section 550A of the Education Act 1996 and the advice contained in DfEE circular 10/98 'The Use of Force to Control or Restrain Pupils'. It takes account of the DFE guidance (July 2013) 'Use of Reasonable Force'.

This policy should be read in conjunction with the Oak Grove College Behaviour for Learning Policy.

This policy has been agreed with the governing body and the staff and is available to parents for information.

Principles

Oak Grove College recognises that the welfare of the child is paramount and it is the right of every student to be protected from harm. This policy seeks to protect all students from any form of physical intervention which is unnecessary, inappropriate, excessive or unlawful.

However, it is also recognised that on occasions and as a last resort, situations may arise where, in order to ensure the welfare and protection of children or other adults, staff may need to use physical restraint.

Staff using reasonable and appropriate physical force, in line with this guidance, will have the support of the Senior Leadership Team (SLT).

Staff will be trained using the Team Teach approach, both in de-escalation and physical restraint.

Physical Restraint

Restraint occurs whenever a member of staff, using intentional force, physically restricts a child's movement against his or her will. This may mean restraining a students or moving him/her by physical means.

Restraint can be:

- (i) Partial - restricting and preventing particular movements
- (ii) Total - as in the case of immobilization

Partial Restraint covers a wide range of techniques which can be applied in degrees to meet particular circumstances. It may involve:

- Physically moving a student from a situation where there is an imminent risk of a violent incident and where the student has refused to respond to a reasonable verbal request.
- Holding students to restrict their movements.
- Retaining a student in a confined area in order to prevent individuals or property being damaged.

Total Restraint is where students are held in such a way which prevents them from moving. This could mean a student being held on the floor. This is an extreme form of restraint and would be used only when an assault was being thought a serious risk to others.

Physical restraint does not include the use of gentle physical prompting or guidance where the child is happy to comply and the aim is to assist him or her to participate appropriately in activities.

Physical restraint is a procedure for dealing with an unsafe or crisis situation. It must not be used as a form of punishment and must not be used when a less severe response might have effectively resolved the situation.

Deliberate use of physical contact to punish a student, cause pain or injury or humiliation is unlawful, regardless of the severity of the student's behaviour or the degree of provocation.

There are some forms of physical intervention, which may involve minimal physical contact, such as blocking a student's path or the staff member physically interposing him or herself between the student and another student or object. However, in many circumstances, direct physical contact may be necessary.

Staff are only authorised to use reasonable force in applying physical restraint, although there is no absolute definition of this, as what constitutes reasonable force depends upon the particular situation and the student to whom it is being applied. However, as a general rule, only the force necessary to stop or prevent the behaviour should be used, in accordance with the guidelines below.

Reasonable Force

There is no legal definition of 'reasonable force' (Circular 10/98, para 16). The expectation is that the force used in restraining a student/young person should be both appropriate to the circumstances and reasonable in degree.

Circular 10/98 (para. 17) details the two relevant considerations as:

- "the use of force can be regarded as reasonable only if the **circumstances of the particular incident warrant** it. The use of ~ degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force;"
- "the **degree of force employed must be in proportion** to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the **minimum** needed to achieve the desired result."

Staff Authorisation

All teachers are allowed, by the Education Act 1996, to use reasonable force to control or restrain students. This applies when a teacher, or other authorised person, is on the school premises or when he/she has lawful control or charge of the student concerned elsewhere, eg on a field trip or authorised out of school activity.

The Head will authorise other adults, for example Teaching Assistants or Midday Meals Supervisors, to use physical restraint within school, as deemed appropriate by him.

The Head will be responsible for ensuring that all members of staff are aware of, and properly understand what the authorisation entails and that they receive appropriate guidance and training.

An up-to-date list of authorised staff will be maintained within the school, and all teachers should be aware of who they are.

Circumstances when the use of Physical Restraint may be appropriate

Physical restraint can be used to prevent a student from doing, or continuing to do, any of the following:

- committing a criminal offence (including behaving in a way that would be an offence if the student were not under the age of criminal responsibility);
- injuring themselves or others;
- causing damage to property (including the student's own 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 in a classroom during a teaching session or elsewhere.
- In order to complete a search for prohibited items.

It is not possible to define every circumstance in which physical restraint would be necessary or appropriate and staff will have to exercise their own judgement in situations which arise within the above categories. Staff should always act within the Oak Grove College policy on Behaviour for Learning, particularly in dealing with disruptive behaviour.

Post Intervention Procedures

If an incident takes place which requires physical intervention or the physical restraint of a student, the following actions should be taken:

- Completion of a Restraint Incident Slip - one copy to be put in the student's file and another to be put into the Restraint Book kept in the main office
- If the incident results in injury an 'Accident/Incident Reporting Form' must be completed and given to the Business Manager. In some cases an online reporting form will need to be completed by the person reporting the accident/ incident.

Responsibilities of the Senior Leadership Team:

- Investigate incidents (not minor or trivial) and evaluate them in the light of Oak Grove College's risk assessment procedures, disseminating any conclusions reached
- Initiate appropriate follow-up with the student involved and others present if appropriate
- Notify parents/carers of the action taken and initiate appropriate follow-up as appropriate
- Offer support, as appropriate to staff involved.
- Report the occurrence of physical restraint to the student support committee of the management committee.

Complaints/Allegations

Involving parents when an incident occurs with their child, and adherence to the school's policy about physical contact with students, should help to avoid complaints from parents. Clearly it will not prevent all complaints and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and social services department under child protection procedures.

