



The Angmering School

Ambition
Respect
Courage

Physical Contact and Restraint Policy

A POLICY ON THE USE OF FORCE TO CONTROL OR RESTRAIN STUDENTS

2020

Ratified by the Governing Board 9th December 2020
Next review due December 2022

**Physical Restraint Policy:
A POLICY ON THE USE OF FORCE TO CONTROL OR RESTRAIN STUDENTS**

INTRODUCTION

The Angmering School is committed to creating a safe and secure environment for all staff, students and school partners.

In order to achieve this goal we will endeavour to ensure that physical intervention and reasonable force are only used when absolutely necessary. The school will always aim that such interventions are by trained staff, where it is reasonably practicable and safe to do so. This will also only occur as a last resort, where all other avenues to de-escalate and ensure the safety of all peoples have been exhausted and with reasonable warning of physical intervention where possible. All staff are actively committed to their role within the agreed guidelines and will avoid the use of physical intervention, restraint or reasonable force. This policy will always be informed by DFE or other relevant governmental guidance, such as *Use of reasonable force: Advice for Headteachers, staff and governing bodies (2013)* and subject to regular review and evaluation by senior staff and the governing body to ensure its legal, moral and ethical grounding.

The Angmering School core articles are taken from the UNCRC that the students voted for in their tutor groups to represent our school. These are now referred to as the TAS 10:

The Angmering Ten

Article 2 - Inclusive	Article 23 - Dignity
Article 12 - Respect	Article 24- Health
Article 13 - Freedom Education	Article 28 -
Article 14 - Thoughtful	Article 31- Culture
Article 19 - Safe	Article 39 - Support

EQUAL VALUE PRINCIPLE

Each student at the Angmering School has equal value and individual needs will be considered to ensure inclusivity and equitable treatment. The policy of equality of opportunity in diversity is based on the principle of respect for the individual and the Angmering School's core values of ambition, courage and respect. The school is an integrated whole, inclusive of the students with physical or sensory impairments, communication, learning, social, emotional or behavioural difficulties. It addresses each person's unique needs, intellectual, physical, spiritual, emotional or social with the aim of achieving equity.

All members of the school community work together to create an atmosphere in which each member can grow and flourish regardless of any protected characteristics. Positive interpersonal relationships are fostered in a climate of high expectations and respect for individual achievement.

All students experience a community of diversity in which they value and celebrate the unique contribution that each individual makes. They learn to respect the rights not only of each other but also of groups in the local and wider community.

The language used in the school community, spoken or written fosters a positive attitude to each person and their individual needs.

Students have full and open access to a broad and balanced curriculum and to a range of extra-curricular experiences. Attention is given to adequate resources and the development of an appropriate environment to meet the needs of individual students and groups within the school community.

Every area of school life reflects this attention to individual needs and rights, as all school policies are founded on these basic principles, which are embodied in the school aims and values.

STATEMENT OF INTENT

The Angmering School has a duty to maintain the safety of students and staff, prevent serious breaches of school discipline and prevent serious damage to property. It therefore seeks through its various policies, including specifically the Behaviour Policy, to develop emotional literacy and create a calm, challenging and purposeful learning environment, where staff know their students. This enables us to minimise risk.

It recognises that the safety and welfare of the child is paramount and that each one has the right to be protected from harm. It seeks to protect all students from any form of physical intervention which is unnecessary, inappropriate, excessive or unlawful by using the behaviour policy, de-escalation, clear warnings and positive behaviour strategies.

However, it also recognises 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. In all other circumstances, they should employ appropriate strategies which do not require such intervention.

Staff using reasonable and appropriate physical force, in line with this guidance, will have the support of the school authorities, the Local Authority and the DfE.

REQUIREMENTS ON SCHOOLS

All schools are required to have a policy on the use of force to control or restrain students. The Angmering School has adopted and adapted the West Sussex Education Authority policy on the use of force to control or restrain students. This policy was based on that written in consultation with representatives of the teachers' associations, headteachers' executives and UNISON and in liaison with West Sussex Social Services and Sussex Police.

