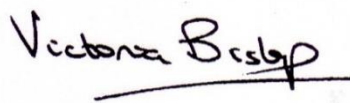




Title	Physical Force and Reasonable Restraint Policy
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Associated Policies	Behaviour Policy Searching Pupils & Confiscating Pupils Property Policy SEND
Originator	Victoria Bishop
Approved	

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1. 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.

In this policy the Senior leader includes the CEO, Principal, Vice Principals and Assistant Principals.

2. Responsibilities and Powers of members of staff to detain students by use of force

Staff should be aware of the guidance 'Keeping Children Safe in Education 2018' and their duties under the Equality Act 2010 in relation to making reasonable adjustments, non-discrimination and their Public Sector Equality Duty.

The Education and Inspections Act 2006 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 academy or elsewhere when the pupils are in the care of the academy.

The legislation gives **statutory power** to use force to any person who, in relation to a pupil/student, is a member of staff at any academy at which education is provided for the student.

The following groups of staff are **permanently authorised** to use physical restraint:

- any teacher who works at an Hatton Academies Trust Academy;
- any other person who, with the authority of a senior leader, has lawful control or charge of pupils for whom education is being provided at the academy;
- any paid member of staff whose job involves supervising pupils including teaching assistants, learning mentors and lunchtime supervisors

People whom the senior leader has **temporarily authorised** to have control or charge of pupils. For example:

- paid members of staff whose job does not normally involve supervising students (such as catering or premises related staff);
- unpaid volunteers (such as parents accompanying students on academy organised visits).

In the case of these groups the senior leader 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.

3. What is reasonable force?

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.

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.

'**Reasonable in the circumstances**' means using no more force than is needed.

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.

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.

When using reasonable force in response to risks presented by incidents involving children with SEND or Medical Conditions, academy staff must consider the additional vulnerability of these groups. Planned positive and proactive behaviour support e.g. through individual behaviour plans agreed with parents/carers can reduce any issues and the need to use reasonable force.

Academy 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.

4. Who can use reasonable force?

All members of academy staff have a legal power to use reasonable force under the Education and Inspections Act 2006.

This power applies to any member of staff at the trust academy. It can also apply to people whom the senior leader has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on an academy organised visit.

5. When can reasonable force be used?

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

In an academy, force is used for two main purposes – to control pupils or to restrain them.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

6. Academy staff can use reasonable force to:

- 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 an academy event or a 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 others;
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- Restrain a pupil at risk of harming themselves through physical outbursts.

Staff cannot: Use force as a punishment – **it is always unlawful to use force as a punishment.**

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

Where the academy has pupils with known severe behaviour disorder or the pupil is very violent and aggressive, only trained staff are allowed to use **restraint techniques**. The member of staff must be trained in the technique that is to be used. No staff can physically restrain pupils exhibiting extremes of behaviour unless so trained.

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

The Board of Directors 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.

8. Examples of behaviour likely to lead to restraint:

- physical attack by a pupil/student on an adult/student;
- deliberate damage to academy property;
- a pupil/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.

- **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**:

- 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 pupil face down on the ground.

9. Physical contact with vulnerable students

Normally all staff should avoid physical contact with pupils/students. But it is accepted that some more vulnerable pupils, and particularly those with special educational needs, require more physical contact than other pupils 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 trust'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 pupils with behavioural difficulties, and the techniques which may be used are only the ones that the member of staff is trained to use.

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 pupils/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.

During a restraint procedure it is possible that unintentional minor injury may occur such as minor scratches or bruises. It is important that this is recorded on the restraint proforma and parents/carers are informed.

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

10. Staff code of conduct

Staff employed in Hatton Academies Trust are expected to:

- be aware that even well-intentioned physical contact may be misconstrued by the pupil, 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 pupils and meeting medical needs of children; and
- ensure that all incidents are reported and logged on the Hatton Academy Trust proforma and that copies are given to the CEO, Principal and on the student's file. (see Appendix 1).

Staff may legitimately intervene using physical restraint to:

- prevent a student from committing a criminal offence;
- injuring themselves or others;
- causing damage to property;
- engaging in behaviour prejudicial to good order; and
- maintain good order and discipline.

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.

Staff within the Trust Academies must:

- adhere to this Hatton Academies Trust policy;
- always seek to defuse situations; and
- always use minimum force for the shortest period necessary.

11. Telling parents when force has been used on their child

Serious incidents involving the use of force should be reported to the students' parents/carers. The incident should be recorded on the pro-forma and a copy kept in the student's file.

References to parent or parents are to fathers as well as mothers, unless otherwise stated.

In deciding what a serious incident is, teachers should use their professional judgement and consider the:

- student's behaviour and level of risk presented at the time of the incident;
- degree of force used;
- effect on the student or member of staff; and
- the child's age.

12. What happens if a student complains when force is used on them?

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is **not** for the member of staff to show that he/she has acted reasonably.
- Suspension will not be an automatic response when a member of staff has been accused of using excessive force. The decision will be made using the “Dealing with Allegations of Abuse against Teachers and Other Staff” policy where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- The academy must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is taken to suspend a teacher, the academy will ensure that the teacher has access to a named contact who can provide support.
- The CEO, on behalf, of the Board of Directors 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.
- As the employer, the academy trust has a duty of care towards our employees. We will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

13. What about other physical contact with students?

It is not illegal to touch a student. There are occasions when physical contact, other than reasonable force, with a student is proper and necessary.

Examples of where touching a student might be proper or necessary:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed student;
- When a student is being congratulated or praised;

- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.

14. Training and support

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

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

15. Equal opportunities

In implementing this policy all staff must take account of the Trust's equal opportunities policies.

Only trained staff are authorised to use permitted restraint techniques on students with disabilities who may exhibit behavioural difficulties.

16. Responsibilities

The CEO on behalf of the Board of Directors is responsible for writing and reviewing the policy.

The Principal 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.

17. Monitoring and review

The Principal 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 CEO.

Appendix 1. Log of incident involving the physical restraint of a pupil

Name of Staff Member Completing the Form:

Name of Academy:

Date	Time	Year/Form
Student	Place of Incident	
Adult witnesses		
Student witnesses		
Reason for the use of force		
Incident leading to restraint		
Student's behaviour (what was said, strategies used to diffuse the situation, force used, how it was applied and for how long)		
Student response		
Details of any injury/ damage to property		
Name of Senior member of staff summoned		

This form must be completed the same day with copies given to the Principal and CEO (hard copy sent to Victoria Bishop or emailed: bishopv@hattonacademy.org.uk). A copy placed in the student's file.