



**DEVON COUNTY COUNCIL**

**Education, Arts and Libraries Directorate**

**INCLUSIVE EDUCATION:**

**GUIDANCE ON THE USE OF  
REASONABLE FORCE TO CONTROL  
OR RESTRAIN PUPILS**

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# **INCLUSIVE EDUCATION: THE USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN PUPILS**

## **GUIDANCE**

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## 1. INTRODUCTION

- 1.1 The intention of this document is to provide schools and settings, such as Pupil Referral Units, with guidance on circumstances in which physical restraint may be appropriately used, procedures that should be in place and the techniques which are considered to be suitable. It is vitally important that governors, staff, pupils and parents/carers understand these procedures and the context in which they apply.
- 1.2 Furthermore it is intended to ensure that staff are clear about their role when they are working with children in order that both their own rights and those of children are protected.
- 1.3 The Education Act 1996 places greater emphasis on the roles and responsibilities of schools in respect of pupil behaviour and discipline. This includes a section on the power of members of staff to restrain pupils. The policy also needs to be considered in this broader context. The LEA acknowledges that there is a fine line to be drawn between advice that will be helpful to clarify where reasonable force might be used as a last resort, and advice that may precipitate violent reactions in pupils. The purpose of this guidance is to ensure that this line is clearly understood and that reasonable force or restraint is only used as a **last resort**.
- 1.4 This guidance sets out the framework for the use of physical restraint in a general sense while recognising that there are some circumstances that will require more particular approaches. Any use of physical restraint, however should always be set within the guidance of a school's **overall behaviour management framework underpinned by sound risk assessment**.
- 1.5 There is a wide variety of types of behaviour that can be classed under the general heading of 'challenging behaviour' in Devon schools. Strategies for dealing with such behaviour need to be equally varied and matched carefully to particular circumstances and individual needs.
- 1.6 Although the vast majority of young people in schools will never require any form of physical restraint, staff in some schools work with children and young people who frequently exhibit challenging behaviours. In these cases it is advised that schools carry out a **risk assessment**. **Guidance on risk assessment principles is below.** (paragraph 6).
- 1.7 Providing successful inclusive education increases the need to assist all staff in preserving good order and discipline within an environment conducive to meeting the needs of all young people.
- 1.8 At the same time, the risk of accusation of improper conduct towards a young person needs to be minimised in order that the staff may act appropriately in difficult circumstances. The guidelines support the need for physical restraint but as only **one** of the strategies available for the management of challenging behaviour.
- 1.9 The LEA is committed to following Devon Child Protection Procedures in order to ensure the welfare of all pupils and therefore this policy has been subject to consultation with senior representatives of other agencies.

## 2. **THE LAW**

- 2.1 Legislation that came into force on 1 September 1998 (Section 550 of the Education Act 1996), together with national guidance (DfEE Circular 10/98), establishes the powers of teachers and other staff who have lawful control or charge of pupils, to use reasonable force in order to prevent children committing a crime, causing injury or damage, or causing disruption. These apply both on school premises and also off-site when teachers and other staff are responsible for pupils, for example on school trips.
- 2.2 The guidance builds on this particular section of the 1996 Act to provide support to schools and settings, services and staff throughout the Education Service, who are working with pupils who occasionally may need to be prevented from harming themselves or others by the use of restraint.
- 2.3 More recent DfES guidance includes Guidance on the Use of Physical Interventions for Pupils with Severe Behavioural Difficulties (DfES 2003) and Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and Autistic Spectrum Disorders (DfES 2002).
- 2.4 Restraint is an action of last resort and is not a substitute for behaviour management strategies. Schools are required by law to have a clear school behaviour policy that has regard to Annexe B of DfEE Circular 10/99 (Social Inclusion: Pupil Support)

## 3. **DEFINITION OF PHYSICAL RESTRAINT**

- 3.1 In this document we describe physical restraint in accordance with DOH Circular 4/93 namely, the positive application of force with the intention of overpowering the child. The proper use of restraint requires skill, judgement and knowledge of non-harmful methods of control.
- 3.2 DfEE Circular 10/98 sets out the three broad categories in which reasonable force may be appropriate, or necessary, to control or restrain a pupil.
  - Where action is necessary in self defence because there is an imminent risk of injury.
  - Where there is a developing risk of injury, or significant damage to property;
  - Where a pupil is behaving in a way that is compromising good order and discipline”.
- 3.3 Examples of situations that fall within these categories are set out in paragraph 15 of DfEE Circular 10/98.
- 3.4 Circular 10/98, paragraph 17, points out that there is no legal definition of reasonable force. This will always depend on the circumstance of the case.
- 3.5 The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

