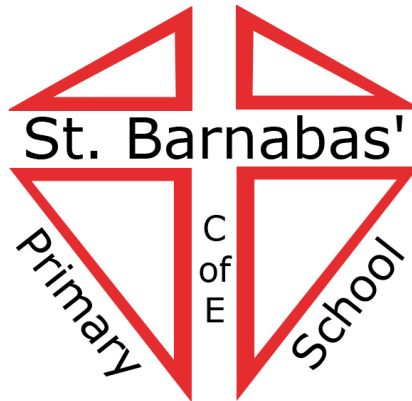


**Heaton St. Barnabas' CE (VA) Primary School**



**Policy For**

**Positive Handling & Pupil Restraint**

**This policy was approved by Curriculum Committee**

**On: 20<sup>th</sup> January 2023**

**Signed.....**

**Position: Chair of Curriculum Committee**

## **PUPIL RESTRAINT POLICY INTRODUCTION**

This policy should be read in conjunction with the Education and Inspections Act 2006 section 93 and The Apprenticeship, Skills, Children and Learning Act 2009 section 246. The DFE non-statutory advice 'Use of reasonable force: advice for headteachers, staff and governing bodies' (July 2013) and DFE guidance 'Behaviour and discipline in schools' (September 2022) are essential reading. [www.gov.uk](http://www.gov.uk)

### **Background**

In July 2013, the DFE issued guidance on the use of force to control or restrain pupils. While the guidance does not in itself have statutory status, compliance nevertheless is 'strongly advised'. It should be pointed out, however, that it is mandatory for schools to record and report to parents any significant incidents. In the context of schools, force is used either to control or restrain. Control generally implies passive physical contact, for example, blocking a pupil's path, or it can mean physical contact like leading a pupil by the arm away from a situation which might escalate.

### **Recording and reporting significant incidents**

Under section 246 of the Apprenticeships, Skills, Children and Learning Act 2009 governing boards must:

- Ensure that a procedure is in place for recording each significant incident when a member of staff uses force on a pupil. They must also ensure that staff follow the pupil restraint policy.
- Ensure that every significant incident is reported to each parent of a pupil as soon as practicable afterwards.
- If there is no parent to whom the incident can be reported, ensure that every significant incident is reported to the LA where the pupil normally lives.
- If the member of staff or school has reason to believe that significant harm might occur to a pupil if an incident is reported to parents, ensure that every significant incident is reported to the LA and advice sought. (LADO)

A 'significant' incident is one where:

- Unreasonable force has been used.
- Substantial force has been used.
- A restraint technique has been used.
- A child is very distressed (though clearly not over-reacting).

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 to the behaviour of the pupil.
- The effect on the pupil or member of staff.

# **PUPIL RESTRAINT POLICY**

## **Introduction**

At Heaton St. Barnabas CE Primary School we aim to offer a welcoming, secure and safe environment in which our children will flourish. We also aim to create an environment in which the use of force in relation to a pupil is unlikely. However, in the circumstances where physical restraint may be needed to secure the safety of a pupil or staff member, or where there is a serious breach of school discipline, or to prevent serious damage to property, this policy will apply.

## **Objectives and targets**

The objectives of this policy include:

- Maintaining the safety of pupils and staff.
- Preventing serious breaches of school discipline.
- Preventing serious damage to property.

## **Action plan**

We aim to minimise the need to use force by:

- Creating a calm environment that minimises the risk of incidents arising that might require using force.
- Using social and emotional aspects of learning to teach pupils how to manage conflict and strong feelings.
- De-escalating incidents if they do arise.
- Only using force when the risks involved in doing so are outweighed by the risks involved in not using force.
- Risk assessments and positive handling plans for individual pupils.

Physical restraint will be considered in the following situations:

- A pupil injuring themselves or others.
- A pupil causing damage to property (including the pupil's own property).
- Engaging in any behaviour prejudicial to maintaining good order and discipline.

## **Staff authorised to use force**

The headteacher and all members of the teaching staff have the statutory power to use pupil restraint/force at all times.

In addition, those members of school staff authorised by the headteacher, including support staff, teaching assistants, lunchtime supervisors and office staff may be authorised by the headteacher and in receipt of appropriate training to do so. The headteacher has the responsibility to ensure that staff are fully informed of the school's policy

Staff will only use force when:

- The potential consequences of not intervening are likely to be sufficiently serious to justify considering use of force.
- The chances of achieving the desired result by other means are low.
- The risks associated with not using force outweigh those of using force.

Wherever possible these judgements will take account of the particular characteristic of the pupil, including age, SEN or disability.

Before taking steps to restrain pupils, all members of staff will encourage the pupil using restorative practise strategies. The member of staff will communicate in a calm and measured manner throughout the incident.

