

Physical Intervention and Restraint Policy

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Committee for Review:	Care and Achievement
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Statutory:	Yes



1. Introduction

Bungay High School aims to provide a safe, secure and positive environment in which every young person can enjoy, learn and achieve. We take our duty of care seriously and will always act to ensure the health, safety and well-being of everyone in school.

The vast majority of students at Bungay High will never require any form of physical intervention or restraint. However, occasionally situations may occur where physical intervention becomes necessary to safeguard members of the school community. It is essential that staff act appropriately in order to resolve situations safely and effectively for all concerned, whilst also minimising the risk of accusation of improper conduct towards a young person.

At Bungay High we will only use physical intervention or restraint as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing the student to regain self-control. It will never take a form of a punishment.

2. Purpose

This policy aims to make clear the position of the school in regards to physical interventions including the use of handling, reasonable force & restraint, to ensure consistent and safe practices are maintained.

3. Physical Intervention and the Law

Under Section 93 of the Education and Inspections Act, 2006, all members of school staff have a legal power to use 'reasonable force' to prevent students from

- a) Committing a criminal offence (or, for younger children, that which would be an offence)
- b) Causing personal injury, injury to others or damage to property
- c) Engaging in any behaviour prejudicial to maintaining good order and discipline

Staff should not hesitate to act in these situations provided they follow this policy and guidance; however, they should always satisfy themselves that the action they take would be considered appropriate, reasonable and justifiable by a wider audience of their professional colleagues.

This power applies to any member of staff at the school and anyone whom the Headteacher has temporarily put in charge of students such as volunteers or parents¹ accompanying students on a school organised visit.

¹ References to 'parents' mean parents or carers; any people with parental responsibility.

Staff and responsible adults must be aware that reasonable force or restraint is only to be used as a last resort and it is unlawful to use force as a punishment.

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

Force cannot be used to search for items banned under the school rules.

4. Relevant Legislation and Guidance

The matters covered in this policy have links to many pieces of legislation and guidance, including:

- Managing Allegations of Abuse against People who Work with Children or Those who are in a Position of Trust (Feb 16), Suffolk Safeguarding Children Board;
- Use of Reasonable Force. Advice for Headteachers, staff and governing bodies. July 2013 DfE;
- Working Together to Safeguard Children 2015;
- SEN Code of Practice, 2015;
- Section 93, Education and Inspections Act 2006;
- Race Relations (Amendment) Act 2000;
- Equality Act 2010;
- DFEE Circular Number IO/98, Section 550A of the Education Act 1996: The Use of force to Control or Restrain Pupils July 1998;
- Crime and Disorder Act 1998;
- Section 550A of the Education Act 1996: The Use of force to Control or Restrain Pupils July 1998;
- Criminal law Act 1966;
- Human Rights Act 1998;
- Health and Safety Legislation.

5. Definitions

Use of Reasonable Force – is the application of appropriate and proportionate force needed to achieve the required outcome from the handling strategy employed (see below) without further endangering the student, member of staff or others present at the time of physical intervention. It is usually used to control or restrain and 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.

Physical Intervention – This is a general term that encapsulates any action taken by a member of staff or responsible adult to physically control or restrain a student or students. This may include:



Handling – refers to any physical intervention applied by a member of staff where it is necessary to make physical contact with a student in order to manage their conduct or ensure their own or others' safety. Handling strategies may be restrictive or non-restrictive and include shepherding, guiding, supporting, blocking, confining, holding and, in the most extreme cases, restraining.

Control means either passive physical contact, such as standing between student 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.²

It must be shown that on any occasion where physical restraint is used there were strong indicators that if immediate action had not been taken, significant injury would have followed.

6. Risk Management

At Bungay High we would prefer to eliminate situations where the use of reasonable force is necessary. Restraint is an action of last resort and is not a substitute for behaviour management strategies. The emphasis of such strategies should be on managing incidents and behaviour through non-physical, non-threatening aggression-free strategies.

