

# Fairisle Infant and Nursery School



## **Physical Intervention and Restraint Policy**

**Date policy reviewed: January 2019**

**To be reviewed again: January 2021**

Ratified By Governing Body:

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23/1/19

# **Physical Intervention and Restraint Policy**

## **United Nations Convention on the Rights of the Child**

**“Everyone has a right to feel safe” Article 19**

**“Discipline in schools must respect children’s dignity” Article 28**

**“No child should be punished in a way that humiliates them or hurts them”  
Article 37**

Fairisle Infant and Nursery School operates a positive Behaviour Policy in school. Our aim is to establish good behaviour from our children in a caring and supportive environment where the welfare of the child is paramount. The purpose of this policy is to outline the procedures to be followed in the rare case of a restrictive physical intervention being used by a member of staff towards a pupil.

This policy should be read alongside the schools’ Behaviour Policy, Anti-Bullying Policy, Inclusion Policy, Safeguarding Policy and Health and Safety Policy. The policy follows all relevant legislation as outlined in: **Section 93 of the Education and Inspections Act 2006** and **DFE “Use of Reasonable Force” July 2013.**

### **Definition:**

**Physical Intervention** is any method of physically intervening to resolve a difficult or dangerous situation, and is not necessarily physical restraint. **Physical Restraint** is defined as when a member of staff uses force with the intention of restricting a young person’s movement against their will.

**Physical Intervention and Restraint should be used as a last resort** to support children and young people in times of crisis. Restraint should be avoided wherever possible. It is never a substitute for good behaviour management. Other methods (such as defusing conflict, non physical calming, etc) of managing the situation should always be tried first, unless this is impractical.

### **What the law says:**

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

- Committing a criminal offence (or for a pupil under the age of criminal responsibility, what would be an offence for an older pupil).
- Where there is a risk of injury to others or to the pupil.
- Where there is a risk of significant damage to property.
- Where good order and discipline is compromised.

(See Appendix A for examples of situations)

The degree of force used should be the minimum needed to achieve the desired result. Physical restraint should only be considered an option if:

- calming and defusing strategies have failed to de-escalate the situation
- the response is in the paramount interests of the young person
- not intervening is likely to result in more dangerous consequences than intervening.

In an emergency or a case of self-defence everyone has the right to use reasonable force to defend themselves or others against attack. Force should only be used if the situation warrants it, and that such force must be in proportion to the circumstances and consistent with the age and understanding of the young person.

DFE guidance (2013) defines 'reasonable force' as:

- The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
- Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed.
- Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm.
- Restraint means to hold back physically or to bring a pupil under control.
- School staff should always try to avoid acting in a way that might cause injury.
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### **Staff authorised to use restrictive physical intervention**

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

- any teacher who works at the school, and
- any other person whom the head has authorised to have control or charge of pupils.

### **Using force**

Before using force staff should, wherever practicable, tell the pupil to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not give the impression of acting out of anger or frustration, or to punish a pupil, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

The types of force could include:

- a. passive physical contact resulting from standing between pupils or blocking a pupil's path;
- b. active physical contact such as:
  - i) leading a pupil by the hand or arm;
  - ii) ushering a pupil away by placing a hand in the centre of the back;
  - iii) in more extreme circumstances, using appropriate restrictive holds, which may require specific expertise or training.

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil running off the pavement onto a busy road or preventing a pupil from hitting someone with a dangerous object such as a glass bottle or hammer. In the case of a pupil wielding a dangerous weapon the police should be contacted immediately.

Using physical contact to "punish a pupil or cause pain, injury or humiliation" is explicitly forbidden (Education Act 1996). Examples of such force would be:-

- holding around the neck
- any hold that may restrict breathing
- kicking, slapping, punching
- forcing limbs against their joints
- tripping
- holding by hair
- holding pupil face down on ground

### **Reporting and Recording**

In all incidents where physical restraint has been used, the following actions must be taken:

- The Headteacher must be informed as soon as possible.
- The Headteacher is responsible for ensuring that parents/carers are informed as soon as possible.
- If the Headteacher is not available the Deputy Headteacher will undertake the above duties. In her absence this duty will fall to the allocated Senior teacher.
- The staff involved must complete a written record as soon as possible, and always within 12 hours of the incident.
- Incidents of restrictive physical intervention should be recorded using the **Restraint Incident Record Form** (see Appendix B)

### **Health and Safety:**

### Risk Management

Any child who has needed to be restrained or who has challenging behaviour which might make this necessary should have a risk assessment and a behaviour plan specifying situations most likely to trigger difficult behaviour, de-fusion techniques most likely to help, agreed crisis management strategies and physical intervention techniques, agreed with parents/carers and communicated to all staff who work with the pupil. The risk assessment and behaviour plan must be reviewed every half term.

### Children

When using physical restraint, the young person's health and safety must always be considered and monitored. The hold must be stopped immediately if significant signs of physical distress are seen, i.e. sudden change in colour, difficulties in breathing, vomiting.

Physical restraint should not be used where there are any medical concerns.

After holding, an independent member of staff should verbally check the young person for evidence of injury and should further medical intervention be needed, this should be recorded on the form. Medical advice should be sought if there are any concerns. Post incident support should be offered for pupil and staff and appropriate follow up action, e.g. opportunities to repair relationship and make reparation, formal post incident interview and review of the behaviour plan to consider any changes.

### Staff

Staff are not under a duty to run the risk of personal injury, by intervening where it is not safe to do so. If the situation is assessed as being too dangerous, staff should remove other pupils and any possible weapons, retire to a safe distance and call for another member of staff to help. The Red Emergency card is the agreed method of notifying staff for help.

### Injuries

All injuries must be recorded and reported to the LA using the Injury/Accident form located in the school office. If there are concerns regarding Health and Safety regulations regarding violent incidents, reference should be made to "Preventing Workplace Harassment and Violence" Safe Working Procedure Version 7.00 (see Appendix C).

### Complaints

If a child and his/her parents/carers wish to make a complaint about physical restraint used by a teacher or other authorised person, they will complain to the Headteacher in the first instance (or to the Chair of Governors if the Headteacher is the subject of complaint). The Headteacher will then seek advice from Human Resources and the matter will be investigated under the relevant disciplinary procedure.

## **Appendix A**

### **Examples of situations:**

- a. A pupil attacks a member of staff, or another pupil.
- b. Pupils are fighting, causing risk of injury to themselves or others.
- c. A pupil is committing, or on the verge of committing, deliberate damage to property.
- d. A pupil is causing, or at the risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or object.
- e. A pupil absconds from a class or tries to leave school other than at an unauthorised time. Refusal of a pupil to remain in a particular place is not enough on its own to justify use of force. It would be justifiable where allowing a pupil to leave would:
  - i) entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property; or
  - ii) lead to behaviour that prejudices good order and discipline, such as disrupting his/her own class or other classes.
- f. A pupil persistently refuses to follow an instruction to leave a classroom.
- g. A pupil is behaving in a way that seriously disrupts a lesson; or
- h. a pupil is behaving in a way that seriously disrupts a school sporting event or school visit.

In these examples use of force would be reasonable (and therefore lawful) if it was clear that the behaviour was sufficiently dangerous or disruptive to warrant physical intervention of the degree applied and could not realistically be dealt with by any other means.

## **Appendix B**

Restrictive Physical Intervention Records Form

## **Appendix C**

Safe Working Procedure: 'Preventing Workplace Harassment and Violence'

Policy reviewed: January 2019

Next review: January 2021