



## **PHYSICAL CONTACT AND PHYSICAL RESTRAINT**

**The Principal, March 2010**  
**Formal Review Date March 2011**

## THE USE OF PHYSICAL CONTACT AND PHYSICAL RESTRAINT

### **Rationale:**

Red House Academy is a caring institution which places the welfare of our students at the centre of everything we do. However, in delivery that care we should ensure physical contact is avoided if possible as it can be misconstrued by students, parents and carers. Encouragement, support and comfort can be provided to a student without physical contact.

### **Guidance (from Teachernet.com)**

Touching students, including well intentioned gestures such as putting a hand on a shoulder, can, if repeated regularly, lead to serious questions being raised. As a general principle staff must not make gratuitous physical contact with their students. It is particularly unwise to attribute touching to their teaching style or as a way of relating to students. Teachers and other staff do have, however, have the right to use reasonable physical force to restrain pupils in certain circumstances.

Any form of physical punishment of pupils is unlawful as is any form of physical response to misbehaviour unless it is by way of restraint. It is particularly important that staff understand this both to protect their own position and the overall reputation of the Academy.

### **Where physical contact may be acceptable**

There may be occasions where a distressed student needs comfort and reassurance which may include physical comforting such as a caring parent would give. Staff should use their discretion in such cases to ensure that what is normal and natural does not become unnecessary and unjustified contact, particularly with the same student over a period of time. Where a member of staff has particular concern about the need to provide this type of care and reassurance they should seek the advice of the Principal.

Some staff are likely to come into physical contact with students from time to time in the course of their duties. Staff should be aware of the limits within which such contact should properly take place and of the possibility of such contact being misinterpreted.

## Physical Restraint

Red House Academy has taken preventative measures to help reduce the likelihood of a situation arising where the power to use force may be needed to be exercised. These include:

- Creating an ethos of good behaviour within a calm environment.
- Encouraging positive relationships between staff and students.
- Adopting a whole-school approach to developing social and emotional skills.
- Consulting on and adopting a 'Behaviour for Learning' Policy.
- Establishing rules and sanctions to be consistently applied.
- Establish a behaviour management route for challenging students.

## Academy Mission

- Red House Academy does not advocate the use of physical restraint. The Academy will develop an ethos where the use of physical restraint will not be necessary. If it becomes necessary in exceptional circumstances to use physical restraint, **it should be an act of care not a punishment.**

## Definition of Physical Restraint

- Physical restraint is the positive application of force with the intention of controlling the pupil's behaviour in order to protect him/her from harming him/herself or others or seriously damaging property.
- Physical restraint occurs whenever a member/s of staff, intentionally, using force, physically restricts a pupil's movement against his/her will.
- Physical restraint does not include the use of gentle physical prompting or guidance where the child is happy to comply and the aim is to assist him or her to participate appropriately in activities.  
There are other situations where physical contact may be necessary e.g.: demonstrating exercises in PE lessons; administering first aid; or offering comfort to a distressed pupil. This does not constitute restraint but staff should be conscious of pupil perceptions and recognise that for some pupils touching may be unwelcome and misinterpreted despite good intentions.
- It is a procedure to deal with an unsafe or crisis situation
- It must not be used as a punishment or when a less severe response might effectively resolve the situation.

## Organisation

The Principal is responsible for:

1. Ensuring that all staff are familiar with the Academy's policy.
2. Ensuring that all appropriate staff are trained.
3. Monitoring the implementation of the school policy.

## Procedures

- Before resorting to physical restraint staff will have tried all alternatives and especially those which have been successful in the past in preventing the student's behaviour from becoming a danger to him/herself or others.
- Acceptable forms of restraint for use in Red House Academy will be limited to the minimum force necessary to prevent the pupil from harming him/herself in the use of acceptable forms of restraint. They should be used where there are good grounds to believe that a student is placing him/herself or other people in immediate danger or where there is a likelihood of significant damage to property.
- Where the regular use of physical restraint is necessary with an individual, the strategies to be used will be devised and recorded in the individual pupil's planning document including in the Individual Education Plan. This should be done in conjunction with the parents and, where possible, the child (see Appendix 3)
- Where it has been necessary to use physical restraint, the incident will be discussed with the pupil and its point of view recorded. (Appendix 3; sample for recording incident).
- Parents/carers will be informed when physical restraint has been used and will be given the opportunity to discuss the matter with the school.
- Staff will be given the opportunity to discuss with the Principal or Vice Principal and at staff meetings, incidents where physical restraint was employed and in particular, to identify whether any alternative strategy might have been equally effective.
- Staff training needs will be identified and suitable information and training provided as appropriate.