LEGISLATION ON WHICH THE POLICY IS BASED

This document is informed by advice contained in the DfE Non-statutory guidance for schools in England published in 2013 which replaces and supersedes the DCSF Non-statutory guidance for schools in England, published in 2007 DfES circular 10/98 'The

Use of Force to Control or Restrain Students' and Section 550A of the Education Act 1996. It does not preclude the exercise of the power of members of staff to use force provided by the Education and Inspections Act 2006, section 93.

OUTLINE OF POLICY

In relation to physical control or restraint of students this policy sets out:

- Staff authorised to use control or restraint in line with this guidance.
- What is 'reasonable' force in terms of the circumstances where it may be appropriate.
- What is 'reasonable' force in terms of the degree and type of force used.
- The procedures which should be followed when physical restraint is used to control or restrain students.

STAFF AUTHORISATION

The members staff to whom the power to use control or restraint applies, in order to ensure the welfare and protection of children or other adults in circumstances described in this policy, are:

- Any teacher who works at the school
- Any other person whom the headteacher has authorised to have control or charge of students, including support staff such as learning support and student support assistants, learning mentors, lunchtime supervisors cover staff, administrative or premises-related staff, counsellors and unpaid volunteers.

This power 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 e.g. on a field trip or authorised out of school activity.

Any member of staff who may have to intervene physically with students must understand the options and strategies open to him or her. The list of staff authorised matches those whose DBS checks are on file. In exceptional circumstances a note may be added excluding a member of staff or other person from this authorisation.

In circumstances where physical intervention or restraint is required, The Angmering School will endeavour to ensure that specifically trained senior staff are engaged to support and perform any necessary interventions or restraint.

STUDENTS WITH SPECIAL EDUCATIONAL NEEDS/DISABILITIES:

Special needs or disabilities, which render an individual child physically more vulnerable, should be taken into account as should the age, understanding and sex of the student. The SENDCO or a member of the Learning Support and Development Team with responsibility for a student will issue information as appropriate. This may include measures such as risk assessments, one page profiles, reports from specialists and other professionals and individualised plans. Any plan should detail safe adults and how to handle on call situations with such students. Staff should contact On Call for emergency assistance with any students.

Where a child has serious and/or complex individual needs, parents or colleagues from outside agencies may be involved in establishing the guidelines for that child and/or programmes of behaviour modification. This includes ensuring:

- that parents are clear about the circumstances and type of physical intervention that may be necessary (e.g. a copy of this policy; a care or positive handling plan);
- that briefings for staff ensure they are aware of what action they should be taking and who key people are who may assess and de-escalate risk for the student;
- what arrangements there are for staff needing to summon additional support;
- the need to seek medical advice if dealing with students who have specific health considerations.

WHAT IS REASONABLE FORCE?

The Guidance states:-

- 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 students.
- Force is usually used either to control or restrain. This can range from guiding a student 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.
- As mentioned above, schools generally use force to control students and to restrain them. 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. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.
- School 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 student.

A) Circumstances where physical restraint may be appropriate.

Any member of staff, as every citizen, has the right to defend her or himself against attack, providing s/he does not use disproportionate force, and to act in an emergency to prevent injury to a student or by a student to someone else. Section 93 gives teachers and authorised staff the appropriate reasons for the use of force to restrain. The policy of the school, however, is to restrict the use of force to a last resort and in cases of emergency, and in all other situations, to call for help and use strategies which fall short of physical control or restraint unless such situations escalate and a senior member of staff (Senior Leader or above) makes a decision to use minimal restraint.

- Reasonable force can be used to prevent students from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control students 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.

Examples of emergency situations - these are not an exclusive list:-

- a student attacks a member of staff or another student;
- students are fighting and the teacher feels they can intervene without placing themselves at risk;
- a student is causing, or at risk of causing, injury or damage by accident, by rough play' or by misuse of dangerous materials or objects;
- a student is running in a corridor or on a stairway in a way that may cause an accident likely to injure him or herself or others;
- a student absconds from a class or tries to leave school (N.B. this will only apply if a student could be at risk if not kept in the classroom or at school);
- a student is on the verge of committing deliberate damage or vandalism to property (N.B. staff members should only intervene where they feel it is safe to do so. Personal safety is always more important than property).
- a student is threatening to cause harm to another person, refusing to follow instructions for the safe de-escalation and safety of others.

