



# DSA Restraint and Physical Intervention

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# Restraint and Physical Intervention Policy

## Policy Statement

This policy needs to be read in conjunction with the policies detailed at the end of this document.

This policy recognises that there may be occasions where staff are required to use reasonable force to control or restrain pupils, to defend themselves or to protect others from injury. However, the use of force to restrain or physically direct another person should be regarded as a last resort and although school staff should always try to avoid acting in a way that might cause injury, in extreme cases it may not always be possible to avoid injuring the pupil. Whilst there are situations in which there is no safer alternative, individual members of staff at St Alban's try to minimise the chance of these arising by:

- Creating a calm, orderly and supportive school climate that minimises the risk of violence of any kind supported by the ST ALBAN character behaviours.
- Applying an active approach to teaching pupils how to manage strong emotions through 'Zones of Regulation' and other bespoke interventions.
- Having regard to avoiding actions that may be seen as inciting violence.
- Effective management of individual incidents – remaining calm, taking control and using non-threatening language.

Preventative measures will not always work; therefore, in the circumstances where members of staff judge that the risks associated with not using force are greater than those associated with using force, they should follow the school's guidance and procedures. Staff using any force who follow the guidance and procedures will be fully supported by the academy when they use reasonable force in the unlikely event of any complaints and/or legal action taken by a pupil as a result of the application of force.

## Legislation

Education and Inspections Act 2006 Section 165 (Power of members of staff to use force), which inserts section 85C into the Further and Higher Education Act 1992 (c. 13).

Violent Crime Reduction Act 2006 Section 46 authorises a Principal or a member of staff authorised by him or her, to search pupils at an institution for weapons if that person has reasonable grounds for suspecting that there is a weapon with the pupil or in his or her possessions. Persons authorised by a Principal to search for weapons may use such force as is reasonable in the circumstances for exercising that power.

## **Further Guidance**

Department for Education - Advice for headteachers, staff and governing bodies– July 2013 – Use of reasonable force. The DfE provides additional non-statutory guidance on physical intervention with pupils intended to provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of headteachers and governing bodies in respect of this power.

### **1 Aims**

The aims of this policy are to:

- explain to staff the 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.

### **2 Prevention**

2.1 The first step in the school's response to emergency situations is prevention.

All staff are expected to be vigilant in the monitoring of student behaviour and act swiftly to prevent a harmful and/or violent and/or dangerous situation arising.

For learning areas, pupils should be engaged in purposeful learning activities, where members of staff should be alert to changes in the climate of the learning environments and/or pupil group's dynamics and act to prevent negative tensions building. Members of staff are expected to reinforce the high standards of behaviour expected of pupils through consistent engagement with pupils acting outside of those standards.

All members of school staff should be proactive in approaching pupils who are not following the expected standards of behaviour using the procedures within the academy's Behaviour Policy.

### **3 Powers of members of staff to detain students by use of force**

3.1 *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:

Category A - committing an offence;

Category B - causing personal injury to, or damage to the property of, any person (including themselves); and

Category C - prejudicing the maintenance of good order and discipline.

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

Examples of situations that fall into categories “A” and “B” are:

- A pupil attacks (physical assault) or threatens to attack (verbal assault) a member of staff or another pupil;
- Pupils are fighting;
- A pupil is committing, or on the verge of committing, deliberate or serious damage to property;
- A pupil is causing, or at risk of causing, injury or damage by accident, by dangerous play, or by misuse of equipment or tools;
- A pupil is running or behaving inappropriately in a corridor or on a stairway in a way in which he or she is likely to have or cause an accident which may injure him / herself or others;
- A pupil absconds from a class or tries to leave school other than at an authorised time. The judgement on whether to use force in this situation would depend on an assessment of the degree of risk to the pupil if he or she is not kept in the classroom or school. (The age and understanding of the students risk assessment and IEP would be critical factors).

Examples of situations that fall into category “C” are:

- Refuses to obey an order to leave the room;
- Is behaving in a way that is seriously disrupting a lesson;
- Blocks a door to prevent others from leaving or locking a door to stop staff from entering;
- Resists attempts to search for a weapon, a mobile phone or other banned item.

Decisions on whether to use force must depend on judgements about:

- The seriousness of the incident as judged by the effect of the injury, damage or disorder which is likely to result if force is not used;
- The chances of achieving the desired result by other means;
- The relative risks associated with physical intervention compared with using other strategies.

