



# Physical Restraint Policy

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**Term of policy:** Every 3 years

**Approved by:** Board of Trustees

**Date ratified:**

**Next Review Date:** Summer | 2024

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**Sources:** NGA, The Key

**Online location:** SharePoint folder: Policies

**Consulted with JCC?** Yes ☐ No ☒

## Introduction

This policy replaces any previous policy and follows the DfE regulations.

As part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations, we have carefully considered the impact of this policy on equality. The School will ensure that this policy is applied fairly to all employees and does not have a negative impact on students or staff with protected characteristics; race, sex, religion and belief, sexual orientation, age, disability, gender reassignment, marriage and civil partnership and pregnancy and maternity.

## Foreword

Rooks Heath College is a mixed 11 to 18 multicultural comprehensive in the London Borough of Harrow. This policy is formulated by Deputy Headteacher (Pastoral), in consultation with staff and is monitored by other members of the school's Leadership and Management Group. The policy is subject to review every 3 years and is subject to approval by the governors of the college.

## Statement of Intent

This policy aims to:

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

## Powers of Members of Staff to Detain Students by Use of Force

1. *The Education and Inspections Act 2006* confirmed the right of staff 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
2. The DfE guidance notes on Use of Reasonable Force (July 2013) defines reasonable force as a 'a broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils'. However, the guidance is clear that it is always unlawful to use force as a punishment.
3. The DfE gives examples of where schools can use reasonable force as follows:
  - to remove disruptive children from the classroom where they have refused to follow an instruction to do so;
  - to prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
  - to prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
  - to prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;
  - to restrain a pupil at risk of harming themselves through physical outbursts
4. Where a school has students with known severe behavioural difficulties, only trained staff are allowed to use restraint techniques. Any nominated 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.

### **Right to Search Students**

1. In line with DfE guidance (01/2018 '*Searching, screening and confiscation*') a search may be undertaken where prohibited items may be present. The Head Teacher, and any member of the school staff authorised by the Head Teacher have the right to search a student if they have reasonable grounds to believe that the student may have with him/her or in his/her possession knives or weapons, illegal drugs, alcohol, stolen items, tobacco and cigarette papers, fireworks, pornographic images or any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property. The student should be given the opportunity to voluntarily hand in the item.
2. If the student refuses, the Head Teacher will be called in to deal with the situation. If the Head Teacher has reasonable grounds for suspecting that a student is in possession of a prohibited item then she, or a member of staff authorised by her, can search the student. The requirement that the searcher is the same sex as the student and that a witness is present will continue to apply in nearly all searches. There is a limited exception to this rule. A member of staff can carry out a search of a student of the opposite sex to them and without a witness present, but only where there is a reasonable belief that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff. Where it is practicable to summon a staff member of the same sex as the student and a witness then the teachers wishing to conduct a search must do so.
3. If a search reveals any 'weapons', or 'evidence in relation to an offence' the school will inform the Police immediately. The school has no discretion in this, not even if the school wishes to resort solely to internal discipline procedures.

### **Circumstances Where Physical Restraint May be Justified**

1. Physical restraint should only be used as a last resort; other non-physical strategies for diffusing the situation must be tried first.
2. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
3. 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.
4. If there is a need to restrain a student with severe behavioural difficulties, only staff trained in appropriate restraint techniques should attempt to restrain such students.
5. The Governing Body appreciates 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.
6. Examples of behaviour likely to lead to restraint:

- Physical attack by a student on an adult/other student
- Deliberate damage to school 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

7. Restraint is NOT a punishment and must not be used as such:

- Assistance should be sought whenever possible
- The student(s) should be told why they have been restrained
- 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.

8. 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
- Hold a student face down on the ground.

### **Physical Contact with Vulnerable Students**

1. Normally all staff should avoid physical contact with students. It is accepted that some more vulnerable students, and particularly those with Special Educational Needs and Disabilities, require more physical contact than other students in order to assist with their everyday learning. This is entirely appropriate and proper for staff, but it is crucial that they only do so in ways appropriate to their professional role and in accordance with the school's 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.

2. Specific arrangements should be:

- Understood and agreed by all concerned
- Justified in terms of the student's needs
- Consistently applied
- Open to scrutiny
- Reviewed regularly

Specific arrangements may be included on a student's IEP, PSP or recorded elsewhere.

3. 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.
4. In all cases where a student has been restrained, it will be reported to a member of Senior Management, who will inform the parent/carer.

### **Staff Code of Conduct**

1. Staff 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 made aware of the Government guidance in respect of physical contact with students and
  - Take into account any medical needs of students
2. Staff may legitimately intervene 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 detrimental to good order
3. Staff should have regard to the health and safety of themselves and others
4. In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be recorded in SIMS.
5. Under no circumstances should physical force be used as a form of punishment
6. The use of unwarranted physical force is likely to constitute in either a criminal offence or civil proceedings by the parent/carer. In addition, disciplinary action will be taken by the school.
7. Staff must:
  - Adhere to the school's Physical Restraint Policy;
  - Always seek to defuse situations
  - Always use the minimum force necessary for the shortest period necessary.

### **Training and Support**

The Head Teacher will ensure that appropriate training is provided for staff who are authorised to use physical restraint.

### **Equal Opportunities**

In implementing this policy all staff must take account of the Equality Information and Objectives Policy. Only trained staff are authorised to use permitted restraint techniques on students with disabilities who may exhibit severe behavioural difficulties.

### **Monitoring and Review**

The Head Teacher will:

- Ensure that all incidents are recorded in the School's MIS (currently SIMS)
- The Deputy Head (Pastoral) is in charge of ensuring incidents are recorded and reported regularly to the STRP group.
- Report incidents and the outcome to the Governing Body, annually in the summer term.

### **Links with other policies**

This document links to the following policies:

- Behaviour for Learning Policy
- Child Protection and Safeguarding Policy
- Equality Information and Objectives Policy
- Searching, Confiscation and Screening Protocol

### **References:**

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

<https://www.gov.uk/government/publications/searching-screening-and-confiscation>