



St Mary's CE High School

"Everyone is equal : everyone deserves "

Physical Intervention and Restraint Policy

Date of Review: Spring 2019
Date of next Review: Spring 2024

"Our vision, as a school with a Christian ethos, is founded on The Parable of the Sower, where

"Through God's love, we are the rich soil where seeds flourish and roots grow",
Mark 4: 3-9

*This underpins our motto, **Aspire Challenge Succeed**, and is key to what we do. We provide a safe, nurturing environment in which we can all flourish. We have the very highest aspirations for our students, their families, our local community, and ourselves. We challenge students by having a rich and exciting curriculum provision and by making learning practical, engaging and enjoyable. We enable students to succeed by providing the best possible personalised support."*

Nicholas Simms – Head Teacher



St Mary's CE High School Physical Intervention and Restraint Policy

Appendix 1 of the Behaviour for Learning Policy

The Governors of St Mary's have made safeguarding a fundamental priority and are committed to ensuring that safeguarding of children and young people remains at the core of their work. For this reason, the principles of excellent safeguarding practice are integral to the culture of St Mary's and every aspect of the school's work. This policy supports this commitment to safeguarding and should be read in conjunction with other school policies as appropriate.

It is every person's responsibility to safeguard and promote the welfare of children and it remains a paramount concern of all who work in and who are part of the St Mary's community.

Introduction

In keeping with the Christian ethos and values of the school, the governors of St Mary's are committed to maintain a safe environment that is conducive to the highest standards of teaching and learning.

In extreme circumstances or where necessitated, this will mean that staff will need to intervene physically with students to uphold these standards. This policy outlines the principles on which physical intervention or force may be used.

Governors and staff of St Mary's are aware that the use of intervention does increase the risk of harm/injury to the staff involved in carrying out the intervention. The governors will deem injury to staff caused by students who need to be restrained as a very serious matter that will be considered as an appropriate reason for consideration of permanent exclusion.

The Education Act 1996 forbids corporal punishment or the threat of corporal punishment but allows all teachers to use reasonable force to prevent a student from:

- Committing a criminal offence
- Injuring themselves or others
- Damaging property
- Acting in a way that is counter to maintaining good order and discipline at the school

The Act does not cover more extreme cases, such as action in self-defence or in an emergency, when it might be reasonable for teaching staff, employing their professional judgement, to use a degree of force. Staff other than teachers and volunteer helpers are also able to use force if necessary, provided they have been authorised by the Head Teacher to have control or charge of students. At St Mary's, Governors have agreed to follow the guidance offered in the 'Use of Reasonable Force' Guidance for school leaders, staff and governing bodies, July 2013

At St Mary's, staff work to avoid the use of physical intervention or restraint by using a range of appropriate strategies to de-escalate situations and reduce the need to intervene physically. In the event that it is necessary to physically intervene, the following procedures and considerations described in this policy and DfE guidance will apply.

Records

Detailed and up-to-date records will be kept of any incidents where physical intervention or restraint is used. Staff will always inform parent/carers of an incident where physical intervention or restraint by staff has been used. At St Mary's, use of physical intervention and/or restraint is considered a safeguarding matter and so a record of the intervention will be placed on CPOMS.

Records of incidents will include the following information: SUGGEST USE A PRO FORMA THAT IS COMPLETED SO IT IS EASIER TO COLLATE

- The name(s) of the student(s) involved
- When and where the incident took place
- Why the use of physical intervention or restraint was deemed necessary
- Details of the incident, including all steps taken to diffuse the situation and resolve it without physical intervention or restraint and the nature of the physical intervention or restraint used
- The student's response
- A description of any injuries* suffered by the student and others and/or any property damaged during the incident
- The outcome of the incident
- A record of the report to parents/carers of the use of restraint/intervention

*in the event of possible or actual injury, the School policies for first aid and accident or injury at work will be followed.

Following any incident involving physical intervention by a member of staff, a risk assessment will be conducted and if required a Risk Assessment and Management Plan (RAMP) will be put into place.

Risk Assessments that are already in place will be reviewed and adjusted as required.

What is 'reasonable force'?

There is no legal definition of 'reasonable force' so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case. For the purposes of this guidance, reasonable in the circumstances means using **no more force than is needed**.

There are two relevant considerations:

1. 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.

2. The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age and understanding of the student.

There are a wide variety of situations where 'reasonable in the circumstances' could apply. For example:

- A student attacks or threatens to attack a member of staff, or another student
- Students are fighting
- A student is vandalising property
- A student is causing, or at risk of causing, injury or damage, by rough play, or by misuse of dangerous materials or objects
- A student is running in a corridor or stairway and might have, or cause, an accident to self or others
- A vulnerable student or staff member is at risk eg., a disabled student/staff, wheelchair/mobility aid user, pregnant staff member or student/staff with a medical condition
- A student is about to act in a way that has a high risk of injury/harm such as putting fingers or equipment into an electric socket
- A student absconds from a class, or tries to leave school - but this will only apply if a student could be at risk if not kept in the classroom or at school
- A student persistently refuses to obey an order to leave a classroom
- A student seriously disrupts a lesson
- A student is behaving in such a way that disrupts a school event or a school trip or visit.