### 3.6 Types of restraint which may be appropriate:

- Any holding tactic in which a young child is restrained without injury until the young child calms down.
- Physical contact with a young person designed to control the young person's movements which pose a danger (e.g. holding by the arms against the side of the body). Standing by the side of the young person is likely to minimise the risk to adult and young person.
- The holding of a young person's arms or legs to prevent/restrict striking/kicking.
- The use of sufficient physical force – without causing injury - to remove a weapon/dangerous object from a young person's grasp (if foreseeable this requires specialised training).
- Physically preventing a young person from exposing themselves to possible danger by leaving the premises.

In all of the above, the person exercising the restraint must be authorised and must have received appropriate approved training.

- 3.7 **Pupils should not be placed on the floor unless staff have received specialist, accredited training.** Where risk assessment has taken place it is imperative that techniques are outlined within the pupils' Positive Handling Plan. During ground holds the young person's well-being should be monitored continuously and such monitoring should continue immediately after the restraint until the young person has fully recovered. Following ground holds pupils should then be monitored every fifteen minutes for at least three hours. All relevant authorities, including parents/carers, must be informed as soon as possible following the incident.
- 3.8 The member of staff involved should advise the young person calmly and repeatedly that he/she could stop the need for restraint by applying self-control.
- 3.9 The young person should be released from restraint as soon as it is safely possible. Release must always be carried out in a planned, controlled way.
- 3.10 Staff should avoid any actions that could be viewed as sexual. If a member of staff feels that a necessary restraint action may be viewed by a young person as involving sexual contact, the member of staff should describe what he/she intends to do and why, giving the young person an opportunity to avoid it. If the action remains necessary, while carrying it out, the staff member should repeat why it is necessary, stressing that it is the young person's power to remove the need for restraint.
- 3.11 If restraint is required for an extended period because the child cannot be released safely a senior member of staff must monitor the situation closely with a view to safeguarding the young person and the staff concerned.
- 3.12 As far as possible actions should be calculated to reduce the need for restraint or, when restraint is used, to reduce the length of time for which it is necessary.

3.13 Only a court may judge what is reasonable in terms of the amount of force used in physical restraint and obviously does so retrospectively.

3.14 The following actions would be deemed as unreasonable or unsafe and must not be used:-

- any hold that restricts a person's breathing, eg where a young person's arms are held tightly across their chest or a seated restraint with the young person's chest pushed forward towards their knees
- exerting excessive pressure on any part of a young person's body;
- forcing a young person's arm up his/her back;
- sitting on a child/ young person;
- lifting a child/young person off the floor in order to intimidate.

3.15 The following are also prohibited as forms of control:

- **Corporal punishment**

corporal punishment may be defined as any act or threat of an act, such as hitting, kicking, slapping, punching, poking, prodding, biting, throwing an object, rough handling etc which causes or threatens harm;

- restriction of liberty (e.g. locking a child or young person up);
- restriction or refusal of visits/communication;
- requiring the wearing of distinctive or inappropriate clothing. (Clearly this does not include wearing of school uniform or school sports-wear);
- fines;
- intimate physical searches.

3.16 **Physical Restraint Procedures**

As soon as a member of staff has decided to intervene physically in order to prevent injury occurring to any person, or serious damage to property, then he/she should:

- (i) Give clear instruction warning the young person of the consequences of failure to comply.

**Note:** this warning must not comprise of any threat of unlawful assault.

- (ii) If at all possible, a second adult should be called. The importance of the presence of a colleague is twofold:

(a) Another member of staff may be able to reduce the risk of the member of staff or young person suffering bodily harm – a solitary person is in a very exposed position if, for example a fight is in progress.

(b) There is a witness if allegations of assault are subsequently made by a young person or parents/carers.

(iii) While intervening the member of staff must:

- employ minimum physical force necessary for the minimum period needed to restrain the young person;
- wherever appropriate keep talking to the young person for example 'if you stop kicking I will release my hold';
- avoid committing any act of punitive violence;
- keep his or her temper under control.
- ensure that there is a record of the incident.

