Selby
Educational Trust

Title	Author	Approved		Review Date
Physical Restraint Policy	A Clarke		Oct 2020	Sept 2021

To be reviewed every year or as required

USE OF POSITIVE DE-ESCALATION AND RESTRICTIVE PHYSICAL INTERVENTION

1. The Legal Framework

All staff have the right to use reasonable force as stated in the Education and Inspections Act 2006 C.40 Part 7 Ch 1 Pt 93:
(1)A person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of preventing a pupil from doing (or continuing to do) any of the following, namely—
(a)committing any offence,
(b)causing personal injury to, or damage to the property of, any person (including the pupil himself), or
(c)prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.
(2)This section applies to a person who is, in relation to a pupil, a member of the staff of any school at which education is provided for the pupil.

2:1 Reasonable Force

Reasonable force is based on two primary issues; any force applied must be both necessary and proportionate in the circumstances.

Reasonable Force = Necessary & Proportionate

Necessary: Generally speaking, the need or 'necessity' to use force is based on what a reasonable person would think is necessary to do when confronted with the situation.
Proportionate: Any force used must be proportionate to what it is intended to prevent. The standard is best defined in terms of what is reasonably proportionate to the amount of harm likely to be suffered by the person or likely to result if the intervention is not made.

2:2 General policy aims

Staff in SET schools recognise that the use of reasonable force is only one of the strategies available to secure pupil safety / well-being and also to maintain good order and discipline. Our policy on restraint should therefore be read in conjunction with our Behaviour and Child Protection policies.

2:3 Specific aims of the restraint policy
To protect every person in the school community from harm
To protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful
To provide adequate information and training for staff so that they are clear as to what constitutes appropriate behaviour and to deal effectively with violent or potentially violent situations

3. Why use restraint?

Physical restraint should avert danger by preventing or deflecting a child's action or perhaps by removing a physical object, which could be used to harm him / herself or others. It is only likely to be needed if a child appears to be unable to exercise self-control of emotions and behaviour.

It is not possible to define every circumstance in which physical restraint would be necessary or appropriate and staff will have to exercise their own judgement in situations which arise within the

above categories.

Staff should be aware that when they are in charge of children during the school day, or during other supervised activities, they are acting in *loco parentis* and should, therefore, take reasonable action to ensure pupils' safety and well being.

Failure to physically restrain a pupil who is subsequently injured or injures another, could, in certain circumstances, lead to an accusation of negligence. At the same time staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention.

3.1 Alternative strategies

There are some situations in which the need for physical restraint is immediate and where there are no equally effective alternatives (eg is a pupil is about to run across a road). However, in many circumstances there are alternatives e.g. use of assertiveness skills such as:

➢ use of a distracter, such as a loud whistle, to interrupt the behaviour (such as a fight) long enough for other methods of verbal control to be effective
➢ withdrawal of attention (audience) e.g. if an action such as damage to property is threatened
➢ other techniques designed to defuse the situation, such as the avoidance of confrontation, or use of humour (in these cases the incident can be dealt with later when emotions are no longer running high)
➢ the employment of other sanctions consistent with the School's policy on behaviour and discipline.

3.3 Use of physical restraint

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 could be seen as a punishment.

Staff are only authorised to use reasonable force in applying physical restraint, although there is no absolute definition of this, as what constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied. However, as a general rule, only the force necessary to stop or prevent the behaviour should be used, in accordance with the guidelines below.

There are some forms of physical intervention, which may involve minimal physical contact, such as blocking a pupil's path or the staff member physically interposing him or herself between the pupil and another pupil or object. However, in some circumstances, direct physical contact may be necessary.

In all circumstances other methods should be used if appropriate or effective physical restraint should be a last resort.

