

John Port Spencer Academy



Physical Restraint Policy

Other John Port Spencer Academy documents/policies referred to are:

John Port Spencer Academy Child Protection and Safeguarding Policy

John Port Spencer Academy Search and Confiscation policy

Physical Restraint Policy

1. Introduction

Key Documents:

- This policy has been developed in accordance with principles set out in the Department for Education's Non Statutory Guidance (17 July 2013), The Education and Inspections Act 2006 and The Violent Crime Reduction Act 2006.
- For reasons of safeguarding the governing body advise strongly against any form of physical contact from a member of staff towards a student other than in exceptional circumstances. Physical contact or restraint should never be used as a disciplinary tool or sanction.

The aim of this policy is to:

- explain the rights of staff to use physical restraint when necessary;
- explain the circumstances in which physical restraint may be justified;
- set out the recording and reporting system; and
- explain the various responsibilities.

2. Powers of Members of Staff to Detain Students by Use of Force

The Education and Inspections Act 2006 confirmed the right of staff (those fully employed by the academy) to use 'such force as is reasonable' for the purpose of preventing a student from:

- committing an offence;
- causing personal injury to, or damage to the property of, any person (including themselves); and
- prejudicing the maintenance of good order and discipline.

The explanatory notes to the Act give an example of 'reasonable force' - leading a student by the arm to enforce an instruction to leave the class. However, nothing in the law concerning the use of reasonable force legitimizes corporal punishment.

Where a school or academy has students with known severe behavioural difficulties, only trained staff are allowed to use restraint techniques. The member of staff must be trained in the technique that is to be used. No staff can physically restrain students exhibiting extremes of behaviour unless so trained.

3. Circumstances Where Physical Restraint may be Justified

- Physical restraint should only be used as a last resort; other non-physical strategies for diffusing the situation must be tried first.
- Whenever possible, the age, level of understanding and gender of the student should be considered. In addition, staff should be mindful of any student who is on the Child Protection Register.
- If there is a need to restrain a student with known behavioural difficulties, only staff trained in appropriate restraint techniques should attempt to restrain such students.
- The Governors recognise that in some instances (such as stopping a student who is running down a corridor) staff may have to act quickly, and without having the time to consider all the circumstances.
- Examples of behaviour likely to lead to restraint:
 - physical attack by a student on an adult/other student;
 - deliberate damage to school or academy property;
 - a student behaving in a way which places others at risk, e.g. pushing,
 - tripping on a staircase, rough play or running in a corridor;
 - preventing a student running into a busy road;
 - refusal by a disruptive student to leave the classroom.

- Restraint is **not** a punishment and must not be used as such.
 - **Assistance** should be sought whenever possible.
 - the student(s) should be told that this has been done.
 - any other students who are at risk should be removed.
 - the use of restraint in a one-to-one situation should be avoided, witnesses are important.

- Restraint should not lead to injury: staff **should not**:
 - hold a student around the neck or collar, or in a way that might restrict breathing;
 - slap, punch or kick;
 - twist or force limbs against a joint;
 - trip;
 - hold or pull by the hair or ear; or
 - hold a student face down on the ground.

4. Physical Contact with Vulnerable Students

Normally all staff should avoid physical contact with students. It is accepted that some more vulnerable students, and particularly those with Special Educational (and emotional) Needs may require more physical contact than other students in order to assist with their everyday learning. It is crucial that any physical contact from a member of staff is appropriate to their professional role and in accordance with the Academy policies on which restraint techniques may be used and by whom.

Except in an emergency, only trained staff should use restraint techniques on vulnerable students with behavioural difficulties, and the techniques which may be used are only the ones that the member of staff is trained to use.

Specific arrangements should be:

- understood and agreed by all concerned;
- justified in terms of the student's needs;
- consistently applied;
- open to scrutiny; and
- reviewed regularly.

When physical contact is made with students this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity and background.

If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be recorded as soon as possible on the Academy Incident Logs and, if appropriate, a copy placed on the student's file.

5. Right to Search Students

The Violent Crime Reduction Act 2006 gives the Principal, and any member of the Academy staff authorised by the Principal, who has reasonable grounds for believing that a student may have with him/her or in his/her possession a knife or offensive weapon, the right to search that student.

The Principal must ensure that the person carrying out the search is of the same gender as the student and the search must be carried out in the presence of another adult also of the same gender as the student. The student cannot be required to remove any clothing other than outer clothing and if the student's possessions are searched this must also be done in the presence of another adult. The person carrying out the search is able to use such force as is reasonable in the circumstances for exercising that power.

The Principal cannot normally 'require' the Academy staff to conduct the searches, only 'authorise' them to do so. But they may 'require' security staff to carry out searches.

If a search reveals any 'offensive weapons' or knives, or 'evidence in relation to an offence' the Academy MUST inform the Police immediately. The Academy has no discretion in this, not even if the Academy would prefer to resort solely to internal discipline procedures.

6. Physical Contact with other Students?

DfE guidance states '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'. Examples given of where touching a student might be proper or necessary include

- 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;
- To give first aid.

7. Staff Code of Conduct

Staff at this Academy are expected to:

- be aware that even well intentioned physical contact may be misconstrued by the student, an observer or by anyone to whom this action is described;
- always be prepared to explain actions and accept that all physical contact will be open to scrutiny;
- be aware of the Government guidance in respect of physical contact with students and meeting medical needs of students; and ensure that all incidents are reported and logged in the Academy Incident Log.

Staff may legitimately intervene by using physical restraint to maintain good order and discipline and prevent a student from:

- committing a criminal offence;
- injuring themselves or others;
- causing damage to property;
- engaging in behaviour prejudicial to good order

Staff should have regard to the health and safety of themselves and others.

In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported.

Under no circumstances should physical force be used as a form of punishment.

The use of unwarranted physical force is likely to lead to a disciplinary process. It may also constitute a criminal offence.

Staff at this Academy must:

- adhere to the Academy Physical Restraint Policy;
- always seek to defuse situations; and
- always use minimum force for the shortest period necessary.

8. Informing Parents when force has been used on their Child

The DfE advise that it is good practice for schools and academies to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools and academies to decide whether it is appropriate to report the use of force to parents.

In deciding what is a serious incident, teachers should use their professional judgement and consider the:

- student's behaviour and level of risk presented at the time of the incident;
- degree of force used;
- effect on the student or member of staff; and
- the student's age.

9. Training and Support

The Principal will ensure that appropriate training is provided for key staff annually and for all staff at least every two years. The Principal will ensure that the system enables account to be taken of the records in the Incident Log and elsewhere.

10. Complaints

All complaints about the use of force should be thoroughly, speedily and appropriately investigated.

- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or *disorder* – *this will provide a defence to any criminal prosecution or other civil or public law action.*
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.
- Suspension need not be an automatic response when a member of staff has been accused of using excessive force. Schools and Academies should refer to the DfE 'Dealing with Allegations of Abuse against Teachers and Other Staff' guidance) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- The Principal will consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is taken to suspend a teacher, the school or academy should ensure that the teacher has access to a named contact who can provide support.
- The governing body will 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.
- The Academy has a duty of care towards colleagues and will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

11. Monitoring and Review

- The Principal will:
 - ensure that a recording and reporting system is in place and is maintained;
 - ensure that a senior member of staff is in charge of the Incident Log and reports regularly to the Senior Leadership Team.
 - report incidents and the outcome to the Governing Body.
- The Governing Body will review the Policy every two years or earlier.