



Glenmere Langmoor Academy Trust

PHYSICAL INTERVENTIONS/RESTRAINT OF PUPILS

POLICY

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A. Principles

- Physical intervention should be avoided wherever possible.
- Any physical contact should be only the minimum required.
- There are occasions when physical intervention is appropriate.
- Physical intervention must be used in ways that maintain the safety and dignity of all concerned.
- Incidents should be recorded and reported to the Headteacher or in other settings the Head of Service or Centre.

B. Prevention: Avoiding the Need to Use Force

1. It should be a last resort to use force to restrain or control pupils. It is important to try to stay calm and in control, avoid confrontation and de-escalate potential conflict. The school's/college's/service's behaviour policy (or code of conduct, etc) sets out the sorts of strategies and approaches which staff should use to decrease the likelihood of challenging behaviour occurring and to defuse incidents and avoid the need for physical intervention. All staff are referred to those policies. This includes the use of normal incentives and sanctions and agreed approaches with individual pupils who have been involved in incidents causing concern, and it is important for all relevant staff to be aware of any specific arrangements for individual pupils.
2. When justifying the use of force, staff will need to show that they first took reasonable steps to deal with a difficult situation without using force. Any force used should be reasonable and the minimum required for the shortest possible time to restore order. The use of restrictive physical interventions should be minimised by employing primary and secondary preventive strategies, such as those described in paragraph 5.1 of DFE Circular LEA/0242/2002, eg Positive Handling Plans.

C. The Power to Use Force

3. Section 550A of the Education Act 1996, under the heading Power to Restrain Pupils, allows teachers and other authorised staff of a

school to use reasonable force to prevent a pupil from doing, or continuing to do, any of the following:

- (a) committing any offence;
 - (b) injuring themselves or others;
 - (c) causing damage to property;
 - (d) engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise.
4. The power to restrain pupils came into force on 1 September 1998. It applies on the school premises or elsewhere, eg on a field trip or other authorised out of school activity. DfEE Circular 10/98 gives guidance on the legislation.
5. Under the common law, reasonable force can be exercised by any person to prevent someone committing an offence or causing injury or damage to property. This covers the situation where it appears necessary to restrain a pupil at the school or a person other than a pupil at the school. For comment on the interpretation of the term 'reasonable force' see paragraph 10(vi) below.
6. Staff have a duty of care both to themselves and to others. The duty of care includes taking reasonable measures to prevent harm. If restraint of a pupil appears necessary but a member of staff feels unable to intervene effectively, he/she will need to seek urgent assistance (for example by shouting or sending a pupil for help) and may need to explain subsequently what action he/she took and why.
7. There may be rare occasions where it appears necessary to restrain a pupil/student. In such circumstances physical restraint is a form of control which is legally defensible, when other alternatives have been employed or considered, or when staff believe it is their duty of care and make the professional decision to intervene, or when the urgency of the situation does not allow for other methods to be employed. It may be appropriate to employ physical intervention to prevent a significant risk of harm, eg:
- to prevent a pupil running toward a busy road;
 - to prevent a pupil self-injuring;
 - to prevent a pupil injuring another person; to
 - prevent a pupil committing an offence.

8. It is important to note that corporal punishment is not allowable and that the legislation is not intended to encourage the use of inappropriate force.
9. The legislation does not make staff immune to complaints or charges that they have acted inappropriately, and staff should be aware that they may need to justify their actions if they have used physical intervention. Any complaint or allegation that staff or other adults have acted inappropriately towards children will be dealt with through the relevant procedure, eg local child protection procedures or the school's disciplinary procedure.

D. Definitions

10. The following definitions apply to the power to restrain pupils contained in Section 550A of the Education Act 1996.
 - (i) The words 'any pupil at the school' appear in the law on restraint. This includes all registered pupils of the school, and other persons who are at the school for the purposes of education. The LEA interprets this broadly, to include for instance young persons not over school leaving age who are participating in youth activities both on- and off-site, and children involved in induction activities both pre-school and cross-phase.
 - (ii) A 'member of the staff of a school' is defined in law as any teacher who works at the school or other person who the Headteacher has authorised to have lawful control or charge of pupils at the school.
 - (iii) 'Committing any offence' includes behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility.
 - (iv) 'Damage to property' includes the pupil's own property.
 - (v) Regarding 'maintaining good order and discipline', examples of types of incident are given in Sections 14 and 15 of DfEE Circular 10/98.
 - (vi) There is no legal definition of 'reasonable force'. Reasonableness can only be judged in accordance with the circumstances. Relevant factors would include whether the response matched the circumstances, the degree of force

