

# Physical Restraint Policy



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## **Physical Restraint Policy**

### **1. This policy aims 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

#### **1.1. Policy statement:**

This policy needs to be in conjunction with:

- Behaviour and Exclusion policy
- Safeguarding Policy
- Special Educational Needs Policy
- Equal Opportunities & other related policies.

This policy recognises that there may be occasions where staff are required to use force either to defend themselves or to protect others from injury. However the use of force to restrain or physically direct another person should be regarded as a last resort. Whilst there are situations in which there is no safer alternative, individual members of staff should try to minimise the chance of these arising by:

- Creating a calm, orderly and supportive school climate that minimises the risk of violence of any kind.
- An active approach to teaching learners how to manage strong emotions.
- Having regard to avoiding actions that may be seen as inciting violence.
- Effective management of individual incidents – remain calm, non threatening language.
- Avoid any physical contact with any other person unless essential to teaching and learning process or normal working arrangements.

Preventative measures will not always work, therefore, in the circumstances where members of staff judge that the risks associated with not using force are greater than those associated with using force, they should follow the school's guidance and procedures. Staff using any force who follow the guidance and procedures will be fully supported by the school in the unlikely event of any legal action taken by a learner as a result of the application of force.

#### **1.2. Legislation**

Education and Inspections Act 2006 Section 165 (Power of members of staff to use force), which inserts section 85C into the Further and Higher Education Act 1992 (c. 13).

Violent Crime Reduction Act 2006 Section 46 authorises a Principal or a member of staff authorised by him or her, to search learners at an institution for weapons if that person has reasonable grounds for suspecting that there is a weapon with the learner or in his or her possessions. Persons authorised by a Principal to search for weapons may use such force as is reasonable in the circumstances for exercising that power.

### **1.3. Further Guidance**

Department for Children, Schools and Families (DCSF) Summer 2010 – The Use of Force to Control or Restrain in Schools.

The DfES/DCSF provides additional guidance on physical intervention with learners who display extreme behaviour associated with learning disability and/or autistic spectrum disorders and learners with severe behavioural difficulties. Whilst aimed at special schools, the guidance is also relevant to schools with such learners. It is available at:

[www.teachernet.gov.uk/wholeschool/sen/schools/piguide/pisec1/](http://www.teachernet.gov.uk/wholeschool/sen/schools/piguide/pisec1/)

An analysis of 'reasonable force' and the circumstances under which common law allows its use is also included.

## **2. 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 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 legitimises corporal punishment.

3. 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.

### **3. Right to Search Students**

1. In line with DfE guidance (circular 34/2014 '*Searching, screening and confiscation*') a search may be undertaken where unlawful substances may be present. 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 drugs, alcohol, stolen property, fireworks or an offensive weapon, the right to search that student. 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 Principal has reasonable grounds for suspecting that a student is in possession of a prohibited substance/item then he, or a member of staff authorised by him, 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 'offensive weapons' or knives, or 'evidence in relation to an offence' the Academy will inform the Police immediately. The Academy has no discretion in this, not even if the Academy wishes to resort solely to internal discipline procedures.

### **4. 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. 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.

3. 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.
4. 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.
5. 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 a classroom
6. 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.
7. 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.

## **5. 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, 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 Academy'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.

## **6. 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 CPOMS.
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 Academy.
7. Staff must:
  - Adhere to the Academy's Physical Restraint Policy;
  - Always seek to defuse situations;
  - Always use the minimum force necessary for the shortest period necessary.

## **7. Reporting and Recording Incidents**

### **7.1 Incidents should be reported immediately using the following procedures:**

For example, if a fight between students has commenced the staff must inform the Pastoral team via email or through another student; detailing the location as soon as possible. No staff member must intervene until another member of staff is present, unless they deem it safe to do so.

- If it is deemed that an altercation may commence and staff have initiated de-escalation techniques which have failed to work, then staff should call for support. Incidents should also be reported to a member of SLT and / or Principal as soon as possible.

### **7.2 Recording of incidents should be used using the following procedures;**

- Completion of Staff Incident Form
- Completion of incident into CPOMS
- Other relevant information i.e. CCTV images to be uploaded to CPOMS

The above documents must be taken to the pastoral meeting regarding the incident on the day that the incident occurred, to enable a full analysis of incident and sanctions to be imposed.

### **7.3 Physical Restraint Incident Record account in CPOMS should detail:**

- Details of learner(s) on whom force was used by a member of staff

- Date, time and location of incident
- Names of staff involved \*(directly or as witnesses)
- Details of other learners involved \*(directly or as witnesses), including whether any of the learners involved were vulnerable
- Description of the incident by the staff involved, including any attempts to de-escalate and warnings given that force might be used.
- Reasons for using force and description of force use.
- Follow up, including post-incident support and any disciplinary action against learners.
- Any information about the incident shared with staff not involved in it and external agencies
- When and how these with parental responsibility were informed about the incident and any views they have expressed
- The Academy's DSL, Principal and Vice-Principal pastoral must be notified in CPOMS of this entry.

## 8. Training and Support

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

## 9. Equal Opportunities

In implementing this policy all staff must take account of The Hurlingham Academy's Single Equalities Policy. Only trained staff are authorised to use permitted restraint techniques on students with disabilities who may exhibit severe behavioural difficulties.

## 10. Monitoring and Review

The Principal will:

- Ensure that all incidents are recorded in CPOMS.
- The Vice-Principal (Pastoral) is in charge of ensuring incidents are recorded and
  - reported regularly to the Senior Leadership Team and the Governing Body.
- Report incidents and the outcome to the Governing Body, termly in the
  - summer term under the behaviour for learning section.

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