



Croxton Kerrial Restraint of Pupils Policy

Introduction

This policy is intended to help staff minimise the risk of being accused of improper conduct towards young people. It is also intended to increase the protection offered to young people by offering specific guidance about particular forms of contact between pupils and staff. It should be read alongside the Child Protection Policy and <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>.

Avoiding the Need to Use Force

It should be a last resort to use force to restrain or control pupils. It is important to try to avoid confrontation and de-escalate potential conflict. All school staff are referred to the school's policies on behaviour and conduct, and encouraged to use approaches with individual children which promote positive behaviour and diminish the possibility of confrontational incidents. This includes the use of normal school incentives and sanctions and agreed approaches with individual pupils who have been involved in incidents causing concern, and the school recognises that it is important for all relevant staff to be aware of any specific arrangements for individual pupils. If subsequently justifying the use of force, staff may 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 Power to Use Force

The Education and Inspections Act 2006 stipulates that reasonable force may be used to prevent a pupil from doing, or continuing to do any of the following:

- self – injuring
- causing injury to others
- committing a criminal offence
- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether the behaviour occurs in a classroom during a teaching session or elsewhere within school (this includes authorised out-of-school activities).

However, all adults in school are advised that they are not required by the school to restrain children under any circumstances.

There remains a common law and child protection 'duty of care' upon all adults in school to protect the wellbeing of all children within school, and to intervene as they personally feel appropriate in any given set of circumstances. The power of restraint operates in addition to this common law duty of care and in addition also to the common law power of any citizen to use reasonable force in self-defence.

Schools also have the power to be able to use force under the Violent Crime Reduction Act to search pupils without consent (authorised staff only).

It is important to note that corporal punishment is not allowable and that the new legislation is not intended to encourage the use of inappropriate force.

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.

Use of Physical Handling

No legal definition of reasonable force exists however for the purpose of this policy and the implementation of it in the restraint of pupils will be referred to as positive handling:

- Positive Handling uses the **minimum** degree of force necessary for the **shortest period of time** to prevent a pupil harming himself/herself, others or property.
- The scale and nature of any physical intervention must be **proportionate** to both the behaviour of the individual to be controlled, and the nature of the harm they might cause.
- Staff would be expected to follow the pupil's IEP / Risk Assessment where one is in place in the first instance to manage an incident/challenging behaviour
- If this was unsuccessful and the situation continues to escalate staff would then be expected to seek the help of other members of staff.
- Only if all of the above have been tried and are unsuccessful should staff even consider any other form of restraint. The overriding consideration should still be the reasonableness and proportionality of the force used.

All the techniques used take account of a young person's:

- age
- gender
- level of physical, emotional and intellectual development
- special needs
- social context

They also provide a gradual, graded system of response. Where behavioural records and/or risk assessment identifies a need for a planned approach, plans (IEP) are written for individual children and where possible, these will be designed through multi agency collaboration and, with parental consent, shared with other agencies/services supporting the child to facilitate consistency of approach so far as is possible.

Training for Staff

The Executive head teacher and members of the senior management team are entitled to attend Positive Handling training provided by Leicestershire County Council (renewable every 3 years), who then cascade information to the rest of the staff.

Minimising the Need to Use Force

We constantly strive to create a calm environment that minimises the risk of incidents arising that might require the use of force. In addition to this, pupils who present with persistent challenging behaviour will be assigned a mentor who will work in partnership with the SENCO and class teacher, in supporting the IEP and associated behaviour targets.

Pupils who have issues relating to sensory dysfunction or other conditions that may result in increased anxiety levels, and therefore an increase in the likelihood of challenging behaviour, may have individualised support or programmes to help them to manage this.

Through the PSHCE curriculum pupils learn about feelings and managing conflict, where this is appropriate to their level of development. The ethos further promotes independence, choice and inclusion; pupils are given maximum opportunity for personal growth and emotional wellbeing.

Reasonable force will only be used when the risks involved in doing so, are outweighed by the risks involved in not using force.

Prevention of unsafe behaviour will be enabled through:

- The deployment of appropriate staffing numbers;
- The deployment of appropriately trained and competent staff;
- Avoiding situations and triggers known to provoke challenging behaviour;
- Creating opportunities for choice and achievement;
- Exploring pupils' preferences relating to the way/s in which they are managed
- Staff employ 'diffusion' techniques to avert escalation of behaviour into violence or aggression

Definitions of Positive Handling.

Positive Handling describes a broad spectrum of risk reduction strategies. Positive handling is a holistic approach involving policy, guidance, management of the environment, and deployment of staff. It also involves personal behaviour,

diversion, diffusion, and de-escalation. Risk assessment identifies positive prevention strategies and how a pupil may need to be supported in a crisis when appropriate.

1. Physical Contact

Situations in which proper physical contact occur between staff and pupils, e.g., in the care of pupils through First Aid treatment, comforting a child in distress. It would seem reasonable that young children do require opportunities for close contact, as long as this is within public view, sensitively carried out, mutually agreeable (we understand that some children and staff prefer no physical contact and these wishes should be respected unless extenuating circumstances prevail, e.g. if a person is at risk of harm) and age/person-appropriate.

2. Physical Intervention

This may be used to divert a pupil from a destructive or disruptive action, for example guiding or leading a pupil by the arm or shoulder where the pupil is compliant (e.g. 'the caring C').