#### 4. **PROMOTING GOOD PRACTICE**

4.1 Where a team of staff undertakes the management of children and young people, whether it be a residential or school setting, it is essential to develop a clearly agreed and understood set of procedures. These should be aimed at preventing violence and aggression and include learning about complex emotions including anger and frustration

4.2 Irrespective of whether incidents occur during work with individuals or groups of children and young people, early emphasis should be on managing the incident through non-physical, non-threatening strategies. Only in the event of failure of clearly defined protocols to bring control to the situation, or imminent danger to persons, should physical restraint be considered.

4.3 Strategies which inform young people of their behaviour and offering alternative outcomes should be developed over time so that they can become an integral part of the behaviour of adults providing support.

4.4 An audit of areas where physical restraint may be necessary should be undertaken and an audit of the behavioural environment should be considered.

4.5 A set of strategies should be set out on a stepped basis:

- A primary strategy for the whole group including the expectations of adults.
- A secondary strategy if this breaks down.
- A strategy for responding to uninhibited challenging behaviour.

- 4.6 Where schools or settings are catering for children with severe emotional and behavioural difficulties or challenging behaviour all staff should be provided with written guidance on permissible methods of physical restraint. In some settings, this will be specific as part of an agreed individual education plan or 'handling strategy' agreed with parents. Other schools may also consider adopting such an approach. To promote inclusive learning opportunities **the LEA strongly recommends that schools/settings produce Positive Handling policies** that provide a transparent outline of all levels of physical interaction with their pupils. Such policies should be approved by governors.
- 4.7 The Annual Review of statements for pupils with special educational needs (DfES Code of Practice 2001) are a time to address issues of challenging behaviour and identify planned approaches for individual young people. An interim review may be called in exceptional circumstances.
- 4.8 Those young people who exhibit challenging behaviour but do not have a statement should be identified through the SEN Code of Practice and have an individual education plan (IEP) that also addresses these issues. Looked-After Children should have a Personal Education Plan which features planning and strategies to address challenging behaviour, where appropriate.

## 5. **MANAGEMENT RESPONSIBILITIES**

- 5.1 The Head Teacher or manager and governors should ensure that all teachers and other authorised staff are appropriately trained and understand and accept the responsibility of their role in the use of reasonable force to control or restrain pupils. It is advisable that training should be available for all staff and should embrace a whole-school or setting approach rather than being for a small group. Clearly the amount of training will depend on the level of need of the children and young people in the school.
- 5.2 Headteachers, managers and Governors need to ensure that, as far as possible, preparation and planning has taken place to identify areas where physical restraint might be used.
- 5.3 Where schools work with children with severe emotional and behavioural difficulties or challenging behaviour the Head Teacher is responsible for ensuring the existence of an up to date policy on the use of physical restraint.
- 5.4 The complexity of these policies will depend upon the nature of the children being taught and the setting in which the school has developed.
- 5.5 The policy for the school should involve all adults working there and include parents and children and young people.
- 5.6 All schools should monitor and record any use of physical restraint and the recording should be clear, comprehensive and prompt. These records should form part of an ongoing review that examines practice and inform future planning. In addition, a named Governor should support the Headteacher in monitoring and reviewing.



- 5.7 There should be easy access to the school or setting's complaints system for children and young people, parents or staff, with known procedures and a designated senior member of staff to monitor the outcome. The involvement of an appropriate person outside the school should be considered. The complaints procedure must be consistent with Child Protection procedures.
- 5.8 Following an incident of restraint, clear procedures should be established to support both the young person(s) and the member(s) of staff involved in the incident.

## 6. **RISK ASSESSMENT**

- 6.1 This section has particular reference to settings that cater for children with severe emotional and behavioural difficulties or challenging behaviour associated with learning disability and/or autistic spectrum disorders. However, it is recommended that schools, PRUs and support services develop this practice as an integral part of their overall strategy for behaviour management. Risk assessments need to address two central issues:

### **General Risk Assessment**

- 6.2 Schools and settings should consider some form of risk assessment at a general level in order to inform their positive behaviour management policy. Guidance on risk assessment is available (see appendix 3).
- 6.3 The risk assessment should enable schools/settings to assess the environment or setting in order to gauge the potential triggers or factors that might provoke or exacerbate difficult behaviour.
- 6.4 Risk assessment and monitoring should carefully consider equality issues including race, ethnicity, gender, sexuality and disability.
- 6.5 Risk assessment procedures should:
- establish the likelihood of adverse outcomes for either children or adults;
  - provide some estimate of the likely consequences if such outcomes were to occur;
  - enable staff to take steps to seek assistance so as to avoid unreasonable risk to themselves;
  - provide opportunities to discuss as a staff group the response to unforeseen situations.

