

Kentmere Academy and Nursery

Physical restraint policy



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Introduction

The Use of Force to Control or Restrain Pupils Education and Inspection Act 2006 replaces Section 550A of the Education Act 1996. It is complemented by The Use of Force Guidance 2011.

The Act authorises any person, who, in relation to a pupil, is a member of the staff at any school which education is provided for the pupil, to use force.

“Member of staff” is defined as:

- any teacher who works at the school
- any person who, with the authority of the head teacher, has lawful control or charge of pupils for whom education is provided at school.

Authorised persons allowed to use force include:

- Members of SLT
- People who the Head has temporarily authorised to have control or charge of pupils, including catering, premises staff, unpaid volunteers e.g. parents ➤ Paid staff and volunteers must have authorisation from the Headteacher.

The Violent Crime Reduction Act 2006 authorises the Head teacher or staff authorised by the Head teacher to search a pupil for a weapon without the pupil’s consent if they have reasonable suspicion.

Risk assessment for staff training needs to be carried out. Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action.

There should be special considerations for pupils with SEN, disabilities or specific medical conditions. Under DDA 1995, the responsible body for the school has a duty to take reasonable steps to ensure disabled pupils are not placed at a substantial disadvantage in comparison with pupils who are not disabled. When reaching a decision, schools must take into account all the relevant factors. To support this, the SENCO should be involved in the formulation of policy on physical intervention.

Recording and reporting remain key elements and Post Incident Support remains a key element as well.

Dealing with complaints – the school must make clear the rights of parents and pupils to complain against any actions taken. The school’s complaints procedure is set out in the school’s published prospectus.

Principles

Maintaining the personal safety of staff, pupils and visitors may, on occasion, require physical intervention when other approaches are either inappropriate or have been tried and been found to be ineffective. Section 93 of the Education and Inspection Act 2006 replaces Section 550A of the Education Act 1996 states that teachers and other authorised persons are entitled to use reasonable force in a range of situations involving:

- Risk to the safety of the staff, pupils or visitors;
- Risk of serious damage to property;
- Behaviour which is seriously prejudicial to good order and discipline; or ➤ The committing of a criminal offence.

A judgement over the reasonableness or otherwise of the use of force will always take account of the circumstances of the incident. The use of force in response to a clear or developing danger of injury will always be easier to justify than the use of force to prevent damage or misbehaviour.

The judgement over which approach to adopt in any circumstances will be based on the professional experience and expertise of the member of staff concerned taking account of:

- The duties and responsibilities consistent with the approach of a good parent;
- Action which is reasonable in relation to the circumstances; and
- An approach which is appropriate for the purpose

The use of physical intervention outside the normal care programme for a student or pupil will generally require some form of debriefing for those involved.

This school is committed to ensuring that all staff and adults with responsibility for children's safety and welfare will deal professionally with all incidents involving aggressive behaviour, and only use physical intervention as a last resort, in line with DCSF and LA advice, and always ensuring minimal risk of injury to pupils and staff.

At Kentmere, this is taken to mean all teachers, learning support staff, general assistants, midday supervisors and the school secretary, who is a named first-aider.

We would also expect that LA staff whose duties require them to have unsupervised responsibility for individuals will have been given appropriate advice over the use of reasonable force and would therefore give such staff automatic authorisation for the use of force when in our school.

All adults who have a supervisory or teaching role in school will be made aware of our behavioural policy. It is expected that they will then familiarise themselves with it and will follow the recommended approaches as laid down.

These approaches are as follows:

- Talk and warn.
- Reassurance for pupil/calming techniques
- Holding for security and to reduce anxiety where there is a potential for damage or danger, even if the pupil is not yet out of control or a particular source of danger to themselves or others at that time.
- Intervention when a pupil presents a danger to him/herself or others or, exceptionally, threatens serious damage to property, a breakdown of discipline or the committing of a criminal offence.

At Kentmere we make will not use physical contact unless absolutely necessary. It will be as last resort.

Staff may use reasonable force to:

- Prevent a pupil behaving in a way that disrupts a school event, trip or visit.
- Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or disrupt the behaviour of others.
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight between pupils.
- Restrain a pupil from harming themselves through physical outbursts.

The use of force as a punishment is never acceptable.