Acceptable Forms of Force

The following examples of acceptable force are taken from DfE guidance:

- Physically interposing between students
- Blocking a student's path
- Holding*
- Pushing*
- Pulling*
- Leading a student by the hand or arm
- Shepherding a student away by placing a hand in the centre of back; or (in extreme circumstances) using more restrictive holds.

In addition, for avoidance of doubt, staff may wrap their arms around the student's body (for example, as an appropriate way of preventing a student engaging in a fight)

** Holding - For example wrapping arms around a student's upper body to prevent a student attacking someone else and/or when student places themselves/others at risk when refusing to respond to instructions.*

** Pushing/pulling – for example when a student’s arm, hand or body is pushed/pulled out of/away from a dangerous situation.*

Unacceptable Forms of Force

The following are likely to be unacceptable and staff will avoid using these actions:

- Holding a student around the neck, by the collar, or in any way that might restrict breathing
- Slapping, punching or kicking
- Twisting or forcing limbs against a joint
- Tripping up a student
- Holding or pulling by the hair or ear
- Holding a student face down on the ground
- Holding a student in a way that might be considered indecent
- The ‘seated double embrace’ where two members of staff force a person into the sitting position and lean them forward while a third monitors breathing
- The ‘double basket hold’ which involves holding a person’s arms across their chest
- The ‘nose distraction technique’ which involves a sharp upwards jab under the nose.

Avoiding Physical Intervention Wherever Possible

Staff will always try to avoid physical intervention and the use of force - particularly where the risk is not so urgent. De-escalation strategies will always be used before physical intervention where it is appropriate and risk allows.

Staff have a range of strategies other than force to diffuse difficult situations that are expected to be tried before consideration of use of force (except where the risk of harm is immediate):

- Tell students to stop the inappropriate behaviour
- Try to calm the situation
- Use de-escalation strategies such as STEP procedures.

Staff are aware that physical intervention can increase disruption or actually provoke attack.

- If force is necessary, the staff member should continue trying to communicate with the student throughout the incident, making clear that physical contact or restraint will stop as soon as it is no longer necessary
- It is crucial that the staff member takes a calm and measured approach. S/he must never appear to lose his or her temper, or to act out of anger or frustration simply to punish the student concerned. Training is available for staff of St Mary’s and any member of staff can request training in the use of de-escalation strategies and/or appropriate use of force/intervention with students.

Legal Implications

Staff faced with a situation where a student needs to be restrained or where force is necessary are particularly vulnerable to accusations of assault by students or parents/carers of assault.

Allegations may be made in the heat of the moment; as a result of misrepresentations and misunderstandings, or they may be false, malicious or misplaced.

School staff must bear in mind that it is a criminal offence to use or threaten to use physical force, (for example by raising a fist or making a verbal threat) unless there is lawful excuse, or justification, for the use of force. A court that sees staff have acted within the guidelines on using force is likely to conclude that there was lawful excuse for that force to have been used.

Similarly, it is an offence to lock an adult or child in a room without a court order (even if they are not aware that they are locked in) except in an emergency, for example, during a 'lockdown' situation when this would be justified.

Physical intervention may also lead to a civil negligence action if it results in injury, including psychological trauma, to the person concerned.

Staff of St Mary's are advised to consider their membership of a professional trade union as trade unions are a good source of advice and support regarding the use and implication of physical intervention, which will complement policies of the school.

Following the use of intervention, it is appropriate for staff involved to consult their union for support/advice.

Other physical contact with students

The revised Guidance for School Leaders Staff and Governors gives the following nonstatutory guidance:

- a) It is not illegal to touch a student. There are occasions when physical contact, other than reasonable force, with a student is proper and necessary.
- b) Examples where touching a student might be proper or necessary:
 - When comforting a distressed student
 - When a student is being congratulated or praised
 - To demonstrate how to use a musical instrument
 - To demonstrate exercises or techniques during PE lessons or sports coaching; and
 - To give first aid
 - To attract the attention of a student eg., light tap on the arm/shoulder

Other policies and documents that should be used/referenced with this policy are:

- Safeguarding Policy and guidance
- Staff Code of Conduct
- Behaviour for Learning Policy
- Keeping Children Safe in Education (DfE) guidance
- DfE Exclusion from maintained schools, academies and pupil referral units in England Sept 2017
- Hertfordshire Exclusion Guidance supplement Sept 2017

This Policy forms part of the Safeguarding Policy at St Mary's CE High School and is subject to review every five years, or as required.