However, the degree of force used should always be in proportion to the consequences it is intended to prevent and the minimum needed to achieve the desired result. In assessing the reasonableness of the force used, you should ask two questions:

- Was the use of force justified in the circumstances, i.e. was there a need for any force at all?
- Was the force used excessive in the circumstances?

3.2 The explanatory notes give an example of 'reasonable force' - leading a student by the arm to enforce an instruction to leave the class.

3.3 Nothing in the law concerning the use of reasonable force legitimises corporal punishment. Corporal punishment is regarded as any punishment in which physical force is used and intended to cause some degree of pain or discomfort. Where there are concerns that corporal punishment has been used in the academy, this will be referred to the LADO for investigation.

3.4 Where a school has pupils with known severe behaviour disorder, wherever possible, trained staff will use positive handling or restraint techniques. Staff should be trained in the technique that is to be used. On occasion, the academy understands that it maybe necessary to physically restrain pupils who exhibit extremes of behaviour. Where no trained member of staff is available and provided all the guidelines within this policy are followed, the DfE guidance on the use of reasonable force will support staff actions and decisions.

3.5 Staff may only exercise the statutory power to use force where:

- They and the pupil are on school premises; or
- They are off school premises but are in lawful control or charge of the pupil (for example on a school visit).

Other than in these circumstances, staff have only common law rights to use force to defend themselves, persons or property (for example a member of the public on site who is not covered by a learning agreement).

3.6 Restraint is **NOT** a punishment and must not be used as such. In situations where RPI or positive handling are used:

- **ASSISTANCE** should be sought whenever possible;
- In the event of **2 or more staff being involved**, one member of staff will act as team leader and the other member(s) of staff will be supporters.
- The **team leader** will make decisions on the next steps based on how they view events.
- The **team leader** will take the responsibility for talking calmly to the pupil, telling them that RPI and/or positive handling has been done and explaining what will happen next.
- Other students who are at risk should be removed from the situation.
- Avoid the use of RPI in a one-to-one situation - witnesses are important.

3.7 Restraint should not lead to injury. 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 pupil. 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;
- hold a student face down on the ground.

3.8 Specific arrangements for individuals who have specific risk assessments or plans should be:

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

#### **4 Right to search students**

4.1 *The Violent Crime Reduction Act 2006* gives the Head, and any member of the school staff authorised by the Head, who has reasonable grounds for believing that a student may have in their possession a knife or offensive weapon, banned or illegal substances and/or items, or other items that might cause harm, the right to search that student.

4.2 The Head must ensure that the person carrying out the search is of the same sex as the student and the search must be carried out in the presence of another adult also the same sex as the student. The student must not be asked or encouraged either directly or indirectly to remove any clothing other than outer clothing (including outdoor coats, boots etc) and 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.

4.3 The Headteacher **cannot** normally 'require' the school staff to conduct the searches, only 'authorise' them to do so.

4.4 If a search reveals a knife or other offensive weapon, banned or illegal substances and/or items, or 'evidence in relation to an offence' the school **MUST** call the police in. The school has no discretion in this, not even if the school wishes to resort solely to internal discipline procedures.

#### **5 Reporting and Recording Incidents**

5.1 Incidents should be reported immediately using the following procedures;

- If an incident is taking place, staff must request support as soon as possible (using the radio if required). No staff member should intervene in a situation until another member of staff is present, unless they deem it safe to do so or the pupils is putting themselves or others at risk of serious harm.
- If it is deemed that a situation may occur and staff have initiated de-escalation techniques which have failed to work, then staff should call for support over the staff radios.

Incidents should also be reported to a member of SLT and / or the Headteacher as soon as possible so that the relevant procedures, investigation and communication can take place.

## 5.2 Recording of incidents should be used using the following procedures:

- Completion an Edukey log detailing the situation and nature of the concern;
- Complete the **Physical Restraint Incident form** (Appendix 1) and upload to Edukey as a file;
- Use CCTV images or witness accounts if appropriate;
- Complete Accident Book, if applicable;
- Debrief as a team within 24 hours of the incident to enable a full analysis of the incident and any relevant sanctions to be imposed.