### **Individual Risk Assessment**

- 6.6 This should establish the possible consequences of using a particular method or methods of physical restraint when difficult behaviour occurs. It should evaluate the risks and look for the least restrictive physical restraint to respond effectively to foreseeable incidents.

- 6.7 Where physical restraint is included as part of a continuum of strategies for managing challenging behaviour an assessment of the risk arising from the use of physical restraint should be undertaken.
- 6.8 The type of physical restraint which is used or authorised for use should be identified.
- 6.9 For each type of physical restraint, the following questions should be asked and itemised:-
- What are the potential hazards?
  - What possible outcomes, positive and negative, could arise from physical restraint?
  - What are the likely outcomes if no action is taken?
  - How are staff kept informed of pupils who may present a risk and for those whom there is an agreed protocol?
  - Who might be harmed and how, e.g. the young person, the adult, bystanders, the property?

Note that doing nothing (planned ignoring) is a realistic course of action if it is taken deliberately and contains an appropriate assessment of risk.

## 7. **REVIEW PROCEDURES**

- 7.1 Schools and settings should have a review process for incidents where physical restraint has taken place. The review should include the following:
- 7.2 What steps are taken to ensure that minimum reasonable force is used if physical restraint is needed?
- 7.3 Have the incidents needing physical restraint increased/decreased?
- 7.4 Are incidents monitored to ensure that the length of time physical restraint is used is kept to a minimum?
- 7.5 Are practices reviewed and alternative methods which do not involve physical restraint explored as a possible outcome in each case?
- 7.6 What steps are taken to ensure that physical restraint causes a minimum of pain or distress?
- 7.7 Where physical restraint is being used, what method is there for checking medical advice? Are staff aware of children/young people's medical conditions, care plans, etc?
- 7.8 What steps are taken following physical restraint for the young person and the adults involved?

- 7.9 Are there a separate debriefing sessions for both pupil and members of staff who have been involved in a restraint? Does the review explore antecedents, consequences and alternative courses of action?
- 7.10 Are risk assessment procedures appropriate and adequate?
- 7.11 A regular planned review of these issues is an essential part of their management.

## 8. **STAFF TRAINING**

- 8.1 Teachers and other staff who are authorised to control or restrain pupils must receive training in behaviour management as an integral part of training in restraint methods. Teachers and authorised staff should have training on the management of anger, restraint and post- restraint action. Training must be regularly updated.
- 8.2 Schools and settings should also consider delivery of training for all staff so that their awareness is raised, even if they are not authorised to control or restraint.
- 8.3 All schools need to ensure that, as far as possible, preparation and planning has taken place to identify areas where physical restraint might be used (see Risk Management, above).
- 8.4 Headteachers and Governing Bodies/Management Committees should only contract with training providers who have adopted the British Institute of Learning Disabilities (BILD) Code of Practice and who have been, or are working towards being, accredited through their physical interventions Accreditation Scheme. Devon LEA has supported the training of staff from the Educational Psychology Service and from the County's special schools to become intermediate Team Teach tutors.
- 8.5 Prior to contracting a trainer, Headteachers and managers are strongly advised to contact the Educational Psychology Service (01392 686302) to discuss the training provider's viability, authenticity and appropriateness of its training staff to meet the need identified.

**CHECKLIST FOR HEADTEACHERS**

Schools and settings need to have in place:

1. A policy that reflects the LEA's Guidance and DfEE/DfES Guidance.
2. A list of non-teaching staff whom the Headteacher has authorised to control or restrain pupils and an agreement that those members of staff understand and accept their role.
3. Arrangements for training for teachers and those staff who have been authorised by the Headteacher, including appropriate updating of training.
4. Arrangements for the training in preventative measures as part of the whole school policy on behaviour and discipline.
5. Arrangements for risk assessment where it is deemed necessary, including having due regard for the implications of any assessment on individual pupils, and the implications for their Individual Education Plan, Individual Behaviour Plan, Personal Education Plan (in the case of Looked-After Children) and, where relevant, the Annual Review of their Statement of Special Educational Needs.
6. Procedures for recording and monitoring and review procedures for both individual incidents and for the policy as a whole.
7. Arrangements for staff to be supported both in situations where they have had to restrain a pupil and where they have prevented confrontation.
8. A complaints procedure which is consistent with Child Protection Procedures and which builds in early discussion with other agencies and parents/carers.