To this end responsible adults and staff should aim to minimise difficult and dangerous behaviours using the school behaviour policy. Strategies for dealing with such behaviour need to be varied and matched carefully to particular circumstances and individual needs.

For more challenging students risk assessments (see Appendix 1) should be completed, identifying patterns of behaviour and the triggers for these (what could go wrong), as well as strategies to reduce risks of such behaviour (preventive measures). Strategies to reduce the risks can be very varied but may include:

- Time out card
- Personalised timetable
- Structured break time activities
- Mentoring
- Behaviour Support Plan
- Intervention with the Behaviour Support Team (internal or external)

² Use of Reasonable Force. Advice for Headteachers, staff and governing bodies. July 2013 DfE.

Risk assessments and strategies should be developed in conjunction with students and their parents then shared confidentially (e.g. via Pupil Passport) with staff so that consistent behavioural approaches are adopted.

Where a student has Special Educational Needs or behavioural difficulties and a particular method of restraint has been agreed by staff, specialist workers, parents and students, this should be included in an Education Healthcare Plan, Individual Health Care Plan or Pupil Passport, as relevant.

The use and type of restraint identified (and the necessity for it) will be reviewed regularly with all parties. Staff who interact with such students will receive appropriate specialist training, as required. Any restraint applied outside of that agreed must be recorded and reported to parents.

7. When to use reasonable force, physical intervention or restraint

The decision on whether or not to physically intervene in a situation is down to the professional judgement of the staff member concerned. Such decisions should always depend on the circumstances of the situation and individuals involved, set within the context of the school's overall behaviour management framework.

DfE guidance gives examples of situations where members of staff might possibly use reasonable force. These include:

- Removing disruptive children from the classroom where they have refused to follow an instruction to do so.
- Preventing a student behaving in a way that disrupts a school event, trip or visit.
- Preventing a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.
- Restraining a student at risk of harming themselves through physical outbursts.
- Preventing a student from attacking a member of staff or another student, or to stop a fight in the playground.³

The above are examples only, and it will not be necessary or appropriate to use reasonable force or restraint in all of these situations. In general physical intervention should only be considered in order to control situations involving imminent danger to students or to others.

When deciding whether to intervene there are two key considerations:

- i) The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it; therefore physical force could not be justified to prevent a student from committing a trivial misdemeanour or in a situation that clearly could be resolved without force.

³ Use of Reasonable Force. Advice for Headteachers, staff and governing bodies. July 2013 DfE.



- ii) The degree of force employed must be proportionate to the circumstances of the incident, the seriousness of the behaviour or the consequences it is intended to prevent.

The challenging behaviours displayed by some students will be a manifestation of significant special needs. Under the law reasonable adjustments need to be made so that the response to such behaviours appropriately reflects and meets the needs of the student, whilst safeguarding other members of the school community.

Decisions on whether it is reasonable to use force, and the degree of force that could reasonably be employed, will also depend on the age, understanding, culture, ethnicity, race and gender of the student. (DfEE Circular 10/98). As an example, it might be considered inappropriate for a male member of staff to restrain a Muslim girl.

It is understood that in practice incidents may occur where a rapid decision is required and in this case staff will act in the best interests of the well-being of all concerned, having regard to their safety and that of others.

8. Implementation of reasonable force/ physical intervention and restraint

No member of staff is required to employ any physical intervention strategy if they are not comfortable or confident to do so effectively and safely. However, they should contact senior staff immediately if a situation arises where they feel physical intervention may be necessary.

No member of staff should intervene physically if they have reason to believe that to do so would escalate the situation/incident that is taking place rather than diffuse it.

In all circumstances where physical intervention is or may become required members of staff should ensure that adult assistance is requested before intervention, although it is understood that circumstances may lead to the need for intervention prior to the assistance arriving.

Staff considering handling, use of reasonable force or restraint must provide opportunity for the student to alter their behaviour/actions before employing a physical intervention strategy and should continue to make instructions to the student and make details of their intended interventions clear.

