

The Vale Primary Academy



ESSENTIAL RESTRAINT AND HANDLING POLICY

Reviewed and ratified by EAB Spring 2017.

INTRODUCTION

- 1.1 This policy is based upon DCSF Guidance on Section 93 of the Education and Inspections Act 2006: The Use of Force to Control or Restrain Pupils
- 1.2 The Vale Primary Academy recognises that there is a need, reflected in common law, to intervene when there is an obvious risk of safety to its child/young persons, staff and property.
- 1.3 The Vale Primary Academy is committed to ensuring that all staff and adults with responsibility for children/young peoples safety and welfare will deal professionally with all incidents involving aggressive or reckless behaviour, **and only use reasonable force as a last resort** in line with DfE advice. If used at all it will be in the context of a respectful, supportive relationship with the child/young person. We will always aim to ensure minimal risk of injury to child/young persons and staff.
- 1.4 This policy must be read and implemented in conjunction with the whole school/setting behaviour policy and approach to behaviour management.
- 1.5 Teachers are not contractually obliged to carry out restraint procedures and they are not contractually obliged to undertake training in any restraint procedures. This policy applies to all staff who are authorised to use force to control to control or restrain.
- 1.6 All staff authorised to use force to control or restrain children and young people must be aware that they must not use force as a punishment.
- 1.7 Those exercising the power to use force must also take proper account of any special educational need and/or disability that a pupil might have. Under the Disability discrimination act 1995 schools and educational settings have two key duties:
 - a. not to treat a disabled child/young person less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and
 - b. to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled (known as the reasonable adjustments duty).

2.0 THE VALE'S APPROACH TO BEST PRACTICE

- 2.1 The best practice regarding the use of force to control or restrain outlined below should be considered alongside other relevant policies in the school, specifically those policies involving behaviour, anti-bullying, child protection and health and safety.

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a child/young person from doing, or continuing to do, any of the following:

- a. committing any offence (or, for a child/young person under the age of criminal responsibility, what would be an offence for an older child/young person);
- b. causing personal injury to, or damage to the property of, any person (including the child/young person himself); or
- c. prejudicing the maintenance of good order and discipline at the school or among any child/young persons receiving education at the school/setting, whether during a teaching session or otherwise.

The staff to which this power applies are defined in section 95 of the Act. They are:

- a. any teacher who works at the school/setting, and
- b. any other person whom the head of academy has authorised to have control or charge of child/young persons. This:
 - i) includes support staff whose job normally includes supervising child/young persons such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.
 - ii) can also include people to whom the head has given temporary authorisation to have control or charge of child/young persons such

as paid members of staff whose job does not normally involve supervising child/young persons (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying child/young persons on school/setting organised visits).

The power may be used where the child/young person (including a child/young person from another school/setting) is on school/setting premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit). This judgement will take into account the circumstances of the incident. All staff should be aware that the use of force to control or restrain in response to a clear or developing danger of injury will always be more justifiable than the use of force to prevent damage or misbehaviour.

- 2.2 Staff will view the use of force to control or restrain of children as a **last resort and be absolutely necessary** for the purposes of maintaining a safe environment. If children are behaving disruptively or anti-socially, every strategy will be used to manage behaviour positively to prevent a deterioration of the situation.
- 2.3 Staff will understand the importance of listening to and respecting children to create an environment that is calm and supportive especially when dealing with children who may have social, emotional and behavioural needs, which may increase their aggression.
- 2.4 Staff are advised to give clear oral warning to the child that force may have to be used.
- 2.5 All staff will understand the importance of responding to the feelings of the child, which lie beneath the behaviour as well as to the behaviour itself.

3.0 PRACTICE REGARDING SPECIFIC INCIDENTS

- 3.1 All policies and practice regarding the supervision of children during the school/setting will be appropriate to the identified needs and behaviours of the child/young person, this combined with the whole school/setting approach to positive behaviour management should minimise the likelihood of requiring the use of force to control or restrain to an absolute minimum.

