

Elmsett C. of E. V.C.P. School

Use of Restraint Policy



Document Control

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1. INTRODUCTION

Schools have a duty to promote good behaviour and discipline. The school governing body, with the support of the County Council, has the duty to ensure the health, safety and well being of everyone in schools.

For some pupils with the most significant needs it must be recognised that their challenging behaviour is an aspect of their developmental profile. Interventions to manage their behaviour must reflect their overall needs, should be matched to their particular circumstances and also be in the interests of the school as a whole.

It is essential that staff act appropriately in order to minimise the risk of accusation of improper conduct towards a young person. (See Procedure in Respect of Allegations of Child Abuse Made Against School Staff, and Suffolk Area Child Protection Committee: Joint Policies for the Protection of Children.)

Legislation that came into force on 1 September 1998 (Section 550a of the Education Act 1996), together with national guidance (DfEE Circular 10/98) establishes the responsibility of teachers and other authorised staff who have lawful control or charge of pupils with regard to the application of reasonable force in order to prevent children committing an offence, causing injury or damage, or engaging in behaviour prejudicial to the maintenance of good order and discipline.

Under the Race Relations (Amendment) Act 2000, schools have a general duty to promote race equality.

Reasonable force or restraint is only to be used as a last resort. The Education Act 1997 clarified the position about the use of restraint by authorised school staff when managing the behaviour of the most challenging pupils in our schools. However, the greatest caution needs to be exercised when deciding to use physical restraint that may exacerbate an already volatile situation.

2. WHAT IS 'REASONABLE FORCE'?

There is no legal definition of 'reasonable force' so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

There are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it; therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour or in a situation that clearly could be resolved without force.
- 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.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, will also depend on the age, understanding and sex of the pupil. (DfEE Circular 10/98.)

The Race Relations Amendment Act (2000) dictates that issues of race, culture and faith also need to be taken into account. As an example, it would be inappropriate for a male member of staff to restrain a Muslim girl.

3. THE SCOPE OF THE POLICY

This policy aims to support staff by providing guidance for use in situations where pupils may need to be prevented from harming themselves or others, or from causing damage to property, by the use of restraint.

The use of physical restraint must always be set in the context of the school's overall behaviour management framework.

Restraint is an action of last resort and is not a substitute for behaviour management strategies. The emphasis of such strategies should be on managing incidents and behaviour through non-physical, non-threatening aggression-free strategies. Physical intervention should only be considered in order to control situations involving imminent danger to pupils or to others.

Where de-escalation of a situation has not been possible and restraint is deemed necessary the minimum of physical force should be used, for the minimum of time, ensuring the least restrictive intervention necessary to make the situation safer.

4. RESPONSIBILITIES

Governors

Governors, through the Headteacher, are responsible for:

- ensuring that all those working in school are familiar with and follow this policy;
- making a copy of the policy available to parents (References to parents should also be taken to be references to persons having parental responsibility.)
- annually reviewing the policy, its application and effectiveness;
- ensuring that risk assessments are regularly reviewed and updated.

Headteacher

The Headteacher will:

- ensure the policy is applied;
- maintain an up to date list of those members of staff whom they select as authorised to use reasonable force and ensure that staff know who they are (see 4.3);
- ensure those authorised staff are appropriately trained and regularly up-dated;
- ensure that all new staff receive guidance on the use of restraint as part of their induction programme;
- provide guidance for staff dealing with difficult and dangerous behaviour;
- oversee reporting and recording systems;
- monitor and review incidents;
- ensure that arrangements are in place for reviewing the policy annually.

Authorised Staff

All teachers are authorised to use reasonable force to control or restrain pupils.

The Headteacher will identify others who will be authorised to use force to restrain pupils. The authorisation will be in writing, and it could be permanent for some staff such as supervisory assistants, or temporary for those helping on a school trip.

All Staff

It is the duty of everyone to consider their own safety and that of others at all times.

In the event of circumstances arising that might result in an incident, staff should:

- begin early de-escalation using preventative, non-confrontational methods;
- consider all options available to them, including withdrawal of themselves or others;
- seek support where possible;
- if authorised, consider the use of reasonable force to make the situation safe;
- report, record and review

Should an incident occur, an authorised member of staff will:

- determine whether the criteria from Circular 10/98 apply (see Appendix 1)
- employ preventative, non-confrontational strategies
- as a last resort, use a form of restraint employing a recognised and agreed Schoolsafe physical intervention

5. RISK MANAGEMENT

Risk management is a proactive approach to minimising difficult and dangerous behaviour, and is set against the background of policies and procedures in school. It includes general risk assessment of the environment and individual risk assessment of pupil support needs. A Risk Management proforma appears as an appendix to this policy document (see Appendix 5).

Risk management strategies, including the use of physical intervention, must prohibit:

- any intervention which impedes the process of breathing;
- entails the deliberate use of pain for control purposes;
- involves contact with vulnerable parts of the body e.g. neck and sexual areas;
- hypertension, hyperflexion and pressure on or across joints;
- any other potentially dangerous position.

Some pupils with Special Educational Needs and/or behavioural difficulties, particularly in some Special Schools, may need to be regularly restrained. Where this is the case, good practice indicates that the situations and methods used would be outlined in the pupils IEP or IBP and therefore known to parents. Any restraint applied outside of that written within the IEP or IBP must be recorded and reported to parents.

6. REPORTING AND RECORDING

A detailed, contemporaneous written report should be made in respect of any incidents where force is used by the member of staff concerned. The information that should be

contained within this report is set out in DfEE Circular 10/98 and is included as an appendix to this policy document (see Appendix 2).

