

Physical Restraint Policy (Use of Reasonable Force)



Policy Updated	March 2017					
Adopted by	Miss Michelle Taylor					March 2017
Policy Review	2018	DATE	INITIAL	2019	DATE	INITIAL
		Feb 18	MT		Feb 19	MT
Annually February						2020
						DATE
						INITIAL

This policy applies equally to all pupils across the school, including pupils of EYFS.
 This policy should be read in conjunction with our behaviour and safeguarding policies.
This policy is written in line with the DFE guidance on the 'Use of reasonable force' July 2013.

Introduction

At the New School we aim to provide a safe, caring and familial environment for all of our pupils to allow them to make outstanding progress and provide them with the best possible start. We take the safety of our pupils and staff very seriously. We believe that all pupils and staff have the right to be and feel safe whilst at school or on a school-organised activity. As a school we are firmly committed to creating a calm and safe environment which minimises the risk of incidents arising that might require the use of reasonable force. Our Behaviour Policy clearly outlines our emphasis on positive reinforcement and the atmosphere of mutual respect nurtured between pupils and staff.

Policy Development

This policy was formulated in consultation with members of the school community including members of staff, parents/carers and children. Pupils contributed to the development of the policy through discussion with the School Council. Parents were encouraged to contribute by being asked to comment on the policy which is published on the school's website.

Physical contact with pupils

It is not illegal to touch a pupil and the children at the New School are often tactile with staff in a manner which is natural for young children.

The following are examples of when a member of staff may have physical contact with a child in the normal running of a school day:

- Holding the hand of a child at the front/back of the line when going to assembly or when walking around school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- Demonstration when playing a musical instrument;
- Demonstrating techniques in PE or sports;
- To administer first aid.
- Accepting a hug from a child **when the child initiates** this demonstration of affection (ie the child would not be rebuffed)

Use of reasonable force

We would only use force as a **very last resort** and strongly believe in de-escalating any incidents as they arise to prevent them from reaching a crisis point. Staff are skilled in promoting and rewarding positive behaviour and will utilise various appropriate techniques in the management of a class environment, as outlined in our Behaviour Policy.

Staff only use reasonable force when the risks involved in doing so are outweighed by the risks involved by not using force.

The headmistress of the New School is empowered to authorise those members of her staff who are enabled to use reasonable force

(Staff Authorised to Use Reasonable Force Under Section 93 of the Education and Inspection Act (2006))

Miss Taylor has empowered the following members of staff to use reasonable force:

- Teachers and any member of staff who has control or charge of pupils in a given lesson or circumstance.
- Other members of staff such as site management and administrative staff also have the power to use reasonable force if a circumstance should arise in which immediate action should be taken.

Deciding Whether to Use Reasonable Force Under English Law

Members of staff are empowered to use reasonable force in order to prevent a pupil from or stop them continuing:

- to commit any offence;
- to cause personal injury to, or damage to the property of, any person (including the pupil himself);
- to threaten 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.

All members of staff will make decisions about when, how and why to use reasonable force. To help staff in making decisions about using reasonable force the following considerations may be useful:

- whether the consequences of not intervening would have seriously endangered the wellbeing of a person;
- whether the consequences of not intervening would have caused serious and significant damage to property;
- whether the chance of achieving the desired outcome in a non-physical way was low;
- the age, size, gender, developmental maturity of the persons involved.

Staff are also expected to remember that physical intervention is only one option and for behaviours involving extreme levels of risk, it may be more appropriate to gain support from other staff, or in extreme circumstances, the police.

Staff will be kept informed and have a duty to inform others about the plans around specific pupils who can present risks to themselves and others. This may include information about SEN, personal circumstance and temporary anxiety.

Using Reasonable Force

When using force, members of staff should only use the minimum amount of force required in achieving the required outcome. Staff should, where possible, avoid any type of intervention that is likely to injure a pupil, unless **in the most extreme** of circumstance where there was no viable alternative. Also staff should avoid using force unless or until another member of staff is present to support, observe or call for assistance.

Schools can use reasonable force to:

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

Recording and Reporting Incidents

There is a procedure in place for recording and reporting significant incidents where a member of staff has used force on a pupil. We have a simple log book for the recording of such incidents and the Headmistress would be informed immediately. The record must be made as soon as practicable after the incident.

While ultimately only a court of law could decide what is 'significant' in a particular case, in deciding whether or not an incident must be reported, staff should take into account:

- an incident where unreasonable use of force is used on a pupil would always be a significant incident;
- any incident where substantial force has been used (e.g. physically pushing a pupil out of a room) would be significant;
- the use of a restraint technique is significant;
- an incident where a child was very distressed (though clearly not over reacting) would be significant.

In determining whether incidents are significant, schools should consider:

- the pupil's behaviour and the level of risk presented at the time;
- the degree of force used and whether it was proportionate in relation to the behaviour;
- the effect on the pupil or member of staff.

Staff should also bear in mind the age of the child, any special education need or disability or other social factors which might be relevant.

Sometimes an incident might not be considered significant in itself, but forms part of a pattern of repeated behaviour. In this case, although there is no legal requirement to record such incidents, we would inform parents of the behavioural patterns we had observed as soon as possible.

Records are important in providing evidence of defensible decision-making in case of a subsequent complaint or investigation. A member of staff involved in such an incident would record the details surrounding the incident in the school log book of physical restraint.

Following the use of physical intervention staff and pupils will be supported, the immediate physical needs of all parties will be met and staff will ensure that positive relationships are maintained. The Headmistress will ensure any necessary support for both pupils and staff is provided. In all cases with a serious incident involving the use of force the parents will be informed and involved.

Complaints and allegations

Parent concerns will be voiced through the published complaints procedure which can be found in the school policy folder. Pupils will be given the opportunity to talk about the incident if they are able to do so with a member of staff following any incident. Complaints and allegations will be taken seriously and will be investigated by the Headmistress. An evaluation of the complaints will result in changes to practice/policy if necessary.