



Physical Restraint Policy

The ethos of The Elmgreen School and its approach to behaviour management is one based on personal responsibility and students understanding what constitutes appropriate behaviour. The approach is about de-escalating situations where students find themselves in challenging circumstance. The use of physical restraint would be therefore seen as a rare occurrence.

Aims

The aims of this policy are to:

- explain staff right to use physical restraint when necessary;
- explain the circumstances in which physical restraint may be justified;
- set out the recording and reporting system; and
- explain the various responsibilities.

Powers of members of staff to detain students by use of force

The Elmgreen School Physical Restraint Policy reflects the statutory powers and guidance outlined in:

- The Education and Inspection Act, 2006
- Use of reasonable force – Advice for headteachers, staff and governing bodies, July 2013

The Education and Inspections Act 2006 gives statutory power to use force to any person who, in relation to a student, is a member of staff at any school at which education is provided for the student. The legislation confirmed the right of staff to use 'such force as is reasonable' for the purpose of preventing a student from:

- committing an offence;
 - causing personal injury to, or damage to the property of, any person (including themselves); and
 - engaging in any behaviour prejudicial to the maintenance of good order and discipline in the school or elsewhere when the students are in the care of the school.
- The explanatory notes give an example of 'reasonable force:' leading a student by the arm to enforce an instruction to leave the class.

Nothing in the law concerning the use of reasonable force legitimises corporal punishment.

The Use of Reasonable force guidance states that:

- All members of the school staff have the legal power to use reasonable force (Section 93, Education and Inspections Act, 2006)

- The power applies to any member of staff at the school. It can also apply to people whom the headteacher had temporarily put in charge such as unpaid volunteers

In the case of these groups the head should inform the people concerned of their responsibilities and ensure that they understand what authorisation entails, and keep an up-to-date record of these people.

Paid staff and volunteers who are not authorised to have control or charge of students (either by nature of their job or temporary authorisation) do not have statutory power to use force.

However, section 93 of the *Education and Inspections Act 2006* does not remove the common law right of any citizen in an emergency to use **reasonable force** in self-defence, to prevent another person from being injured or his property from being damaged.

Circumstances where physical restraint may be justified

Physical restraint should only be used as a last resort; other non-physical strategies for diffusing the situation must be tried first.

Whenever possible, the age, level of understanding and gender of the student should be considered. In addition staff should be mindful of any student who is on the Child Protection Register.

If there is need to restrain a child with known behavioural difficulties, only staff trained in appropriate restraint techniques should attempt to restrain such students.

The governing body appreciates that in some instances (such as stopping a child who is running down a corridor) staff may have to act quickly, and without having the time to consider all the circumstances.

Examples of behaviour likely to lead to restraint:

- physical attack by a student on an adult/student;
- preventing a student from hurting themselves;
- deliberate damage to school property;
- a student behaving in a way which places others at risk, e.g. pushing, tripping on a staircase, rough play or running in a corridor;
- preventing a student running into a busy road;
- refusal by a disruptive student to leave the classroom.

Restraint is not a punishment and must not be used as such.

The following good practice should be observed:

- Assistance should be sought whenever possible.
- The student(s) should be told that this has been done.
- Remove any other students who are at risk.

- Avoid the use of restraint in a one-to-one situation, witnesses are important.
- Restraint should not lead to injury: staff should not:

Staff should never:

- hold a student around the neck or collar, or in a way that might restrict breathing;
- slap, punch or kick;
- twist or force limbs against a joint;
- trip;
- hold or pull by the hair or ear; or
- hold a student face down on the ground.

Informing parents when force has been used:

The Elmgreen School adheres to the good practice guidance outlined in the *Use of reasonable force - advice for headteachers, staff and governing bodies (2013)*. Where an incident has occurred which has required the use of force families should be informed. Contact should be made by the Head of Year or a member of the Senior Team. Staff should ensure that before they do inform the family, that they have available the key facts.

Physical contact with vulnerable students

Normally all staff should avoid physical contact with students. But it is accepted that some more vulnerable students, and particularly those with special educational needs and/or known severe behaviour disorder, require more physical contact than other students in order to assist their everyday learning. This is entirely appropriate and proper for staff, but it is crucial that they only do so in ways appropriate to their professional role and in accordance with the school's policies on which restraint techniques may be used and by whom.

Except in an emergency only trained staff should use restraint techniques on vulnerable students with behavioural difficulties, and the techniques which may be used are only the ones that the member of staff is trained to use. No staff can physically restrain students exhibiting extremes of behaviour unless so trained.

Specific arrangements should be:

- understood and agreed by all concerned;
- justified in terms of the child's needs;
- consistently applied;
- open to scrutiny; and
- reviewed regularly.

When physical contact is made with students this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity and background.