### **SCHOOLS FOR CHILDREN WITH SEVERE AND/OR COMPLEX LEARNING DIFFICULTIES, INCLUDING AUTISM**

The complexity and range of need and consequent support for children and young people in SLD schools may be such that physical intervention is the norm and not the exception. Thus low and medium level intervention would not be recorded unless there was a planned and specific intervention. This would most likely be recorded and monitored through the young person's IEP. It would not be deemed necessary for risk assessment to be carried out unless a child or young person's behaviour suggested that they presented a risk to themselves and others.

It is crucial that staff work within the guidelines of the individual school policy. However the policy must guide staff strategies and responses to the need for physical intervention in such a way that staff feel empowered, within the policy framework, to respond flexibly according to the situation. Judgements leading to this response may be affected by staffing availability, physical setting, the child or young person's behaviours, health and physical well being as well the young person's motivation, if known, for the behaviour.

#### **PHYSICAL INTERVENTION**

A child or young person's particular needs should be reflected in their Individual Education Plan or Behaviour Plan. Where an individual protocol is in a place arising from a risk assessment, then procedures in the main body of the document should be followed.

**LOW** Level Intervention includes:

- Limitation of movement through the use of high level or double handles to doors.
- Leading by the arm.
- Being held or assisted in maintaining a position e.g. sitting in the chair.
- Use of reins, wrist straps, buggies for management and safety of the young person out of school (especially in the early years)

**MEDIUM** Level Intervention includes:

- Removal of young person from an activity.
- Placing a young person on a chair or another confined area with the intention of limiting mobility.
- Removal from an area of the classroom and playground.

- Intervening with a young person by whatever safe means is possible to prevent them from harming themselves or others.
- Holding a self-injuring young person e.g. by the hands while they become calmer.

Beyond the **LOW** and **MEDIUM** levels of restraint, the staff of the SLD School must follow the procedure described in the main document (although in individual cases, a protocol may be established with low and medium interventions).

**HIGH** Level Intervention includes:

- Raising, guiding and escorting a young person using an approved technique in order to remove him or her from the situation.
- Restraining in a chair (with arms), two or three members of staff maintaining an approved control technique, one holding feet, one either side holding arms.
- Holding a young person, on the floor, in a seated position, one adult sitting supported by a firm surface, arms around the young person's body with a second adult maintaining the control of legs.
- More advanced training will be necessary for staff carrying out high level interventions.

**REFERENCES and ADVICE**

Disability Discrimination Act, 1995

SEN and Disability Act, 2001

Every Child Matters (DfES, 2003) Every Child Matters, Next Steps and E.C.M. Change for Children (DfES, 2004)

Guidance on the Use of Restrictive Interventions for Pupils with Severe Behavioural Difficulties. (DfES, 2003)

Guidance on the use of restrictive physical interventions for staff working with children who display extreme behaviour in association with Learning Disability and/or Autistic Spectrum Disorders. (DfES, 2002)

Promoting Children's Mental health within Early Years and School Settings (DfES, 2001)

Guidance on the Education of Children and Young People in Public Care (DfEE/DoH joint Guidance, 2000)

DfEE Circulars:-

8/94 Pupil behaviour and Discipline;

9/94 The Education of Children with Emotional and Behavioural difficulties.

10/94 Protecting children from Abuse. The Role of the Education Service.

14/96 Supporting Pupils with Medical Needs in Schools

10/98 DfEE July 1998 (Section 550A of The Education Act 1996: The Use of Force To Control or Restrain Pupils).

10/99 Social Inclusion: Pupil Support

11/99 Social Inclusion: the LEA role in Pupil Support

A Policy Framework to Guide the Use of Physical Interventions (Restraint) with Adults and Children with Learning Disability and or/Autism (British Institute of Learning Difficulties [BILD])

Team Teach Materials ([www.team-teach.co.uk](http://www.team-teach.co.uk))

Guidance on risk assessment is available from the DCC/EAL/SEN website ([www.devon.gov.uk/index/learning.htm](http://www.devon.gov.uk/index/learning.htm))

Advice on behaviour management and Positive Handling is available from the Devon Educational Psychology Service ([hannah.harvey@devon.gov.uk](mailto:hannah.harvey@devon.gov.uk) Tel: 01392 686302)