This technique cannot be emphasised enough and in the hands of a skilled practitioner, many pupils can be deflected from a potentially volatile situation into a less confrontational situation i.e. it may be possible to "diffuse" a situation by a timely intervention.

3. Physical Control / Restraint / Restrictive Physical Intervention

This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. All such incidents must be recorded. If anyone is injured an accident/incident report must also be completed. Records of incidents must be given to the Executive head teacher as soon as possible, and by the end of the school day at the latest.

The level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint/RPI. Restraint is defined as the positive application of force by staff, in order to overcome rigorous resistance, completely directing, deciding and controlling a person's free movement.

Types of Incident

The incidents described in The Education and Inspections Act 2006 The Use of Reasonable Force to Control and Restrain Pupils fall into three broad categories:

- Where action is necessary in self-defence or because there is an imminent risk of injury.
- Where there is a developing risk of injury, or significant damage to property.
- Where a pupil is behaving in a way that is compromising good order

Examples of situations which fall within one of the first two categories, are:

- A pupil attacks a member of staff, or another pupil;
- Pupils are fighting;

- A pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- A pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- A pupil is running in a corridor in a way which he or she might have or cause an accident likely to injure him or herself or others;
- A pupil absconds from a class or tries to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations which fall into the third category are:

- A pupil persistently refuses to obey an order to leave a classroom;
- A pupil is behaving in a way that is seriously disrupting a lesson.

Authorisation of Staff

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 Executive head teacher to have lawful control or charge of pupils; this might include classroom assistants, midday supervisors, specialist support assistants.

Using force to Prevent Injury to the Pupil and/or Others, or Serious Damage to property

Staff have a duty of care both to themselves and to others. 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 they took and why.

There may be rare occasions where it appears necessary to restrain a pupil. 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.

As a general rule, such forms of intervention should be avoided. If physical restraint 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 any form of management plan (eg. a pupil's Individual Education Plan) if appropriate. 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 strategies or approaches should be discussed with parents/carers, made clear in writing, and reviewed regularly.
- g) Where action to restrain a pupil has been taken, this should be reported promptly to the Executive head teacher.
- h) Staff may need support and/or counselling after such an incident. It may also be equally important to offer the pupil(s) support and the opportunity to discuss the incident.

Strategies: Time-Out / Withdrawal / Planned and Emergency Physical Interventions / Recovery

Time out

This involves restricting the child's access to positive reinforcements in a room or area which they may freely leave. It is a specific behaviour management technique and does not necessarily mean time spent out of the class/group, but rather refers to a withdrawal of attention and/or things they find rewarding. It could be as simple as turning away from a child who is attention-seeking, or positioning a child away from the class/group. This withdrawal of attention could also be achieved by sending a pupil to another class/group or a quiet area. Time out in the Executive head teacher's office should only be considered as a last resort; refer to Behaviour and Discipline Policy: Consequences of poor behaviour.

Withdrawal

This involves removing the child from a situation that causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities. This can mean removing a child from the class/group, to allow them time to calm down or to prevent a situation from escalating. They may need time away from staff and pupils (either on their own or in another class/group) in order to break the cycle/pattern of their behaviour or

to reduce their level of anxiety/distress. The arrangement of “quiet time” can be negotiated between the child and staff involved.

Planned Physical Intervention

Any such intervention will be described/outlined in the pupil’s IEP/Risk Assessment. This should cover most interventions, as possible scenarios will be identified and planned for when the IEP is drawn up.

Emergency Physical Intervention

This may be necessary if a situation arises that was not foreseen or is uncharacteristic of the pupil. Members of staff retain their duty of care to pupils and any response, even in an emergency, must be proportionate to the circumstances. Staff should use the minimum force necessary to prevent injury and maintain safety, consistent with the training that they have received.

Following any such incident, a risk assessment will be devised (or the existing one updated) to support effective responses to any such situations which may arise in the future.

Wherever possible assistance will be sought from another member of staff.

Positive Handling at our school (defined as the full range of strategies used to manage behaviour including where necessary physical intervention) is seen as a proactive response to meet individual pupil needs and any such measures will be most effective in the context of the overall ethos of the school, the way that staff exercise their responsibilities and the range of behaviour management strategies used.

Recovery

Pupils who may be distressed by events can be offered the following support:

- Quiet time taking part in a calming activity
- Quiet time away from the incident/trigger
- Resuming their usual routine/previous activity as soon as possible, especially for pupils with special needs
- Time with a member of staff to debrief the incident

Injury to the Child/Staff

Whilst the physical techniques are intended to reduce risk, there is always risk when two or more people engage to use force to protect, release or restrain. We will always seek to avoid injury to the child, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the child remains safe. Any such injury will be reported to the Executive head teacher and parents / carer. All staff are trained in First Aid. Any may be called upon to implement First Aid or seek further guidance in the event of an injury or physical distress arising as a result of a physical intervention.

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 Executive head teacher to the LA and the Health and Safety Executive if appropriate.

Action following an Incident

Incidents where force has been used to restrain or control pupils are to be reported as soon as practicable to the Executive head teacher in writing with details of:

- Pupil(s)/staff 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.

The Executive head teacher will keep such written information securely and monitor the use of restraint.

The Executive head teacher 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.

The parent/carer 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 without delay.

Debriefing staff and pupils may help in identifying ways of preventing the need to use force in the future.

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