- 3.2 Staff intervening with children/young people will seek assistance from other members of staff as early as possible, since single-handed intervention increases the risks of injury to both parties and does not provide a witness.
- 3.3 A member of staff recognising that a situation is escalating to a point requiring the use of force to control or restrain yet feeling unable to carry this out must, as part of their duty of care, clearly tell the child/young person(s) to stop the behaviour and seek help by any means available. Staff should not physically intervene without help unless in their professional judgement such intervention is unavoidable and they feel confident and comfortable to do so.
- 3.4 Staff who become aware that another member of staff is intervening physically with a child/young person will have a responsibility to provide a presence and to offer support and assistance should this be required.
- 3.6 Where possible, staff who have not been involved in the initial confrontation leading up to an incident may be in a better position to intervene or restrain the child/young person if this proves necessary.
- 3.7 A child/young person's behaviour may be adversely affected by the presence of an audience. Wherever possible, the audience will be removed, or if this is not possible, the child/young person and member(s) of staff will withdraw to a quiet, but not completely private, place (e.g. two members of staff should be present or a door left open so that others are aware of the situation).
- 3.8 Staff will be aware of the need to tell the child/young person being restrained, in a calm and gentle manner that the reason for the intervention is to keep the child/young person and others safe. Staff will explain that as soon as the child/young person calms down, she/he will be released.
- 3.9 The force used will be commensurate with the risk prevented.
- 3.10 The physical action taken will take into consideration the age disabilities and competence of the child/young person and will be the least detrimental alternative.
- 3.11 All staff are aware that we operate a back-up system to enable staff to call for help in emergencies. This may be by another child or member of support staff fetching a member of SLT, by the use of mobile phones, by the use of the buzzer or by radio contact if a child is with an adult working 1 to 1.

3.12 Staff should not use restraint when working 1 to 1 or when alone with a child unless this is essential in order to prevent harm or injury.

4.0 **THE USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN**

4.1 Examples of situations in school where the use of force to control or restrain maybe appropriate include:

- child/young person attacks member of staff or another child/young person
- child/young person are fighting, causing risk of injury to themselves or others.
- child/young person are engaging in, or on the verge of, committing deliberate damage or vandalism to property
- child/young person is causing, or at risk of causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects
- child/young person absconds from school or room (this only applies if child/young person could be at risk if not kept in school or a room).
- a child/young person persistently refusing to leave a classroom
- a child/young person behaving such that the lesson is being seriously disrupted.

4.2 The following approaches are regarded as reasonable in appropriate circumstances.

- a. Holding for security and to reduce anxiety where there is potential risk, even if the child/young person is not yet out of control. This is best used when the child/young person is anxious or confused. Its purpose is to defuse or prevent escalation. Staff should take care that their actions should in no way be capable of being interpreted by the child/young person as aggression.
- b. Physically interposing between children/young persons.
- c. Blocking a child/young person's path.
- d. Pushing if restricted to situations where reasonable force is used to resist a child/young person's movement, rather than a forceful push that might cause the child/young person to fall over.
- e. Escorting a child/young person as per training e.g. TEAM TEACH Wrap

5.0 HOLDS TO BE AVOIDED

5.1 The following holds should not generally be used.

- Holding a child/young person around the neck, or by the collar, or in any other way that might restrict a child/young person's ability to breathe
- Slapping, punching or kicking a child/young person
- Twisting or forcing limbs against a joint
- Tripping a child/young person
- Holding a child/young person by the hair or ear
- Holding a child/young person face down on the ground

6.0 RECORDING A SERIOUS INCIDENT

6.1 All incidents that result in non-routine interventions will be recorded in detail in the school/setting serious incident records and additionally all incidents of restraint will be recorded sequentially in a bound and numbered pages book.

6.2 Contemporaneous record (i.e. written within 24 hours of the incident's occurrence) will be made by the staff member involved in the incident.

6.3 Similarly, contemporaneous notes will also be made by any other members of staff involved (i.e. as witnesses or additional providers of support). The notes will be signed and dated.

6.4 The record will contain the following information:

- The name(s) and the job title(s) of the member of staff who used reasonable force
- The name(s) of the child/young person(s) involved
- When and where the incident took place
- Names of staff and child/young persons who witnessed the incident

- The reason that force was necessary
- Behaviour of the child/young person which led up to the incident
- Any attempts to resolve the situation
- The degree of force used
- How it was applied
- How long it was used for
- The child/young persons response and the eventual outcome
- Details of any injuries suffered by either staff or child/young persons
- Details of any damage to property
- Details of any medical treatment required (an accident form will be completed, where medical treatment is needed).
- Details of follow-up, including contact with the parents/carers of the child/young person(s) involved.
- Details of follow up involvement of other agencies e.g. Police, Social Services

6.5 Child/young person witnesses may also be asked to provide a written account if appropriate.

6.6 Copy of this entry will be kept on the child/young person's file and retained in line with LA guidance on keeping educational records.

6.7 Staff should be encouraged to complete and submit a 'Violence to Staff Report' if they have been subjected to any assault/violence.

6.8 The school will report any injuries to child/young persons or staff when an ambulance is called in accordance with RIDDOR (HSE Regulations 1995)¹

6.9 Child/young persons who are identified as likely to require the use of force to control or restrain as part of their behaviour management will require an Individual Behaviour Management Plan

¹ RIDDOR _ Reporting of Injuries, Diseases and Dangerous Occurrences Regulations, HSE Books, PO Box 1999, Sudbury, Suffolk, CO10 2WA

which will include a risk assessment and handling plan. This is drawn up in response to the risk posed by the child/young person's behaviour and is shared with all staff, parents / carers and the child/young person if appropriate.