If a member of staff believes that an action could be misinterpreted, the incident and the circumstance should be recorded as soon as possible on the school's incident sheets and, if appropriate, a copy placed on the student's file.

Right to search students

Following the Education Act 2011 the headteacher, and any member of the school staff authorised by the head, has the right to search a student for any article with the student's consent - or without their consent if the member of staff has reasonable grounds for believing that the student may have with him/her or in his/her possession, the following items:

- an article which has been or is likely to cause personal injury or damage;
- any other article likely to commit an offence, or to cause personal injury, or damage to the property of, any person including the student being searched;
- alcohol, drugs, stolen goods; and
- any other item identified in the school rules (as published) as an item for which a search may be made.

The headteacher must ensure that

- the person carrying out the search is of the same sex as the student
- the search must be carried out in the presence of another adult also the same sex as the student.
- the student cannot be required to remove any clothing other than outer clothing
- if the student's possessions are searched this must also be done in the presence of another adult.
- the person carrying out the search is able to use such force as is reasonable in the circumstances for exercising that power.

The Education Act 2011 provides that in the following circumstances the condition above will be satisfied:

- where a person making the search reasonably believes that serious harm will be caused if the search is not carried out as a matter of urgency
- if in the time available it is not reasonably practicable for a search to be carried out by a person of the same sex or in the presence of a member of the same sex.

The headteacher **cannot** normally 'require' the school staff to conduct the searches, only 'authorise' them to do so. But they may 'require' security staff to carry out searches.

Dealing with articles found in a search

The headteacher and authorised members of staff making searches may seize prohibited articles.

Where the article is an item used in the commission of any offence or to cause personal injury or damage to property the head must determine whether to:

- deliver the item to a police constable as soon as reasonably practicable

- return the item to the owner
- retain the item
- dispose of the item.

Where an article has been found for which a search may be made under school rules, the head may:

- return the item to the owner
- retain it
- dispose of it

Where the confiscated article is a prohibited electronic article the person who seized the item may examine any data or files on the device if the person thinks there is good reason for doing so.

Following the examination the person seizing the article may erase the data or files if the person thinks there is a good reason to do so.

In considering the above courses of action the school must have regard to any guidance issued by the Secretary of State.

Staff code of conduct

Staff at this school are expected to:

- be aware that even well-intentioned physical contact may be misconstrued by the student, an observer or by anyone to whom this action is described;
- always be prepared to explain actions and accept that all physical contact be open to scrutiny;
- be aware of the government guidance in respect of physical contact with students and meeting medical needs of children; and
- ensure that all incidents are reported and logged in the school's Incident Log.

Staff may legitimately intervene using physical restraint to:

- prevent a student from committing a criminal offence;
- injuring themselves or others;
- causing damage to property;

Staff should have regard to the health and safety of themselves and others.

In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported.

Under no circumstances should physical force be used as a form of punishment.

The use of unwarranted physical force is likely to constitute a criminal offence as well as a breach of the Trust's disciplinary rules and code of conduct.

Staff at this school must:

- adhere to the school's physical intervention policy;
- always seek to defuse situations; and
- always use minimum force for the shortest period necessary.

Training and support

The head will ensure that appropriate training is provided for key staff annually and for all staff at least every two years.

The head will ensure that the system enables account to be taken of the records in the Incident Log and elsewhere.

Equal opportunities

In implementing this policy all staff must take account of the school's equal opportunities policies. Only trained staff are authorised to use permitted restraint techniques on students with disabilities who may exhibit behavioural difficulties.

Responsibilities

- The governing body is responsible for making and reviewing the policy.
- The head is responsible for the implementation of the policy in the school.
- All staff have a duty to know the policy and to ensure that it is implemented.

Monitoring and review

The headteacher will:

- ensure that a recording and reporting system is in place and is maintained;
- ensure that a senior member of staff is in charge of the Incident Log (see Appendix 1) and reports regularly to the Leadership Team.
- report incidents and the outcome to the governing body.

The governing body will review the policy every two years.

Reviewed and revised September 2018

Date of next review: September 2020



Written Log of Incident Involving Physical Restraint of Student

Date:	Time:	Tutor:
--------------	--------------	---------------

Student:	Tutor group:	Place of incident:
-----------------	---------------------	---------------------------

Adult witnesses:	Student witnesses:	Reason for use of force:
-------------------------	---------------------------	---------------------------------

Incident leading to restraint:
Student's behaviour (what was said, strategies used to diffuse situation, force used, how it was applied and for how long)
Student response
Details of any injury/damage to property
Senior member of staff summoned:

THIS FORM MUST BE COMPLETED THE SAME DAY & INCIDENT ENTERED IN SIMS BEHAVIOUR

COPY TO THE HEADTEACHER