

# SCALBY LEARNING TRUST

## Physical Restraint Policy

Issue No.	Author	Date Written	Approved by Trustees	Comments
1	DRe	January 2017	11.1.2017	

### HISTORY OF DOCUMENT

#### 1. Rationale

At Scalby School we have high expectations in all that we do including student behaviour. We also recognise our responsibility and duty to care for and support one another as adults and students. In general it is important that adults working in school avoid physical contact with students but it is neither desirable nor possible to have a total 'no contact' policy as there are a variety of situations where this would not be responsible (eg providing first aid, demonstrating use of a musical instrument, demonstrating sports techniques). One such occasion where contact may be necessary is where there is a need for appropriate physical restraint or the use of reasonable force, both of which are permitted in law (DFE Use of Reasonable Force Non Statutory Guidance 2012) to prevent students from hurting themselves or others, from damaging property in such a way that it could cause serious injury to themselves or others or from causing disorder. It is recognised that in practice the use of reasonable force will be a rare event.

#### 2. Purpose

The purpose of this policy is to:

- i) Explain the rights of staff to use reasonable force when necessary
- ii) Explain the nature of reasonable force
- iii) Set out the circumstances in which reasonable force may be justified
- iv) Explain the reporting and recording procedure
- v) Set out the complaints process

#### 3. Guidelines

##### i. The rights of staff

All members of staff have a legal power to use reasonable force within the limitations of this policy. However, the use of **force** should be viewed as a last resort and where possible, SLT should be called to address challenging situations rather than staff attempting to deal with them themselves.

##### ii. What is reasonable force?

Force can be used to either control or restrain. Control means either passive physical contact such as standing between pupils or blocking a student's path or active physical contact such as leading a pupil by the arm out of a classroom. Restraint means to hold back physically or to bring a pupil under control and is typically used in more extreme circumstances. Regarding both control and restraint, 'reasonable force' means using no more force than is needed. Staff should always try to avoid acting in a way that might cause injury but it may not always be possible to avoid injury to a student.

### iii. When can reasonable force be used?

a) Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property in such a way that it could cause serious injury to themselves or others or from causing disorder. The decision on whether or not to use reasonable force is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances. There is no need for parental consent prior to using reasonable force. In using reasonable force, reasonable adjustments need to be made for disabled students and students with a statement of special educational need.

It is not possible to provide a comprehensive list of all the situations in which it might be appropriate to use reasonable force and they will in practice be rare but some examples of where reasonable force may be necessary to use are to:

- Prevent a student behaving in a way that seriously disrupts the good order of the school
- Prevent a student leaving a classroom where allowing them to leave would seriously risk their safety
- Prevent a student from attacking a member of staff or another student
- Restrain a student at risk of harming themselves through physical outbursts
- Physically separate students found fighting
- Restrain a student who refuses to have their possessions searched where there is reasonable suspicion they are carrying illegal drugs, a weapon or any item that could be deemed to endanger others.

Wherever possible, assistance should be sought so as to avoid one to one situations. Any other students at risk should be removed from the situation.

b) It is **always unlawful to use force as a punishment and there are certain restraint techniques which present an unacceptable risk when used on young people. It is not therefore acceptable to:**

- Use the 'seated double embrace' which would involve two members of staff forcing a person into a sitting position and leaning them forward while a third monitors breathing
- Use the 'double basket hold' which involves holding a student's arm across their chest
- Use the 'nose distraction technique' which involves a sharp upward jab under the nose

c) Except in an emergency, only trained staff should use restraint techniques on identified vulnerable students with behavioural difficulties. These are identified by the SEN department and reviewed regularly.

## 4. Reporting and Recording

- i) Any incident involving the use of physical force with students **MUST** be reported to the Headteacher as practically possible (or to another senior member of staff in the Head's absence).
- ii) Any incident involving the use of physical force must be written up in full.
- iii) The Headteacher will decide on how best to report the incident to parents/carers.

## 5. Complaints

All complaints about the use of force will be investigated thoroughly, speedily and appropriately by a person appointed by the Headteacher.

When a complaint is made, the onus is on the person making the complaint to prove that the allegations are true.

Where there is an allegation against a member of staff of using excessive force the school will use the staff disciplinary policy but suspension will not be an automatic consequence of the allegation.

The school will ensure that appropriate pastoral care is made available to any member of staff who is subject to a formal allegation following a use of force incident.

Where the decision is taken to suspend a member of staff, the Governing Body will consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action.

Where a member of staff has acted within the law – to use reasonable force in order to prevent injury, damage or disorder – this will provide a defence to any potential criminal prosecution or civil action.

*This Policy was reviewed by the Resources Committee on a **INSERT NUMBER OF YEARS UNTIL REVIEW** yearly cycle and must be signed by the Chair of Governors and Headteacher.*

Policy Reviewed:	
Next Review:	
Signature of Chair of Governors:	Signature of Head Teacher:

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**Please ensure you complete the Equality Impact Assessment below**

**Equality Impact Assessment Form**

1. Title of policy, project or practice being reviewed or planned

2. Outline the aims, objective and purpose of the change including any positive impacts on equalities groups.

3. Which groups of people (if any) are most likely to be affected by the planned changes, positively or negatively?

4. Does, or could these changes have an adverse effect on members of an equalities group? Identifying a negative impact is not a problem, as it gives you an opportunity to remove the barrier, find a way around it, or offer an alternative.

Protected Characteristics / Group	Yes (brief explanation)	No
Age (staff only)		
Disability		
Gender		
Gender reassignment		
Marriage / civil partnership		
Pregnancy / maternity		
Race / ethnicity		
Religion / belief		
Sexual orientation		

5 Is there a way to modify the decision to remove or mitigate the negative impact on protected groups while still achieving this aim? How can you maximise positive outcomes and foster good relationships?

6 Outline the decision made and actions planned.