- 6.10 Governors and the Head of Academy will monitor and evaluate all records of such incidents on an annual basis.

7.0 DEBRIEFING ARRANGEMENTS

- 7.1 The child/young person and the member of staff will be checked for any sign of injury after an incident. First aid will be administered to anyone who requires it, or medical treatment obtained.
- 7.2 The child/young person will be given time to become calm while staff continue to supervise her/him. When the child/young person regains complete composure, a senior member of staff (or her/his nominee) will discuss the incident with the child/young person and try to ascertain the reason for its occurrence. The child/young person will be given an opportunity to explain things from her/his point of view. All necessary steps will be taken to re-establish the relationship between the child/young person and the member(s) of staff involved in the incident.
- 7.3 In cases where it is not possible to speak to the child/young person on the same day as the incident occurred, the debrief will take place as soon as possible after the child/young person returns to school/setting.
- 7.4 All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. A senior member of staff (or her/his nominee) will provide support to the member(s) of staff involved.
- 7.5 The Head of Academy will be informed at the earliest possible opportunity of any incidents where the use of force to control or restrain was used. The Head of Academy (or his/her nominee) will initiate the recording process if not already underway (see section 6.0) and review each incident to ensure that any necessary lessons are learned.
- 7.6 The Head of Academy will take advice from the LA Lead Safeguarding officer where necessary before making a referral under local child protection procedures. Staff are entitled to consult their school/local union representative for advice where necessary.
- 7.7 See paragraph 10.1 about informing parents/carers.

8.0 TRAINING NEEDS OF STAFF

- 8.1 In cases where it is known that a child/young person will require the use of force to control or restrain her/him on occasions, the school/setting will ensure that appropriate training is provided; Staff involved will identify their training needs in this area and the Head of Academy will manage the appropriate staff risk assessments to ensure that staff are identified appropriately.
- 8.2 Where the school anticipates that the use of force to control or restrain maybe required on occasions staff will undertake TEAM TEACH training or equivalent.
- 8.3 Team-Teach techniques seek to avoid injury to the service user, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the service user remains safe.
- 8.4 Staff trained in the use of force techniques to control or restrain need to update their training on a regular basis and ensure that their training record is kept up to date.

1 - Rotherham Behaviour Support Service, International Centre, Simmonite Rd, Rotherham S61 3EQ. Tel: 01709 336611

9.0 AUTHORISATION OF STAFF TO USE REASONABLE FORCE TO CONTROL OR RESTRAIN

- 9.1 We recognise that the use of force to control or restrain will be seldom used and it is a last resort to maintaining a safe environment.
- 9.2 All teaching staff are, by the nature of their roles, authorised to use the use of force to control or restrain as appropriate. Support staff will require specific authorisation, either temporarily or permanently. The Head of Academy or someone deputising for her/him when she/he is absent can only give this authorisation. Authorised staff will be notified formally. It may be the Head of Academy's decision that all support staff are authorised to use reasonable force, but reserve the right to withdraw an individual's authority where reasonable doubt should arise.
- 9.3 Best practice will be monitored. Frequent sessions to practise the use of techniques, as well as to disseminate any revised information will be included as part of the school's normal schedule of meetings.

9.4 These meetings will be open to all staff, including non-teaching staff, who have been authorised to use the use of force to control or restrain techniques

10.0 ARRANGEMENTS FOR INFORMING PARENTS /CARERS **

10.1 Parents/Carers will be informed of the School/Setting policy regarding the use of reasonable force to control or restrain in the following ways:

At the outset of the introduction of this policy, all parents/carers will be sent a letter outlining its introduction with information about obtaining a copy for their own information.

Thereafter, a section about the school's/setting's legal obligations to maintain a safe environment and the possible use of the use of reasonable force to control or restrain (as a very last resort) with child/young persons will be included in the school/setting brochure; Along with details of staff training providers.

Staff who work with particular children/young people who have been identified as requiring an Individual Behaviour Management Plan may need to use specific techniques routinely to manage challenging behaviour. Such arrangements will be discussed with parents/carers in advance on an individual basis. All interventions will be routinely recorded.

EAB members will be informed of the number of incidents where the use of force to control or restraint has been used on an annual basis.

This policy will next be reviewed and updated in Spring 2018.

Further Information re School Policies, A Suggested Framework see:

DCSF Guidance (Nov 2007) on 'The Use of Force to Control or Restrain Pupils in England (Annex A) – available on Teachernet – www.teachernet.gov.uk