used, the seriousness of any disciplinary breakdown, and evidence that less intrusive methods had been attempted initially. The scale and nature of any physical intervention must be proportionate to the behaviour of the individual to be controlled and the nature of the harm that person might cause. The minimum necessary force should be used. The age, cultural background, gender, stature or medical history of the child are also relevant. There is comment on forms of physical intervention in paragraphs 21-27 of DfEE Circular 10/98.

E. Authorisation of Staff

11. Teachers have the power in law to use reasonable force to control or restrain pupils. Other people may also have this power, but this only applies to those who have been authorised by the Headteacher to have lawful control or charge of pupils. DfEE Circular 10/98 suggests that this might include classroom assistants, case workers, midday supervisors, specialist support assistants, education welfare officers, escorts, premises officers or voluntary helpers. The Headteacher should maintain an up-to-date list of authorised people, and this list should be made known to teaching staff and those who are named on the list.

F. Using Force to Prevent Injury to the Pupil and/or Others, or Serious Damage to Property

12. As a general rule, physical intervention should be avoided. If physical intervention seems absolutely necessary, staff should follow the guidelines below in order to reduce their own vulnerability to complaint and to ensure the protection of pupils.
 - (a) Staff should have good grounds for believing that restraint is necessary.
 - (b) Such physical intervention should only be used after other less intrusive methods have been attempted or considered.
 - (c) If possible call for urgent assistance, at least to gain the presence of a credible adult witness.

- (d) Tell the pupil that you are restraining him/her to avoid the pupil harming him/herself, others or property. Where other potential witnesses are present it is helpful if they hear you give this explanation.
- (e) Such physical interventions should be acts of care and control, not punishment. Only reasonable force should be used. The duration of such intervention should be the minimum necessary.
- (f) Where past experience indicates that such physical intervention will be needed with a particular pupil, for instance because of particular emotional or behavioural difficulties, the strategies to be used should be clearly specified and made known to relevant staff. They should be included in a management plan (eg a pupil's Individual Education Plan, or Positive Handling Plan). The potential hazards should have been systematically considered, for example through a risk assessment. In such cases it is also important that broader preventive strategies and forms of positive behaviour management are in operation. Such a plan should detail specific strategies and techniques to be used, and, if appropriate, techniques not to be used. Such strategies or approaches should be discussed with parents/guardians and relevant professionals, made clear in writing, and reviewed regularly. They will be implemented under the supervision of an identified member of staff, who will monitor the incidence and method of interventions used (see also section H below, Risk Assessment).
- (g) Physical interventions can be defined in two broad categories:
- Non-restrictive (associated with a lower level of risk);
 - Restrictive (where a higher level of risk is present).

Examples from these two categories are provided in DFE Circular LEA/0242/2002 as follows:

a) <u>Non-Restrictive</u>	Manual guidance to assist a person walking.	Use of a protective helmet to prevent self-injury.	Removal of the cause of distress, eg adjusting temperatures, light or background noise.
b) <u>Restrictive</u>	Holding a person's hands to prevent them hitting someone.	Use of arm cuffs or splints to prevent self-injury.	Forcible seclusion or the use of locked doors.

Restrictive physical interventions can be employed to achieve a number of different outcomes:

- to break away or disengage from dangerous or harmful physical contact initiated by a service user;
- to separate the person from a 'trigger', for example, removing one pupil who responds to another with physical aggression;
- to protect a child or service user from a dangerous situation – for example, the hazards of a busy road.