## **Training**

Staff will receive training in pupil restraint from their colleagues and from reputable training agencies. They will be informed about:

- How to deal with pupils who present particular risks to themselves or others (as a result of SEN and/or disabilities and/or other personal circumstances, such as domestic violence).
- Types of restraint that could be used, for example:
  1. Standing between pupils or blocking a pupil's path.
  2. Leading a pupil by the hand or arm using caring C's.
  3. Ushering a pupil away by placing a hand in the centre of the back.
  4. Using appropriate restricting holds in more extreme circumstances (As per team teach trained).

Any form of restraint that is likely to injure a pupil (particularly anything that could constrict breathing) will only be used in extreme emergencies and where there is no viable alternative.

There are some types of restraint that are unacceptable because they present an unacceptable risk. These are:

- 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.

Staff will also be advised that, as far as possible, they should not use force unless or until another responsible adult is present to support, observe and call for assistance.

### **Recording incidents**

It is important that there is a detailed written report of any occasion (except minor or trivial incidents) where force is used so the incident record form (team teach form kept by Headteacher) will be completed as soon as possible after any incident has occurred. Similarly, all injuries will be recorded in accordance with the school's health and safety policy. In considering whether an incident needs to be recorded, the following will be taken into consideration:

- The level of risk presented at the time of the incident.
- The degree of force used.
- Any effect on the pupil or member of staff.
- The child's age.

### **Reporting incidents**

Parents/carers will be informed of any recordable incident and given an opportunity to discuss the incident with the headteacher, deputy headteacher or appropriate class teacher and given a copy of this policy. Afterwards arrangements will be made for supporting staff and pupils involved in the incident, including meeting immediate physical needs and rebuilding relationships (Restorative Circle), to ensure that lessons are learned from the incident.

However, if it is considered that it is likely to result in significant harm to the pupil then parents will not be informed of any recordable incident.

In some cases, the appropriate external agencies (for example, local authority children's services, the local children's safeguarding board, LADO) will also be informed.

### **Complaints and allegations**

Should there be any complaint or allegation following an incident, then the school's arrangements for dealing with complaints and allegations of misconduct will be followed. However, suspension will not be an automatic response when a member of staff has been accused of using excessive force. Advice will be sought via the LA LADO service.

### **Monitoring and evaluation**

The headteacher will make an annual report to the governing board of the recordable incidents after which the impact of the policy will be considered and the policy changed if necessary.

## APPENDIX

### Definitions

**Force as a means of control.** Control can mean either:

- Passive physical contact (for example, standing between pupils, blocking a pupil's path).
- Active physical contact (for example, taking a pupil by the arm or hand, or ushering a pupil away by placing a hand in the centre of the back).

### **Force as a means of restraint**

This usually means physically preventing a pupil from continuing what they are doing after having been told to stop. The circumstances are generally more extreme than control situations, for example, when pupils are involved in a fight.

Examples where reasonable force might be used:

- Preventing a pupil from attacking a member of staff, or another pupil, or to stop a fight between two or more pupils.
- Preventing a pupil from causing deliberate damage to property.
- Preventing a pupil from causing injury or damage by accident, rough play, or misuse of a potentially dangerous object or materials.
- Ensuring a pupil leaves a room where the pupil persistently refuses to do so.
- Preventing a pupil from behaving in a way that seriously disrupts a lesson.

### **General advice**

Staff members may be concerned about the possibility of false accusations of unreasonable or unlawful conduct in the form of a complaint or even legal action if force is used to restrain or control a pupil. However, the DFE guidance, intended to help staff feel confident about using force when they think it is right and necessary, states that 'if the force used is reasonable, all staff will have a robust defence against any such accusations'. School should therefore *not* adopt a no-contact policy. This would inhibit the ability of staff to use reasonable force where necessary. Such a policy could place a member of staff in breach of their duty of care towards a pupil or prevent them from taking an action needed to prevent pupils causing injury to others or harming themselves.

However, members of staff should not put themselves at risk. They will not be deemed to have failed in their duty of care by not using force to prevent injury if their own safety would thereby be threatened. School should minimise the possibility of force being used by striving to create a calm, orderly and supportive school climate that lessens the risk and threat of any kind of violence, so the use of force should only be a last resort.

School has a legal duty to make reasonable adjustments to their possible use of force with SEND children. It is particularly important that when a situation involves pupils with SEN or disabilities, special care should be taken to appreciate the circumstances and if possible obtain and use information about the individual concerned before using any reasonable force. Schools would be wise to make individual risk assessments in anticipation of the possibility of behavioural incidents where control or restraint of SEN and/or disabled pupils might have to be used.

There are some situations where it is better to remove the rest of the pupils from the class if a child is a danger to them. The child causing the problem can then be dealt with. Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct. Suspension should not be an automatic response when a member of staff has been accused of using excessive force and senior staff in schools should support their staff when they use this power. If a decision is taken to suspend a teacher, the school has a duty of care to the employee and should ensure that the teacher has access to a named contact who can provide support. Governing boards should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.