Examples of non-emergency situations, which will be avoided as far as reasonably possible for the safe and orderly running of the school:-

- a student persistently refuses an order to leave a classroom or other communal space, placing others therefore at risk;
- a student is behaving in a way that is seriously disrupting or causing disorder to a lesson, causing risk to others in the lesson.

Members of staff should be particularly cautious about the use of force in non-urgent circumstances like these, using force only when absolutely necessary and under the direction of senior leaders. Teachers should always exhaust all other appropriate behaviour management strategies before ever considering using force. They should call a colleague or "On Call" for support and/or empty the classroom. If the student seeks to run off, their way should not be barred but the incident reported to "On Call" and followed up.

In situations where there is no direct risk to people or property, therefore, and the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing disruption or provoking attack, need to be very carefully evaluated, with safety and wellbeing of all staff and students remaining paramount.

- Other than in emergencies, members of staff are not expected to attempt to restrain a child/young person if they may put themselves or anyone else at risk.

B) What is a 'reasonable' degree/type of force?

Where possible, in assessing risk, special needs or disabilities, which render an individual child physically more vulnerable, should be taken into account as should the

age, understanding and sex of the student. If handling plans are in place they should be followed except in emergencies.

The intervention can take several forms but the force used should always be the minimum necessary in the circumstances.

- Physically interposing between students
- Blocking a student's path
- Leading a student by the hand or arm
- Shepherding a student away by placing a hand in the centre of the back
- Holding, which is specifically intended to avoid causing injury to the student or others in the vicinity (usually to be avoided unless two members of staff are available)
- The use of approved, safe holding techniques (**only where specific training has been received**).
- (in extreme circumstances) Using more restrictive holds (**only where specific training has been received**)
- In exceptional circumstances, where there is immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force'. Examples of this are; to prevent a young student running off a pavement onto a busy road, or to prevent a student hitting someone, or throwing something or striking someone with a dangerous object.

Actions identified as '**unacceptable**' by the school and the LA (as they might reasonably be expected to lead to injury) include:

- holding a student round the neck, or by the collar, or in any way that might restrict the student's ability to breathe;
- slapping, punching or kicking a student;
- twisting or forcing limbs against a joint (e.g. forcing a child/young person's arm up his/her back);
- tripping a student;
- holding or pulling a student by the hair or ear;
- shaking a student;
- tying up or binding a student;
- lifting a child/young person off the floor as a means of control;
- jabbing a child/young person with a finger or implement;
- exerting excessive pressure on any part of a child/young person's body;
- holding a student face down on the ground;
- touching or holding a student in a way that might be considered indecent.

IT IS ALWAYS UNLAWFUL TO USE FORCE AS A PUNISHMENT

The techniques deemed as an unacceptable risk for use on children and young people by a panel of experts (Physical Control in Care Medical Panel 2008) are:-

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the 'double basket-hold' which involves holding a person's arms across their chest; and

- the 'nose distraction technique' which involves a sharp upward jab under the nose.

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:
 1. Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
 2. When comforting a distressed student;
 3. When a student is being congratulated or praised;
 4. To demonstrate how to use a musical instrument;
 5. To demonstrate exercises or techniques during PE lessons or sports coaching; and
 6. To give first aid.

PROCEDURES

Although the school makes clear through this policy the procedures which should be followed, it is vital that staff exercise sound judgements and act with discretion in reacting to a particular set of circumstances.

A. Before Intervening

If a student or young person is likely to commit a crime, cause injury, damage or serious disruption, staff may decide that physical intervention is necessary as a last resort, or, in an emergency. Before using force to control or restrain they should:

- try to deal with the situation through other behaviour management, redirection and de-escalation strategies (except in emergencies);
- (except in emergencies) consider whether they will place themselves or anyone else at risk of injury by intervening, for example when dealing with older, larger students. Where they judge this to be the case teachers should remove other students who might be at risk and summon assistance from colleagues, or where necessary the police;
- Give a clear oral warning: tell the child to stop and warn the child of the consequences of his/her behaviour;
- if at all possible summon additional staff support and tell the child this has been done. This has the dual purpose of reducing the risk to the member of staff and providing a witness should the situation develop.
- Until assistance arrives, continue to attempt to defuse the situation orally.