When physical restraint becomes necessary:

DO
- Tell the pupil what you are doing and why
- Use the minimum force necessary
- Involve another member of staff if possible
  Use positive communication (including socially engaging body language
- Use simple and clear language
- Where possible, adopt the techniques learned through training
- Relax your restraint in response to the pupil's compliance

DON'T
- Act in temper (involve another staff member if you fear loss of control)
- Involve yourself in a prolonged verbal exchange with the pupil

- Attempt to reason with the pupil
- Involve other pupils in the restraint
- Touch or hold the pupil in sexual areas
- 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. across the chest or around the neck
- Slap, punch, kick or trip up the pupil

3.4 Actions after an incident

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 involved and the pupil. **A member of the leadership team should be informed of any incident as soon as possible and the physical restraint log (kept in the inclusion office) filled in** when calm. The member of the leadership team 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 victims of the incident should be offered support, and their parents informed.

If the behaviour is part of an ongoing pattern it may be necessary to address the situation through the development of an Inclusion Passport/ risk assessment, which may include an anger management programme, or other strategies agreed by the Leader for Inclusion.

It is also helpful to consider the circumstances precipitating the incident to explore ways in which future incidents can be avoided.

A member of staff will contact parents as soon as possible afterwards, 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.

4 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:

➢ Management of the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used if necessary)

➢ Involvement of parents 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

➢ A formal risk assessment will be drawn up

5 Complaints

A clear restraint policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and social services department under child protection procedures.

It is our intention to inform all staff, pupils, parents and governors about these procedures and the

context in which they apply.

Appendix 1

When might it be appropriate to use reasonable force?

Examples of situations that may require restraint are when:

- ➢ a pupil attacks a member of staff, or another pupil
- ➢ pupils fighting
- ➢ a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects
- ➢ a pupil is running in a corridor or on a stairway in a way in which he/she might have or cause an accident likely to injure her/himself or others
- ➢ a pupil absconding from a class or trying to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school)
- ➢ a pupil persistently refuses to obey an order to leave an area
- ➢ a pupil behaves in such a way that seriously disrupts a lesson.

Equality and Diversity Statement

Selby Educational Trust welcomes and celebrates equality and diversity. We believe that everyone should be treated equally and fairly regardless of their age, disability, gender, gender identity, race, religion or belief, sexual orientation and socio-economic background. We seek to ensure that no member of the Trust community receives less favourable treatment on any of these grounds which cannot be shown to be justified.

This document is written with the above commitment, to ensure equality and diversity is at the centre of working life at Selby Educational Trust.

Safeguarding Policy

Selby Educational Trust recognises its moral and statutory responsibility to safeguard and promote the welfare of students. We work to provide a safe and welcoming environment where students are respected and valued. We are alert to the signs of abuse, neglect, radicalisation and extremism and follow our procedures to ensure our students receive effective support, protection and justice. Selby Educational Trust expects Governors, staff and volunteers working on behalf of the Trust to share this commitment.

Fraud, Bribery & Corruption

Selby Educational Trust follows good business practice and has robust controls in place to prevent fraud, corruption and bribery. Due consideration has been given to the Fraud Act 2006 and the Bribery Act 2010 in the development/review of this policy document and no specific risks were identified.

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Appendix 2
Covid 19

Hierarchy of Control

In terms of applying control measures there is a hierarchy of control that should be followed:

1. Elimination: Can the risk be eliminated by avoiding the hazardous activity at source? This is the FIRST and PRIMARY consideration. Consideration here with regards to Covid-19 has to be given to containment and isolation as a primary control method.

2. Reduce: If the activity cannot be avoided then the overall risk must be reduced to its lowest possible level?

3. Isolate: In reducing the risk we need to ask whether the hazard be isolated, by use of secure rooms, locked doors, etc.?

4. Control: Are the appropriate control measures in place to enable staff to undertake the activity as safely as possible if the activity itself cannot be eliminated (i.e., the serious consideration of: personal protective equipment, and competent staff training in effective and efficient restraint techniques to enable them to control the person presenting the hazard quickly and effectively).

5. Personal Protective Equipment / Provision of Use of Work Equipment: Do the staff have the appropriate (fit for purpose) equipment to enable them to undertake the activity of restraint safely when restraining someone who may be infected with the Covid-19 virus? Examples may include goggles, face masks[2], gloves, protective clothing, etc. (not an exhaustive list)

6. Discipline: Where a safe system of work is in place and supported by safe working practices then any staff who intentionally choose to take unnecessary risks may need to be disciplined.

Taken from guidance from React UK