### What does Restraint look like?

Restraint occurs whenever a member of staff, using intentional force, physically restricts a pupil's movement against the pupil's will. This may mean restraining a pupil or moving him/her by physical means. The procedures of restraints apply to pupils of either sex and of any age.

Restraint can be:

- a) Partial – restricting and preventing particular movements.
- b) Total – as in the case of immobilisation.

**Partial Restraint** covers a wide range of techniques which can be applied in degrees to meet particular circumstances. It may involve.

1. Physically moving a pupil from a situation where there is an imminent risk of a violent incident and where the pupil has refused to respond to a reasonable verbal request.
2. Holding pupils to restrict their movements.
3. Retaining a pupil in a confined area in order to prevent individuals or property being damaged. (It is illegal to lock a pupil in a room or cupboard which they cannot leave of their own volition).

**Total Restraint** is where pupils are held in such a way which prevents them from moving. This could mean a pupil being held on the floor. This is an extreme form of restraint and would be used only when an assault was being thought a serious risk to others.

Staff should be aware that for some pupils the use of physical restraint may act as a positive reinforcement for their behaviour.

**Only the minimum force necessary**, to prevent physical injury or damage **should be applied**. Particular care must be taken to avoid inflicting any unnecessary pain or injury.

Restraint must not involve deliberate painful or dangerous procedures. It should:

- a) **Never** interfere with breathing, blood supply or genital areas;
- b) **Never** hold the head, throat or fingers.
- c) **Never** hold wrists at the joints.

The hold should be discontinued as soon as the situation is deemed safe.

When using physical restraint, members of staff have a responsibility to justify that means other than force have been attempted or are proving impracticable.

As soon as it is safe, restraint should be gradually relaxed to allow the pupil to regain self-control. The pupils should be told what will happen next to calmly reassure them, for example, that you are going to release the hold and want them to stay quietly with you.

Restraint should be an act of care and control, not punishment.

A pupil must never be asked to restrain another pupil.

### **What does the law say?**

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

- a) Committing any offence (or, for a student under the age of criminal responsibility, what would be an offence for an older student);
- b) Causing personal injury to, or damage to the property of, any person (including the student himself); or
- c) Prejudicing the maintenance of good order and discipline at the school or among any students receiving education at the school, 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 and
- b) Any other person whom the Principal has authorised to have control of charge of students. This:
  - i) Includes support staff whose job normally includes supervising students such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.
  - ii) Can also include people to whom the Principal temporary authorisation to have control or charge of students such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying students on school-organised visits).
  - iii) Does not include prefects.

The power may be used where the student (including a student from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. However, deciding whether misbehaviour is trivial also depends on circumstances. For example, running in a corridor crowded with small children may be dangerous enough not to be regarded as trivial.

Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a student might have. Under the Disability Discrimination Act 1995 schools have two key duties:

- a) Not to treat a disabled student 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 students at a substantial disadvantage to pupils who are not disabled (known as the reasonable adjustments duty).

The statutory power conferred by section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of students. On preventing other types of criminal offence, section 93 provides essential clarification. It is by no means clear that all the behaviours that prejudice school discipline are also criminal offences and most primary students are below the age of criminal responsibility. So section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006, to search students without their consent for weapons. This search power applies to the Principal and staff authorised by him/her where they have reasonable grounds for suspecting that a student has a weapon. Reasonable force could be used by the searcher and/or the second person required to be present at a search. However the Department strongly advises schools not to search students where resistance is expected, but rather to call the police. See sections 4(f), 9 and 13 of the guidance on weapons searching at [www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity](http://www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity)

**It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1996.**

Examples of situations that particularly call for judgements of this kind include:

- a. A student attacks a member of staff, or another pupil;
- b. Students are fighting, causing risk of injury to themselves or others;
- c. A student is committing, or on the verge of committing, deliberate damage to property;
- d. A student is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or object;
- e. A student absconds from a class or tries to leave school other than at an authorised time. Refusal of a student to remain in a particular place is not enough on its own to justify use of force. It would be justifiable where allowing a student to leave would:

- i) Entail serious risks to the student's safety (taking into account age and understanding), to the safety of other student or staff, or of damage to property; or
  - ii) Lead to behaviour that prejudices good order and discipline, such as disrupting other classes;
- f. A student persistently refuses to follow an instruction to leave a classroom;
- g. A student is behaving in a way that seriously disrupts a lesson; or
- h. A student is behaving in a way that seriously disrupts an Academy sporting event or school visit.