## 5.3 Physical Restraint Incident Record account should detail:

- Date:
- Time:
- Location:
- Pupils involved:
- Staff involved:
- Statement by:
- Incident summary:
- Account of events:
- What was the antecedent?
- What was the pupil's behaviour?
- Was anyone injured?
- Was any property damaged?
- What was said?
- Which strategies were used to diffuse situation?
- What force was applied?
- How long was the force applied for?
- Consequence:
- Pupil response/Function:
- Parents informed?
- Lesson learned:
- Signed (staff):
- Signed (SLT):

See Appendix A for Restraint Physical Intervention Incident form.

## 6 Post Incident Support

Serious incidents can be upsetting and can result in injuries.

The Headteacher will ensure that staff and students are supported by:

- Providing first aid treatment on site or seeking medical assistance for injuries beyond basic first aid;
- Transferring to hospital any person where further treatment is required or recommended;
- Ensuring pupils are accompanied if taken offsite by a staff member who should stay with them until they are handed back to school or their parent / carer.
- Ensuring that pupils and staff who are affected by an incident have continuing support for as long as necessary by using the school's existing support networks in respect of:
  - Physical consequences;
  - Support to dealing with emotional stress or loss of confidence, or any issues related to social, emotional or mental health; and
  - Analysing / reflecting on the incident to discuss any 'Lesson Learned'.
- Involving where required multi-agency partnerships and the Local Authority.

## **7. Complaints**

All complaints will be dealt with following the school's standard complaints procedures.

Pupils and their families have a right to complain about actions taken by school staff, including the use of force.

An early discussion with parents or carers and the pupil to make clear the academy's policy and reasons for actions taken may minimise the chances of a complaint, but will not prevent all. In such circumstances, it will be for the Headteacher and/or the Local Governing Body and/or St Ralph Sherwin Catholic Multi Academy Trust to decide whether the use and degree of force was reasonable in all the circumstances. Pupils and their families may complain to the Police about unreasonable use of force. Such allegations may be referred to the LADO. The academy's policy, procedures and records of such incidents would be central to any investigation.

## **8 Dealing with Members of the Public**

The academy does not usually open facilities to the general public. Staff therefore only have common law rights to use force to defend themselves, person, or property.

## **9 Staff Code of Conduct**



- 9.1 Staff at this school 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 CPOMs.
- 9.2 Staff may legitimately intervene using physical restraint to:
- prevent a pupil 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.
- 9.3 Staff should have regard to the health and safety of themselves and others.
- 9.4 In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported using the procedures laid out within this policy.
- 9.5 Under no circumstances should physical force be used as a form of punishment.
- 9.6 The use of unwarranted physical force is likely to constitute a criminal offence.
- 9.7 Staff at this academy must:
- adhere to the school's RIP Policy;
  - always seek to defuse situations; and
  - always use minimum force for the shortest period necessary.

## **10 Training and Support**

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

The Headteacher will ensure that system enables account to be taken of the records in the Incident Log and elsewhere, recorded through CPOMS.

## **11 Equal Opportunities**

In implementing this policy all staff must take account of the school's Equality Policy.

## **12 Responsibilities**

- SLT is responsible for making and reviewing the policy.
- The Headteacher 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.

## **13 Monitoring and Review**

13.1 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 SLT;
- report incidents and the outcome to the SLT;
- use serious incidents and lessons learned to improve practice at the academy.

13.2 The Headteacher, DSL and SEND will review the policy every two years, unless new legislation dictates otherwise.

This policy must be read in conjunction with the following policy:

- Behaviour Policy
- Exclusions Policy
- Child Protection and Safeguarding Policy
- Managing Allegations Policy
- SEND Policy
- Equal Opportunities & Other related Policies

**Appendix 1 – Restraint Physical Intervention Incident form.**

A written log must be made of the incident involving the restraint and physical intervention of a pupil. (This is not required when positive handling is used.)

Date:	Time:	Location:
Pupils involved:	Staff involved:	Statement by:
Incident summary:		
Account of events:	What was the antecedent? What was the pupil's behaviour? Was anyone injured? Was any property damaged? What was said? Which strategies were used to diffuse situation? What force was applied? How long was the force applied for?	
Consequence:		
Pupil response/Function:		
Parents informed?	Yes	No
Lesson learned		
Signed (staff):		
Signed (SLT):		

Once completed, this must be uploaded to CPOMS as a file on the pupil record.