



Restraint Policy

(ratified by the Full Governing Body on 13th February 2018)

Review Cycle: 2 Years – Spring Term

Review By: Leadership Team, Behaviour & Attendance
Sub Committee

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Introduction

At Alcester Academy we recognise it is our responsibility and duty to care for and support one another as adults and students. In general, it is important that adults working in school avoid physical contact with students, but it is neither desirable nor possible to have a total 'no contact' policy as there are a variety of situations where this would not be possible (e.g. providing first aid, demonstrating use of musical instrument or demonstrating sports techniques). One such occasion where contact may be necessary is where there is a need for appropriate physical restraint or the use of reasonable force; both of which are permitted by law (DfE Use of Reasonable Force Non-Statutory Guidance 2012) to prevent students from harming themselves or others, from damaging property in such a way that it could cause serious injury to themselves or others, or from causing disorder. It is recognised that in practice, the use of reasonable force will be a rare event.

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force, as is reasonable in the circumstances, to prevent a pupil from doing, or continuing to do, any of the following:

- Committing any criminal offence (or, for a pupil under the age of criminal responsibility, what would be a criminal offence for an older pupil)
- Causing personal injury to, or damage to the property of, any person (including the pupil himself/herself)
- Prejudicing the maintenance of good order and discipline at the school or among any pupil receiving education at the school, whether during a teaching session or otherwise

NB It is always unlawful to use force as a punishment

OBJECTIVES

The purpose of this policy is to provide guidelines for staff in using force to control or restrain pupils in order to:

- Explain the rights of staff to use reasonable force if/when necessary
- Maintain the safety of students and staff
- Prevent serious breaches of school discipline
- Prevent serious damage to property
- Explain the nature of reasonable force
- Set out the circumstances in which reasonable force may be justified

MINIMISING THE NEED TO USE FORCE

- All members of the school community should develop positive relationships that help create a calm, orderly and supportive learning environment, so minimising the risk of incidents that may require the use of force.
- Where circumstances indicate that use of force could become necessary (and the situation allows), efforts should be made to deescalate the situation. Strategies may include encouraging a pupil to go to a quiet room away from bystanders, listening to the pupil or involving a member of staff well known to the pupil.

DECIDING WHETHER TO USE FORCE

The DfE guidelines recognises that there is 'no legal definition when it is reasonable to use force' and that it 'will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent'.

Staff should therefore only use force when:

- The potential consequences of not intervening are sufficiently serious to justify the use of force
- The chances of achieving the desired result by other means are low, Policy
- The risk associated with not using force outweigh those of using force

All staff have a responsibility to inform senior leaders of students who in their judgement present particular risks to themselves, others or property. Senior leaders will respond taking into account the best interests of the student concerned, the school and its community. Individual pupil risk assessments may need to be made for these pupils.

Reasonable force may be used by the Headteacher, and staff authorised by the Headteacher, in exercising the statutory power introduced under section 45 of the Violent Crime Reduction Act 2006, to search students without their consent for weapons. Reasonable force can be used by the searcher and/or the second person required to be present at a search, when there are reasonable grounds for suspecting that a pupil has a weapon. From September 2010, searching pupils without their consent also applies to alcohol, illegal drugs, stolen property (prohibited items). It must be noted, however, that the DfE strongly advises schools not to search students where resistance is expected, but rather to call the police.

Where the authorised member of staff believes he/she may be at risk of injury, help may be needed in dealing with a situation. In these situations, the member of staff should take steps to remove other students who might be at risk and summon assistance from other authorised staff. If necessary, the police should be called.

STAFF AUTHORISED TO USE FORCE

Section 95 of the Education and Inspections Act 2006 defines the staff to which this power applies as being:

- Any member of staff at the school.
- Any other person whom the Headteacher has authorised to have control or charge of our students.

NB These powers do not apply to any pupils

USING FORCE

- Before using force, the member of staff should normally, unless in an extreme emergency, have tried other possible methods of resolving the situation
- As far as possible, staff should not use force unless, or until, another responsible adult is present to support, observe and call for assistance
- Staff should always warn a pupil that force may have to be used before using it
- Staff should, wherever practicable, communicate with the pupil in a calm and measured way throughout the incident
- Staff should not give the impression of acting out of anger or frustration, or to punish
- The member of staff should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary
- Staff should make themselves aware of pupils SEN / disabilities / fragilities and take these into account in managing pupils and, if necessary, exercising use of force

WHAT IS REASONABLE FORCE?

'Force' can be used to either control or restrain. Control means either passive physical contact such as standing between students or blocking a student's path or active physical contact such as leading a student by the arm out of a classroom.

'Restraint' means to hold back physically or to bring a student under control and is typically used in more extreme circumstances. Regarding both control and restraint, 'reasonable force' means using no more force than is needed. Staff will always try to avoid acting in a way that might cause injury, but it may not always be possible to avoid injury to a student.

TYPES OF FORCE

The degree of force used should be the minimum to achieve the desired result. The types of force used could include:

Control techniques

- Passive physical contact, standing between students or blocking a pupil's path
- Mildly active physical contact such as leading a pupil by the hand or arm, ushering a pupil away by placing a hand in the centre of the back

Restraint techniques

- Using appropriate restrictive holds, which may require specific expertise or training
- Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances, it may not always be possible to avoid injuring a pupil
- Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct

STAFF TRAINING

The CPD programme will include training on behaviour management, de-escalation and physical intervention.

RECORDING INCIDENTS

- Any **incident** in which force has been used must be reported to the Headteacher who will maintain a written log of incidences.
- Any incident involving the use of force must be written up in full

REPORTING / MONITORING USE OF FORCE

If the Headteacher considers the incident significant, they will inform the Chair of Governors.

Significant incidents are

- Where unreasonable use of force is used on a pupil
- Where substantial use of force has been used, e.g., physically pushing a pupil out of a room
- Where a restraint technique is used
- Where a child is very distressed and clearly not over reacting

INFORMING PARENTS/CARERS

Parents/carers must always be informed of a recordable incident. The process for this, in terms of individual incidents, should be discussed with the Headteacher or Deputy Head. Parents will be telephoned as soon as possible after the incident, with details then confirmed in writing. However, where it is felt that reporting the incident to parents would result in significant harm to the pupil, then the incident must be reported to the Local Authority.

POST-INCIDENT SUPPORT

- Appropriate staff will support individuals involved e.g. pastoral staff
- If necessary school first aid procedures will be followed
- In light of the incident, the Headteacher may consider disciplinary action in accordance with the Behaviour and Discipline Policy
- Senior staff will consider how best to avoid / improve the management of future situations and the implications for staff training

COMPLAINTS AND ALLEGATIONS

Parents and students have a right to complain about actions taken by school staff and the Headteacher will respond to the complaint as appropriate. If a specific allegation of abuse is made against a member of staff, then we will follow the guidance set out in '*Safeguarding Children and Safer Recruitment in Education*'. Other complaints will be dealt with under our school's complaints procedure.

FURTHER INFORMATION

Further information on 'The Use of Force to Control or Restrain Pupils' can be found in the '*Non-statutory guidance for schools in England*' and the '*Warwickshire Safeguarding Children Board Policy and Guidance Statement on Physical Intervention and Restraint*'.

Signed: _____

Headteacher
Mr P Hyde

Signed: _____

Chair of Governors
Mr M Dean

Date: _____