An Incident Report Form must be completed as soon as is reasonably practicable in respect of any incident defined within the Suffolk County Council Policy and Guidance document, 'Recording and Reporting Incidents in Schools and Other Education Premises', and brought to the attention of the Headteacher or a senior member of staff.

Additionally, the school's internal recording and reporting procedure should be followed where appropriate.

The Headteacher or a designated senior member of staff will ensure that parents are informed as soon as is reasonably practicable of an incident where physical restraint has been used. Where a pupil has Special Educational Needs or behavioural difficulties and an agreed method of restraint has been included in an IEP or IBP, the use of restraint will be reviewed regularly but only reported to parents where the restraint applied is outside that set out in the IEP or IBP.

Where a complaint about the use of restraint is made by a pupil or parent this will be reported to the Area Education Manager in accordance with the Procedure in Respect of Allegations of Child Abuse Made Against School Staff. In the event of such a complaint being made it is important that no investigation of the circumstances in which restraint was used is undertaken by the school unless the Local Education Authority determines that this is the most appropriate course of action.

7. SUPPORT FOR STAFF AND PUPILS

Schools should ensure arrangements are in place to provide support for staff following situations where they have had to restrain a pupil or have been involved in an incident which has been successfully de-escalated but the staff member involved has requested time to recover.

A de-briefing session should be held with both staff and pupil(s) involved in any incident and outcomes reviewed to inform future practice in order to minimise risk of similar occurrences.

8. REVIEW

All staff should be involved in the annual review of the policy. This should form part of the school self-evaluation process. Having reviewed the issue and evaluated their experience, the policy and management arrangements should be amended as necessary.

The governing body is responsible for reviewing annually the application and effectiveness of the policy.

The County Council's Education Management Board will arrange for the Restraint Policy to be reviewed every two years.

Appendix 1

Extract from DfEE Circular 10/98

Section 550A (Education Act 1996) allows teachers, and other persons who are authorised by the Headteacher to have control or charge of pupils to use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
- injuring themselves or others;
- causing damage to property (including the pupil's own property);
- engaging in any behaviour prejudicial to maintaining the good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

The provision applies when a teacher, or other authorised person, is on the school premises, and when he or she has lawful control or charge of the pupil concerned elsewhere e.g. on a field trip or other authorised out of school activity.

Appendix 2 Recording Incidents

Extract from DfEE Circular 10/98:

It is important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where force is used. It may help prevent any misunderstanding of the incident, and it will be helpful should there be a complaint.

Schools should keep an up-to-date record of all such incidents, preferably in an incident book. Immediately following any such incident the member of staff concerned should tell the Head or a senior member of staff and provide a written report as soon as possible afterwards. That should include:

- the name(s) of the pupil(s) involved, and when and where the incident took place;
- the names of any other staff or pupils who witnessed the incident;
- the reason that force was necessary (e.g. to prevent injury to the pupil, another pupil or member of staff);
- how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
- the pupil's response, and the outcome of the incident;
- details of any injury suffered by the pupil, another pupil or a member of staff and of any damage to property.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

Appendix 3 - School Policies, Procedures and Other Sources of Support and Guidance

School Policies:

- 5(a) Safeguarding Children Policy

- 2(a) Behaviour & Discipline Policy
- 2(b) Anti-bullying Policy
- Inclusion Policy
- 8 Equal Opportunities Policy
- Race Equality Policy
- 12(a) Performance Management Policy
- 10(a) Health and Safety Policy

School Procedures:

- Behaviour Support Planning / Pastoral Support Programmes / Individual Education/Behaviour Planning
- Procedure in Respect of Allegations of Child Abuse Made Against School Staff (January 1999)
- General Complaints Procedure for Parents and Others
- Risk Management
- Harassment and Bullying Procedure

Other Sources of Support and Guidance:

- Suffolk Advisory Service
- Educational Psychology Service
- Schoolsafe
- Suffolk Area Child Protection Committee: Joint Policies and Procedures for the Protection of Children (2000)
- BILD (British Institute of Learning Difficulties) Good Practice Guide
- Joint NEOST/Teacher Union Guidance on Education Staff and Child Protection: Staffing facing an allegation of abuse. Guidelines on practice and procedure (September 2002)

Appendix 4 - Relevant Legislation

- Section 550a, Education Act 1996
- DfEE Circular 10/98
- Criminal law Act 1966
- Crime and Disorder Act 1998
- Human Rights Act
- Health and Safety Legislation
- Race Relations (Amendment) Act 2000

Appendix 5 - Risk Management

Extract from Schoolsafe Risk Management Module:

Schoolsafe

Risk Management - Difficult and Dangerous Behaviour

Successful inclusion of more young people into mainstream settings increases the need to help all staff to develop their competence and confidence in maintaining good order and discipline in an environment that is conducive to meeting the needs of all pupils.

The vast majority of people in schools will never require any form of physical intervention. However, some staff deal on a day to day basis with people who exhibit difficult and dangerous behaviours.

5% of recorded incidents of violence in schools in 2000/2001 related to adult behaviour. It is, therefore, vital to include this possibility in any risk assessment.

We must minimise the risk of accusations of improper conduct towards others and enable staff to act appropriately in different circumstances.

Strategies for dealing with difficult and dangerous behaviour need to be varied and matched carefully to particular circumstances and individual needs.

Appendix 6 Risk Management Flow Chart

Risk Management addresses three questions:

- What could go wrong?
- What preventative measures are in place?
- What further action is required?

The issues are:

What harm could be caused to self?

- to any one else?
- to property?

What or who could cause the harm?

In what circumstances could it happen?

What is the likelihood of such circumstances arising?

Further information and support with the Risk Management process is available from Schoolsafe. For further details about the Schoolsafe Risk Management Module contact the Schoolsafe facilitator for your school and / or the Schoolsafe team (01473 260112)