Where de-escalation of a situation has not been possible and reasonable force, physical intervention or restraint is deemed necessary, the minimum of physical force should be used, for the minimum of time, ensuring the least restrictive intervention necessary to make the situation safer.



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 student⁴. To minimise this risk staff should not restrain or use force that involves:

- Holding a student around the neck, or in any other way that might restrict the student's ability to breathe;
- Holding a student face down on the ground;
- Slapping, punching or kicking a student;
- Twisting or forcing limbs against a joint;
- Tripping a student up;
- Grabbing students by the hair or ears.

DfE guidance also states that the techniques below presented an unacceptable risk when used on children and young people and should not be used:

- 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.

Physical intervention must only be used in ways that maintain the safety and dignity of all concerned, and staff should avoid touching or holding a student in a way which may be considered sexual or indecent.

9. Recording use of reasonable force/ physical intervention and restraint

All incidents where staff feel that they have used reasonable force to modify behaviour or conduct must be recorded.

It is the responsibility of the intervening member of staff to complete the account on the day that the intervention took place and to give it to the Headteacher, Associate Head or to a senior leader as soon as possible.

This account should be written, contemporaneous and include the following details:

- The name(s) of the student(s) involved;
- When and where the incident took place;

⁴ Use of Reasonable Force. Advice for Headteachers, staff and governing bodies. July 2013 DfE.



- The names of any other staff or students who witnessed the incident;
- The reason that force was necessary (e.g. to prevent injury to the student, another student or member of staff);
- How the incident began and progressed, including details of the student's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
- The student's response, and the outcome of the incident;
- Details of any injury suffered by the student, other students, or a member of staff and of any damage to property.
- Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.⁵

The circumstances and nature of the physical intervention will be held on the record of the student involved.

The Safeguarding lead will inform any necessary agencies/authorities of the physical intervention in accordance with DfE and LA guidance.

For the safeguarding of both staff and student, any subsequent investigation of the situation/ incident should be undertaken by a member of staff other than the one applying the physical intervention. Depending on the nature of the incident, and whether a complaint has been made, it may be necessary to seek the advice of the LADO (Local Authority Designated Officer) before investigating.

It is not necessary to record every incident of minor contact with a child, but where a member of staff perceives that contact has been received at all negatively, they are advised to record the circumstances.

10. Informing Parents and Carers

DfE guidance states that it is good practice to inform parents about serious incidents involving the use of force, although it is up to the school to decide what constitutes a 'serious incident'. This may vary according to the risks posed by the incident, the degree of force used, the age of the student and the effects on students and staff.

However, at Bungay High we believe that communication is vital in maintaining positive relationships that will help maintain a positive and safe learning environment. For this reason the

⁵ DfEE Circular Number IO/98, Section 550A of the Education Act 1996: The Use of force to Control or Restrain Pupils July 1998

Headteacher or a designated senior member of staff will ensure that parents are informed of an incident where physical restraint has been used, as soon as is reasonably practicable.

11. Complaints

All complaints about the use of force should be addressed to the student's Headteacher. Such complaints will be thoroughly, speedily and appropriately dealt with following the framework for managing allegations set out in guidance contained in *Working Together to Safeguard Children 2016 and Managing Allegations of Abuse against People who Work with Children or Those who are in a Position of Trust (Feb 16), Suffolk Safeguarding Children Board*.

Complaints will be referred to the LADO within one day of being received, and actions thereafter will be determined by the instructions given by the LADO.⁶

Usually no investigation of the incident will be undertaken by the school unless under the advice of the LADO.

Parents and students will be kept informed of the progress of the complaint and the school will consider the support that they may need as a result of the incident and the complaints process.

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.