- (h) Whilst an effective risk assessment process should minimise the need for physical interventions, emergency use of restrictive physical interventions may be required when pupils behave in unforeseen ways. Even in an emergency, the force used must be reasonable, in terms of both intensity and duration and the specific circumstances of the situation. Before using restrictive physical intervention in an emergency, the person concerned should be confident that the possible adverse outcomes (eg injury or distress) will be less severe than the adverse consequences of not intervening.
- (i) Staff may need support and/or counselling after such an incident. (Central County Council services should be available.) It may also be equally important to offer the pupil(s) support and the opportunity to discuss the incident.
- (j) DfEE Circular 10/98 gives examples of situations where reasonable force might be necessary to control or restrain pupils. In general if a person is at immediate risk of injury from a pupil's action, or serious damage is about to occur, then it might be necessary to intervene. Care should be taken not to use excessive force and to guard against the

possibility of injury or asphyxiation. Adults need to be sensitive to issues of gender and to their own strength and body weight. DfEE Circular 10/98 (paragraphs 21-27) discusses these issues in more detail, and the attention of staff is drawn to the list of actions in paragraphs 23 and 24 of the Circular which would normally be considered unjustifiable, including:

- holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;
- slapping, punching or kicking a pupil;
- twisting or forcing limbs against a joint;
- tripping up a pupil;
- holding or pulling a pupil by the hair or ear;
- holding a pupil face down on the ground.

Higher levels of risk are associated with:

- the use of clothing or belts to restrict movement;
- holding someone who is lying on the floor or forcing them onto the floor;
- any procedure which restricts breathing or impedes the airways;
- seclusion, where a child is forced to spend time alone and unsupervised in a room against their will;
- extending or flexing the joints or putting pressure on the joints;
- pressure on the neck, chest, abdomen or groin areas.

- (k) Special consideration must be given to those needing constant or high levels of supervision. This might include children who lack an awareness of danger, either to themselves or others. Such children will need to be the subject of risk assessments and Positive Handling Plans.

G. Action Following an Incident

13. Incidents where force has been used to restrain or control pupils are to be reported as soon as practicable to the (Headteacher) in writing with details of:

- pupil(s) involved;
- date/time/place;

- reason for force being used;
- how the incident occurred and progressed;
- the pupil's response;
- outcome;
- details of any injury or damage;
- identities of witnesses.

(A sample pro-forma is attached as Annex 2).

The Headteacher will keep such written information securely and monitor the use of restraint.

14. The Headteacher may need to be the first to exercise judgement on whether the restraint used was reasonable, having made initial enquiries, although other procedures will apply if queries or complaints arise.
15. The parent/carer/guardian will be advised of an incident involving their child, either immediately or at the end of the day, according to the seriousness of the incident. If there is the possibility of a claim for compensation, the complainant must be referred to the LA (Administration Service) without delay.
16. Staff and children should be given separate opportunities to talk about what happened in a calm and safe environment, when those involved have had an opportunity to regain their composure. Debriefing staff and pupils may help in identifying exactly what happened, the effect on the participants, and possible ways of preventing the need to use force in the future.
17. If injury or severe distress is suspected, prompt medical attention must be arranged, via First Aid procedures initially.
18. Where a member of staff is assaulted or suffers injury as a consequence of using reasonable force or restraint, the member of staff is advised to contact their professional organisation or trade union. Assaults on staff which result in physical injury will be reported without delay by the Headteacher to the LA and the Health & Safety Executive if appropriate (using form F2508).

H. Risk Assessment

19. Employers are responsible for the health, safety and welfare of staff and children. This carries a requirement to assess risks, including the use of physical interventions.

Where it is foreseeable that a child might require a restrictive physical intervention a risk assessment should be carried out which identifies the benefits and risks associated with different intervention techniques. Such a risk assessment should lead to the clear identification of the intervention techniques to be used for the child in question, to be described in the child's record and/or Positive Handling Plan, and made known to the parent and relevant staff.

20. The potential consequences for all parties if physical intervention is not used must be weighted against the likely consequences if no action is taken. Relevant factors include:
- (a) Age of pupil – whatever action is taken must consider issues of age-appropriateness.
 - (b) Gender of pupil – it is important to be sensitive to situations which are best dealt with specifically by either male or female staff.
 - (c) Gender of staff – which should be taken into account in the risk assessment process.
 - (d) The safety of both the pupil and the member of staff concerned.
 - (e) The potential for causing distress – to either the pupil or the member of staff.
 - (f) Ensuring that physical intervention is not used unnecessarily.
 - (g) Maintaining working relationships between staff and pupils.
 - (h) Ensuring that physical intervention is not used habitually.
 - (i) Ensuring that whatever action is proposed or taken maintains the duty of care.

A risk assessment pro-forma has been produced by the British Institute of Learning Disability (BILD).

For schools/services where devices which restrict movement are used, please refer to DFE Circular LEA/0242/2002 paragraphs 5.3 and 5.4.

