

HAMPTON ACADEMIES TRUST: USE OF RESTRAINT POLICY

RATIONALE

It is a common misconception that physical contact with a child is unlawful. The Education and Inspections Act 2006 section 91 enables school staff to use such force as is reasonable in the circumstances to prevent a student from doing, or continuing to do, any of the following:

- committing any offence (or, for a student under the age of criminal responsibility, what would be an offence for an older student);
- causing personal injury to, or damage to the property of, any person (including the student himself); or
- prejudicing the maintenance of good order and Hampton Academies Trust guidance at the school in an extreme way

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

- any teacher who works at the school; and
- any other person whom the Head of School has authorised to have control or charge of students. This includes support staff whose job normally includes supervising students such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors. It can also include people to whom the Head of School has given temporary authorisation to have control or charge of students such as paid members of staff whose job does not normally involve supervising students, for example catering or premises-related staff, and unpaid volunteers, for example parents accompanying students school organised visits.

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).

AIMS

1. To ensure all staff who may have to intervene physically with students clearly understand what options and strategies are open to them, ie. what is acceptable and what is not.
2. To ensure all students, parents, governors, trustees and members are also aware of (1).
3. To plan how to respond if a situation arises where physical restraint might be necessary.

MINIMISING THE NEED TO USE FORCE

Reducing the likelihood of situations arising where the use of force may be required is the expectation for all staff.

- creating a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind;
- building effective relationships between students and staff that are central to good order;

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- adopting a whole-school approach to developing social and emotional skills;
- staff development that helps staff to develop the skills of positive behaviour management;
- to follow the behaviour code of conduct displayed around school;
- recognising that challenging behaviours are often foreseeable;
- effectively managing individual incidents. It is important to communicate calmly with the student, using non-threatening verbal and body language and ensuring the student can see a way out of a situation. Strategies might include, eg going with the staff member to a quiet room, away from bystanders, so the staff member can listen to the concerns; or being joined by a particular member of staff well known to the student; and
- wherever practicable, warning a student that force may have to be used before using it.

It is essential that staff assess the risk of the situation taking into account the student including whether they may have special educational needs or a disability; other bystanders, and their own health and safety.

STAFF AUTHORISED TO USE FORCE

- permanent authorisation: all teachers and staff that the Head of School has authorised to have control or charge of students automatically have the statutory power to use force; and
- temporary authorisation: staff whose employment does not normally involve supervising students and volunteers working with students will be authorised to be in control or charge of students and therefore have the statutory power to use force

DECIDING WHETHER TO USE FORCE

Staff should only use force when:

- the potential consequences of not intervening were sufficiently serious to justify considering use of force;
- the chances of achieving the desired result by other means were low; and
- the risk associated with not using force outweighed those of using force.

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

- a student attacks a member of staff, or another student;
- students are fighting, causing risk of injury to themselves or others;
- a student is committing, or on the verge of committing, deliberate damage to property;
- 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;

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- a student absconds from a class or tries to leave school other than at an authorised time and not preventing to leave would entail **serious risks** to student's safety (taking into account age and understanding), and /or to the safety of other students and/or staff, and/or the potential for damage to property.

USING FORCE GUIDELINES

Before using force staff should, wherever practicable, tell the student 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 student, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

The types of force used could include:

- passive physical contact resulting from standing between students or blocking a student's path;
- active physical contact such as:
 - leading a student by the hand or arm;
 - ushering a student away by placing a hand in the centre of the back; or
- 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 student running off the pavement onto a busy road or preventing a student from hitting someone with a dangerous object such as a glass bottle or hammer.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a student.

Staff should always avoid touching or restraining a student in a way that could be interpreted as sexually inappropriate conduct.

RECORDING AND REPORTING INCIDENTS

Any incidents requiring restraint should be logged. The purpose of recording is to ensure policy guidelines are followed, to inform parents, to inform future planning as part of school processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

After any recordable incident, parents should always be informed wherever possible, notifying by telephone before confirming in writing or meeting parents.

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TRAINING

All trust staff are trained and reminded of this policy at least annually. Training covers what is an appropriate response, taking into account the age of the young person or child. Senior leaders in our primary and secondary settings explain what is appropriate and train their staff separately.

SUMMARY

Reasonable force is sometimes appropriate and a 'no contact' policy can leave staff unable to fully support and protect their pupils. The decision to use reasonable force to control or restrain a child is down to the professional judgement of the staff concerned and should always depend on individual circumstances (Keeping Children Safe in Education (2018)).

POLICY REVIEW

This policy will be reviewed by the trust every 2 years.

APPROVED BY TRUSTEES

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SIGNATURE

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NAME

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DATE