Intervention may take the following forms:

- Physically interposing between pupils;
- Blocking a pupil's path;
- Holding to prevent a child from endangering itself or others
- Leading a pupil by the hand;
- Shepherding a pupil away by placing a hand in the centre of the back; and ➤ (In extreme circumstances) using more restrictive holds.

Staff should avoid touching or holding a pupil in a way that might be considered indecent.

Additional advice for employees

- In considering whether any form of intervention is appropriate staff should consider the following:
 - The age and previous conduct of the pupils in relation to the likelihood of the use of force precipitating a violent confrontation;
 - The likely effectiveness of alternative responses to the situation;
 - The seriousness and likely consequences of the developing incident;
 - The extent to which any physical intervention could lead to a further breakdown of discipline.

Physical intervention, when applied, should be passive in intent, with minimum application of force and through limitation of movement rather than physical blows. As soon as it is safe to do so the intervention should be gradually eased to allow the pupil to gain self-control.

All staff aware of another member of staff in difficulty have a responsibility to provide assistance, support and a presence, provided that this does not compromise other pupils' safety or wellbeing.

Wherever possible, any restraint that might be necessary is better applied by a member of staff who hasn't been involved in any confrontation leading up to the need for restraint.

Audience Control

The principle purpose is to restore personal safety and security for all concerned. It will generally be helpful to remove the audience, or if this is not possible, to remove the pupil in question from the audience. Under no circumstances should this result in the pupil being taken into a closed room by a single member of staff. Another member of staff should be present or a door left open so that others are aware of the situation.

Recording incidents

It is important that there is a detailed written report whenever force is used. This may prevent misunderstandings and will be invaluable should there be a complaint.

The incident must be recorded on an incident form (saved on the O drive). The Headteacher must be kept informed of all such incidents. The member of staff should also tell the Headteacher or a senior member of staff and provide a written report immediately afterwards.

This should include;

- The name and job title of the member of staff
- The name of the pupil involved, when and where the incident took place;
- The names of any other staff or children who witnessed the incident;

- The reason force was necessary
- How the incident progressed, including details of the pupil's behaviour, what was said by both parties, the steps taken to defuse the situation, the degree of force used, how it was applied, and for how long;
- The pupil's response, and the outcome of the incident;
- Details of any injury suffered by any of the parties concerned.
- The incident report must be hand written so o changes can be made

Staff may find it helpful to seek advice from a senior colleague or representative of their association when compiling their report. They should also keep a copy for their own records.

The parents of a child involved in such an incident will usually be informed as soon as is practicable, either verbally or in writing, and this should be logged. The school may deem it inappropriate to report the use of force to parents where they suspect that doing so may endanger the child, in which case Social Care will be contacted.

Parental involvement

It is our policy to make all parents aware that we have a policy for Positive Behaviour and Practice which includes guidance on physical restraint and to make this available to anyone who wishes to see it. We also keep parents informed about their children's behaviour both formally by letters and reports, and informally during regular contact with them.

Complaints procedures

Staff must be aware that any use of force may lead to complaints. They should therefore ensure that their actions are always proportionate to the incident and not the result of an angry or emotional response to a provocative act. They should always be in a position to demonstrate that they behaved in a reasonable way, and filled in the relevant records/reports should those be needed at a later date.

Written: Summer Term 2015

Reviewed: Summer Term 2017

Legal Background

The School Discipline and Pupil Behaviour Education and Inspections Act 2006 and Use of Force Guidance 2011 gives school staff a clear statutory authority for punishing pupils. They give school staff a legal power to use force if necessary. The Act specifies a power for teachers and certain other members of staff to enforce disciplinary penalties when misbehaviour occurs outside school premises (e.g. walking to and from school, the school bus).

The Act also gives schools a specific statutory power with regard to the extent of school's power to regulate the conduct of pupils at times when they are not on school premises. This must be reasonable. The Act confirms the right of a school to use sanctions that are reasonable and proportionate to the circumstances.

The Act makes it lawful for schools to detain pupils without parental consent at a variety of times.

The Act gives school staff a specific statutory authority to seize, retain or dispose of pupil's property. The sanction of confiscation must be applied in a reasonable and proportionate way.

The Violent Crime Reduction Act 2006 – makes it lawful for certain school staff to search pupils for knives or other weapons. The legal power to search pupils currently only extends to weapons.

Signed:  Sarah Isberg (headteacher)

Date: April 2017

Agreed by the Governing Body: April 2017

Review April 2019