I. Training

To be provided by Leicestershire County Council in partnership with Team-Teach.

J. Communication

21. For the benefit of all parties, it is important that the school's policy and actions are clear and transparent, known and understood by staff and governors, children and parents, and other relevant professionals whose advice on some aspects of physical intervention and some children is invaluable. We wish to minimise people feeling they have been treated in a way they did not expect. We believe that effective communication helps to avoid problems and to safeguard children and staff.

K. Review of Policy

22. This policy will be reviewed every three years by the governing body

Annex 1:POWER TO RESTRAIN PUPILS AT Glenmere
Langmoor Academy Trust

AUTHORISATION OF STAFF: STANDARD LIST OF POSTS

Named staff:

Mr. P Merry

Mrs. H. Bonser

Mrs. S. Conlon

Mrs. M. Muddimer

Miss. E. Payne

Mrs. E. Redfern

Mrs. J. Smith

Mrs. L. Squires

List of persons authorised to have control or charge of pupils and who therefore have the power to restrain pupils under Section 550A of the Education Act 1996.

- teachers and residential staff in boarding/residential and special schools (including landladies/landlords and other adults in the household where accommodation is provided in lodgings or private households);
- school teachers (including licensed and agency teachers) in day schools;
- other staff in schools or Education Departments who have substantial opportunity for access to children (eg premises officers, support staff);
- Education Welfare Officers and Educational Psychologists;
- full or part-time youth and/or community workers;
- escorts of vulnerable children;
- workers in local authority nurseries and similar local authority facilities, such as playgroups.

Points for consideration by the individual school or service:

- (i) The LA does not recommend that force should be exercised by volunteer helpers, as such people are not covered or protected by contracts or conditions of service in the same way as employees. This means that in the LA's view such people should not be authorised to have control or charge of pupils.

- (ii) When drawing up a list of 'other people' authorised to have control or charge of pupils, it is recommended that Headteachers are sensitive to the wishes of support staff and other persons regarding the power to use force, that the Governing Body has a mechanism for reviewing an authorisation to which a person (who is not a teacher) objects, and that central services are similarly sensitive to such issues.

- (iii) For a person in school who is not normally under the school's management, there may need to be negotiation with their employer(s) regarding authorisation. Those concerned may wish to seek advice from their professional association/trade union.

Before authorising a person who is not normally under the school's management, the Headteacher should contact the person's employer or manager.

LEICESTERSHIRE LOCAL EDUCATION AUTHORITY

RESTRAINT OF PUPILS – INCIDENT REPORT

<u>DATE OF INCIDENT:</u>	<u>TIME OF INCIDENT:</u>
<u>NAME(S) OF STAFF INVOLVED:</u>	
<u>NAME(S) OF PUPIL(S) INVOLVED:</u>	
<u>NAME(S) OF OTHER STAFF/PUPILS WHO WITNESSED INCIDENT:</u>	

BRIEF DESCRIPTION OF INCIDENT:

(Please be objective and factual, outlining how incident began and progressed, details of pupil's behaviour, what was said by each of the parties, steps taken to defuse/calm situation, degree of force used, how applied, and for how long.) Please continue on a separate sheet if necessary.

...cont/d

REASON THAT RESTRAINT WAS NECESSARY:

PUPIL'S RESPONSE & OUTCOME OF INCIDENT:

DETAILS OF ANY INJURY SUFFERED BY THE PUPIL, ANOTHER PUPIL, OR MEMBER OF STAFF, OR ANY DAMAGE TO PROPERTY:

SIGNED:

DFE Guidance

The relevant DFE guidance is:

- DFE Circular LEA/0264/2003 (September 2003): Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties: this contains model policies for LEAs and special schools, although this could be adapted for other settings, and advice on risk assessment
- DFE Circular LEA/0242/2002 (July 2002): Guidance on the use of restrictive physical interventions for staff working with children and adults who display extreme behaviour in association with learning disability and/or autistic spectrum disorders: this includes a DFE letter of April 2001 about positive handling strategies for pupils with severe behavioural difficulties
- DfEE Circular 10/98 (July 1998): Section 550A of the Education Act 1996: The Use of Force to Control or Restrain Pupils: this clarified new legislation.

Relevant DFE websites:

www.DFE.gov.uk/sen