As employers, schools and local authorities have a duty of care towards their employees. Bungay High will therefore provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

DfE guidance states that 'suspension must not be an automatic response when a member of staff has been accused of using excessive force'⁷. The Governing Body of Bungay High, acting on the advice of the LADO, will consider carefully whether the circumstances of the case warrant a person being suspended or put on 'special leave' until the allegation is resolved or whether alternative arrangements are more appropriate. Consideration will be paid to whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

If a decision is taken to suspend a teacher, Bungay High will ensure that the teacher has access to a named contact who can provide support.

⁶ Arrangements for Managing Allegations of Abuse against People who Work with Children or Those who are in a Position of Trust (Feb 16), Suffolk Safeguarding Children Board

⁷ Use of Reasonable Force. Advice for Headteachers, staff and governing bodies. July 2013 DfE.

Refer also to our Complaints and Safeguarding Policies.

12. Responsibilities

The Governors, through the Headteacher, are responsible for ensuring that:

- All those working in school are familiar with and follow this policy;
- Making a copy of the policy available to parents;
- Annually reviewing the policy, its application and effectiveness;
- Ensuring that risk assessments are regularly reviewed and updated;

The Headteacher and senior team are responsible for ensuring that:

- All members of the school community are aware of this policy;
- The policy is applied consistently;
- Staff are appropriately trained and regularly up-dated;
- All new staff receive guidance on the use of restraint as part of their induction programme;
- Guidance is provided staff dealing with difficult and dangerous behaviour;
- Reporting and recording systems are in place and monitored;
- Staff who have used reasonable force in a situation are appropriately supported and allowed time to recover if needed;
- Students involved in an incident involving reasonable force are appropriately supported.
- Incidents are monitored and reviewed;
- A de-briefing session is held with both staff and student(s) involved in any incident and outcomes reviewed to inform future practice and minimise the risk of similar occurrences;
- Any complaints from members of the school community are dealt with appropriately and in a timely fashion.
- Arrangements are in place for reviewing the policy annually.

All Staff must

- Consider their own safety and that of others at all times;
- In the event of circumstances arising that might result in an incident, begin early de-escalation strategies using preventative, non-confrontational methods;
- Consider all options available to them, including withdrawal of themselves or others, using the schools behaviour policy;
- Support students in seeking non-aggressive ways of resolving conflicts that could otherwise escalate into serious incidents;
- Use risk management and awareness to reduce risks of incidents by taking note of and acting on information in Pupil Passports, the Learning Support Directory and on Education and Health Care Plans, Statements or Individual Health Care Plans.



- Seek support where possible and necessary;
- Consider the use of reasonable force to make the situation safe;
- If necessary and appropriate employ preventative, non-confrontational strategies - as a last resort, use a form of restraint within the limits explained above.
- Provide a detailed written account of any incidents in which they have used reasonable force, as outlined above;

Parents should

- Support the school in educating students to resolve problems without resort to physical violence or aggression;
- Support their children in reporting any social difficulties early so that they do not build up into a situation that could require the use of reasonable force;
- Support the school in risk assessment and management processes that may reduce the likelihood of incidents involving the use of reasonable force;
- Share information when a student may be at greater risk of challenging behaviours requiring risk management (e.g. if upset or angry due to circumstances in or out of school);
- Understand why reasonable force might be used as a last resort, and explain this to their children;
- Discuss any incidents that occur with their children and with the school in a reasoned way so that solutions can be found to learn from issues to minimise the risk of further incidents.
- Support their children should there be a need to complain, going through the appropriate channels as outlined in our Complaints Policy.

Students must

- Seek support to solve problems without resorting to aggression – this will reduce the likelihood or situations arising (e.g. fights) where staff might have to use reasonable force or restraint.
- Support the school in risk assessment and management processes that may reduce the likelihood of incidents involving the use of reasonable force;
- Get help if they see a situation that may need a member of staff to intervene.
- If a member of staff is trying to diffuse a difficult situation or is physically intervening, follow their instructions immediately.

13. Appendices

- a. Risk Assessment form
- b. Use of Reasonable Force. Advice for Headteachers, staff and governing bodies. July 2013 DfE.