### **When should staff not intervene?**

Sometimes an authorised member of staff should not intervene in an incident without help, unless it is an emergency. Schools should have communication systems that enable a member of staff to summon rapid assistance when necessary. Help may be needed in dealing with a situation involving an older pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils who might be at risk and summon assistance from other authorised staff, or where necessary phone the police.

### **How should incidents of physical restraint be recorded and reported?**

Systematic records need to be kept of all significant incidents in which force has been used. The Incident form (Annex A) should be completed and handed in to the Principal.

### **Complaints**

If a parent/carer complains following an incident, he/she will be referred to the Academy's Complaints Procedure.

### **Named Staff**

In the first instance the following staff are the named personnel to deal with incidents that allow time for a staff member to be called:

Principal

Vice-Principal

Assistant Heads of School

ELM Mentors

ACE Mentor

ELM Manager

### RESTRAINT – INCIDENT REPORT FORM

**1. Basic information**

Name of School: \_\_\_\_\_

Name of Student: \_\_\_\_\_ DOB: \_\_\_\_\_ Yr: \_\_\_\_\_

Name of member of staff: \_\_\_\_\_

**2. Events leading to this incident**

Where did the incident occur? \_\_\_\_\_

When did the incident occur? Time: \_\_\_\_\_ Day/Date: \_\_\_\_\_

How did the incident begin? \_\_\_\_\_

\_\_\_\_\_

**3. Describe the incident**

What behaviour was the student presenting that warranted restraint?

What was happening at the time?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

At risk of injury self or others

At risk of damage to property

Compromising good order or disruptive

At risk of committing a criminal offence

Other (please explain)

Was anyone else involved? \_\_\_\_\_

Did anyone else see what happened? (Give details of other pupils/staff)

\_\_\_\_\_

What behaviour was the pupil presenting that warranted restraint?

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Was there damage to property or an assault on a pupil or staff during the incident?

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What did you do to try to defuse the situation before using restraint?

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How was the student restrained? (describe) \_\_\_\_\_

e.g. two people escort; one person wrap; supine control

For how long? \_\_\_\_\_

By how many staff members? \_\_\_\_\_

Were they authorised? \_\_\_\_\_

#### 4. Injuries sustained

Was anyone injured? **YES/NO**

If yes, give details \_\_\_\_\_

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Was this recorded in the accident book? **YES/NO**

Was the pupil checked for injuries by a member of staff who was not involved in the incident? **YES/NO**

If yes, by whom? \_\_\_\_\_

#### 5. Implications for future planning

What do you think this behaviour was about? \_\_\_\_\_

e.g. attention, emotional release, task escape mechanism, other \_\_\_\_\_

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#### 6. Follow up Action

The incident was reported by: \_\_\_\_\_

designated: \_\_\_\_\_

Parent/Carer was informed by:

Telephone  Letter (with pupil)  Letter (post)  Personally

When were they informed? Time: \_\_\_\_\_ Date: \_\_\_\_\_

Debriefing session took place on \_\_\_\_\_

Incident form completed by: \_\_\_\_\_ Post held: \_\_\_\_\_

Date: \_\_\_\_\_

Copies to: \_\_\_\_\_ School File

**Follow up Information:**

To be completed by the Principal or authorised member of staff.

Has this student been physically restrained before? Yes/No

If Yes, how many times at your school? \_\_\_\_\_

**Implications for Future Planning**

Does the student have a behaviour management programme? Yes/No

Do changes need to be made to any of the following (Please tick as appropriate)

- the environment e.g. organisation, curriculum
  - targets for teaching new boundaries
  - reinforcement strategies
  - defusing and calming strategies
  - other
- please specify:

\_\_\_\_\_  
\_\_\_\_\_

Do other agencies need to be involved in the future? Yes/No

If Yes, please specify who and with what aim:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Follow up Action:**

Was medical intervention needed? Yes/No

If Yes, please specify:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

What other record was kept:

- Accident Form
- Incident Form

Parent/carer informed by:

Telephone

Letter

Direct Contact

Principal's signature:

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Date:

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