B. Whilst Intervening

The member of staff must:

- employ minimum force for the minimum period necessary to restrain the student;

- keep talking to the student, making it clear to him/her that the physical contact or restraint will stop as soon as it ceases to be necessary;
- where reasonably practicable, ensure that all bystanders and others in the vicinity are removed from the situation to ensure their safety.
- not threaten or commit any act of punitive violence;
- keep his/her temper under control;
- have regard to others in the vicinity.

C. After Intervening

Members of staff concerned provide an immediate or as immediate as reasonably possible written **record of incidents**. Forms are completed on every occasion that force, even minor, is used, as it is important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) that force is used before the end of the day of the incident.

The procedure followed balances the protection of students and staff on one hand and keeping bureaucracy to reasonable levels on the other.

- 1 The member of staff reports the necessity of intervention to a member of the Headship Team who will also consider Child Protection issues.
- 2 In almost every case as the member of the Headship Team judges necessary, a 'Use of Physical Restraint Report Form' (see appendix) is completed, which is for internal use but may be made available to the LA, Police and/or Social and Caring Services if a complaint has to be investigated;
- 3 The student is seen by First Aid staff, if the incident results in injury, and an Accident/Incident Reporting Form is completed. This may be instead of, or in addition to, the 'Use of Physical Restraint' form.
- 4 If the member of staff intervening has been offered or threatened with violence, he or she will complete the Accident/Incident form with the member of the Headship Team dealing with it, in relation to the violence at work procedures.
- 5 The member of staff intervening is given the opportunity for a debrief with a member of the Headship Team and for supervision or counselling where possible or necessary.
- 6 A debrief and restorative process takes place between the member of staff intervening and the student.

The Headship Team:

1. Investigate or support Senior Leaders in investigating incidents (not minor or trivial, which are simply logged) and evaluate them in the light of the school's risk assessment procedures, disseminating any conclusions reached.

2. Notify parents/carers of the action being or to be taken and initiate appropriate follow-up.
3. Initiate appropriate follow-up with the child/young person involved and others present if appropriate.
4. Offer support, or opportunities for counselling, as appropriate to staff involved.
5. Monitor and review the policy and its impact on practice and develop training and improvements.

Complaints/Allegations

- All complaints about the use of force will 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 school will refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance where an allegation of using excessive force is made against a teacher as this guidance makes clear that a person must not be suspended automatically, or without careful thought.
- The school will 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 school will ensure that the teacher has access to a named contact and that they are directed to relevant union guidance who can provide support.
- The Governing body will 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.
- The school will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

Training

The school provides regular training for new staff and updates to all, on the Positive Behaviour management strategies, which are the school’s preferred practice. Members of the pastoral team, senior staff and members of the Headship team are offered training from a qualified Maybo instructor on de-escalation and safe practices around physical intervention and restraint.

Links with other Policies:

- Child Protection/Safeguarding
- Behaviour
- Anti-Bullying
- Single Equalities policy
- SEND Policy
- Staffing
- Staff Code of Conduct

DATE of last review : November 2020

The Angmering School
Use of Physical Restraint Report Form

The school retains this form. The member(s) of staff involved may also retain a copy.

Staff may wish to seek advice from a senior colleague or a representative of their professional association when compiling the report.

Incident date:

Time:

Location:

Name of staff member(s) involved:

Name(s) of student(s) involved:

Name(s) of any witnesses: *(indicate if student(s) or staff)*

Reason that force was judged necessary: *(e.g. to prevent injury to another student)*

Details of how the incident progressed: *(include details of student's behaviour, what was said by all parties, the steps taken to defuse the situation – the type and degree of force used and for how long)*

Continue at end of next page or attach continuation sheet as required

Outcome of the incident: *(including student response)*

Details of any injuries to any parties/ damage to property

Accident/Incident Reporting Form completed by: *(Name First Aider and attach copy)*

Action taken by Headteacher/Member of Headship Team if appropriate: *(e.g. LEA representatives, external agencies contacted, discussion with parents)*

Signature(s):

Date: