



# PARK GROVE PRIMARY ACADEMY

## POLICY



### *Physical Intervention and Restraint*

#### **AIM**

All staff, pupils and visitors at Park Grove Primary Academy have a right to:

- be treated with respect and dignity;
- work in a safe and healthy environment and be protected from harm;
- receive adequate information, support and training.

We are committed to a positive behaviour policy which encourages children to make positive behaviour choices. We recognise however that children do sometimes make the wrong choices. On rare occasions, and as a last resort, this may result in a situation that requires some form of physical intervention by staff or other authorised adult.

#### **OBJECTIVES**

- Any physical intervention will only ever be the minimum required to achieve the lawful, desired outcome.
- Physical intervention will only be used in ways that protect the safety and dignity of all concerned.
- Incidents will be recorded and reported to the Headteacher as soon as possible.
- Parents will be informed of any incident.
- Physical intervention will be used only as a last resort when other appropriate strategies have failed.

#### **STATUTORY CONTEXT**

Section 93 of the Education and Inspections Act 2006 allows teachers and other persons who are authorised by the Headteacher, 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 him/herself or others
- committing an offence
- damaging property
- prejudicing the maintenance of good order and discipline either on the school premises or during an educational activity off the premises

This Policy also takes into account non-statutory guidance, *Use of Reasonable Force*, issued by the Department for Education in July 2013.

#### **GENERAL CONTEXT**

It is not possible to define every circumstance in which physical restraint would be appropriate. The legal context is set out above and some examples are given elsewhere in this Policy, but generally, staff/authorised adults must exercise their own judgement in any situation that arises.

#### **Staff and Authorised adults**

In line with national guidance on physical intervention, all teaching staff at Park Grove Primary Academy are authorised to use reasonable force to control or restrain pupils, within the context of this Policy and, in particular, the legal position outlined above.

In addition, some members of the support staff who have lawful control or charge of pupils at Park Grove Primary Academy are also authorised to use reasonable force. These are nursery nurses, classroom assistants, mid-day assistants and care workers.

The Headteacher is responsible for making clear to whom such authorisation has been made, in what circumstances and settings they may use force, and for what duration of time this authorisation will last. The Headteacher will ensure that those authorised are aware of, and understand properly, what the authorisation entails.

The Headteacher will maintain a list of all those who have been authorised and ensure that this is available to all staff. This list will be reviewed as necessary, and at least annually by the Headteacher. A copy of the list is attached at the end of this Policy.

### **Acting in loco parentis (in the place of the parent)**

When staff / authorised adults are in charge of children during the school day, or during other supervised activities, they are acting in loco parentis and have a 'Duty of Care' to all children in their charge. They must, therefore, take reasonable action to ensure all pupils' safety and well being. Staff / authorised adults are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention.

### **Training support**

It is the duty of the Headteacher to ensure adequate training is provided for all staff and authorised adults. New staff will be fully briefed as part of their induction to the school and prior to being authorised.

Where appropriate, staff involved in incidents of physical intervention will be offered the opportunity to access personal support, including counselling, if they make such a request to the Headteacher.

### **Reasonable force**

Staff / authorised adults are permitted to use only reasonable force in applying physical restraint. What constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied. However, as a general rule, reasonable force means using no more force than is needed to achieve the desired outcome.

Force is usually used either to control or restrain:

- 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.

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

#### Reasonable force can be used 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 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 others.
- 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 or others through physical outbursts.

### It is always unlawful to use force as a punishment

Physical restraint should be applied as an act of care and control with the intention or re-establishing verbal control as soon as possible and, at the same time, allowing the pupil to regain self-control. It should never take a form which is, or could be seen as, punishment.

### **When physical restraint becomes necessary**

Alternative methods should be used as appropriate with physical intervention or restraint, a last resort. When physical intervention or restraint does become necessary, staff / authorised adults will:

- Tell the pupil what they are doing and why.
- Use the minimum force necessary.
- Involve another member of staff if possible.
- Tell the pupil what s/he must do for the restraint to be removed (this may need frequent repetition).
- Use simple and clear language.
- Hold limbs above a major joint if possible e.g. above the elbow.
- Relax the restraint in response to the pupil's compliance.

Staff / authorised adults will not:

- Act in temper.
- Engage in a prolonged verbal exchange with the pupil.
- Involve other pupils in the restraint.
- Touch or hold the pupil in a way that could be viewed as sexually inappropriate conduct.
- Twist or force limbs back against a joint.
- Bend fingers or pull hair.
- Hold the pupil in a way which will restrict blood flow or breathing e.g. around the neck.
- Slap, punch, kick or trip up the pupil.
- Use physical restraint or intervention as a punishment.

### **Actions after an incident**

The circumstances precipitating the incident should be considered so as to explore ways in which future incidents can be avoided.

### Debrief

Physical restraint often occurs in response to highly charged emotional situations and there is a clear need for debriefing after the incident, both for the staff/authorised adult involved and the pupil. The Headteacher must be informed of any incident as soon as possible and will take responsibility for making arrangements for debriefing once the situation has stabilised.

An appropriate member of the teaching staff should always be involved in debriefing the pupil involved and any child victims of the incident should be offered support, and their parents informed.

### Ongoing pattern of behaviour

If the behaviour is part of an ongoing pattern it may be necessary to address the situation through the development of an 'Individual Behaviour Plan (IBP) which may include an anger management programme or other strategies agreed by the SENCO (Special Educational Needs Co-ordinator).

In some circumstances a multi-agency 'Family Early Help Assessment' (FEHA) may be appropriate to help identify an additional need for a particular child.

### Reporting and recording

All incidents should be recorded immediately on the Record of Physical Intervention or Restraint report form (copy attached). All sections of this report should be completed so that any patterns of behaviour can be identified and addressed and so that, in the event of any future complaint or allegation, the record can be used to provide essential information.

A copy of the report should be filed in the child's appropriate file and in a central school file in order to inform individual and school risk assessments.

### Communicating with parents / carers

A member of the senior leadership team will contact parents / carers as soon as possible after an incident, normally on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

Schools do not require parental consent to use reasonable force on a pupil.

### **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. Such planning will address:

- Strategies to be used prior to intervention.
- Ways of avoiding 'triggers' if these are known.
- Involvement of parents / carers 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 summoned if appropriate.
- The school's duty of care to all pupils and staff.

### **Disabled children and children with SEN (Special Educational Needs)**

We acknowledge our legal duty to make reasonable adjustments for disabled children and children with SEN. The judgement on whether to use force will depend not only on the circumstances of the case but also on information and understanding of the needs of the pupil concerned.

### **Complaints and Allegations**

All complaints about the use of force will be promptly and appropriately investigated. Where a member of staff / authorised adult 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.

Suspension will not be an automatic response when a member of staff has been accused of using excessive force. The school will refer to its Policy on *Dealing with Allegations of Abuse against Teachers and Other Staff*, which is based on guidance issued by the Department for Education.

We will consider carefully whether the circumstances of the case warrant the person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

The Governing Body will always consider whether a member of staff has acted within the law when reaching a decision on whether or not to take disciplinary action against them.

As employers, schools have a duty of care towards their employees. Appropriate pastoral care will therefore be provided to any member of staff who is subject to a formal allegation following a use of force incident.

### **MONITORING & EVALUATION**

The Headteacher will be responsible for the day to day monitoring of the implementation of this Policy.

The Governing Body will evaluate the impact of this policy annually, by receiving data from the Headteacher about the number and nature of Physical Intervention or Restraint incidents and by seeking evidence that staff / authorised adults received appropriate training. The views of staff, parents / carers and children (as appropriate) will also be taken into account, when evaluating the effectiveness of this Policy.

### **LINKED POLICIES**

This policy should be read in conjunction with the school's other policies on Behaviour, Bullying, Dealing with Allegations of Abuse, Health and Safety, Child Protection, and Children with Special Educational Needs and Disabilities.

**APPROVED BY:** The Full Governing Body

**DATE:** February 2015

**NEXT REVIEW:** February 2018

**RECORD OF PHYSICAL INTERVENTION OR RESTRAINT**

**Date of incident: Time of incident:**

**Pupil Name: D.o.B:**

**Member(s) of staff involved:**

**Adult witnesses to intervention / restraint:**

**Pupil witnesses to intervention / restraint:**

**Outline of event leading to intervention /restraint:**

**Outline of intervention / restraint (including any restraint method used):**

**Outcome of intervention / restraint:**

**Description of any injury(ies) sustained by the pupil and any subsequent treatment:**

**Date parent/carer informed of incident:**

**Time:**

**By whom informed:**

**Outline of parent/carer response:**

**Signature of staff completing report: Date:**

**Signature of Teacher-in-charge: Date:**

**Signature of Head STS: Date:**

**Brief description of any subsequent inquiry/complaint or action:**

## **LIST OF PERSONS AUTHORISED BY THE HEADTEACHER TO USE REASONABLE FORCE**

- All members of the Teaching staff
- Other members of staff who have completed the 'Team Teach' training.