

# **Positive Touch & Restraint policy**

September 2020

**Policy available to parents: via website/request**

**Policy to be reviewed: September 2021**

**At Parayhouse School we believe that in order to learn children need to feel safe, secure and valued.**

Through the implementation of our behaviour and anti-bullying policies and throughout PHSCE lessons, we aim to create a safe, calm, orderly and supportive school environment that minimises the risk of violence of any kind.

Where a difficulty arises, we will always try to de-escalate the incident, only using 'reasonable' force where a child is placing themselves or others at risk.

All school staff need to feel able to manage inappropriate risk and behaviour and have an understanding of how challenging behaviours can be communicated. They also need to know what options are appropriate when managing challenging situations and need to be free of undue worries about the risks of legal action against them if they use an appropriate level of 'physical' intervention to help safeguard a child or group of children.

Furthermore, all parents need to know that their child is safe when at school and will be properly informed if their child is subject to the use of 'reasonable' force, (also referred to as a 'Restrictive Physical Intervention').

### **Acceptable forms of contact and physical intervention**

In school there are occasions, for a variety of reasons, when staff will have cause to make 'physical' contact with a child. With this in mind, this school does not operate a 'no touch' policy as it would not enable us to effectively support the safety and emotional well-being of the children.

**Reasons for 'physical' contact include:**

- to comfort a pupil in distress, (as long as this is appropriate to their age).
- to congratulate a child for something, (e.g. use of 'hi five' or a handshake).
- to gently direct a pupil.
- for curricular reasons, (e.g. in PE, Drama etc).
- in an emergency in order to avert danger to the pupil or pupils.
- in rare circumstances where the use of reasonable force is required to ensure the safety and well-being of the child in question, to stop significant damage to property or injury to others.

In all situations where physical contact takes place between staff and children, staff will always consider:

- the pupil's age and level of understanding
- the pupil's individual characteristics and history
- the location where the contact takes place

Physical contact is never undertaken as a punishment or to inflict pain.

Furthermore, physical contact will not become common practice between a

member of staff and a particular child or be made with a child's neck, breasts, abdomen, genital area or any other sensitive part of the body

## The use of force

Section 550A of the Education Act 1996, the Education and Inspections Act 2006 and the current advice from the Department for Education state that in certain specific circumstances, necessary reasonable force can be used by teachers and others authorised by the Headteacher to control or restrain students, who are in dangering themselves or others.

### Key points

- School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
- Senior school leaders should support their staff when they use this power.
- the use of force will not be justified if used to prevent or manage 'trivial' misbehaviour

### What is reasonable force?

- The term 'reasonable force' covers the broad range of actions used by 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 student needs to be restrained to prevent violence or injury
- 'Reasonable in the circumstances' means using no more force than is needed
- As mentioned above, schools generally use force to control pupils and to restrain them. 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 out of a classroom

- Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention
- School staff need to always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil

### Who can use reasonable force?

- All members of school staff have a legal power to use reasonable force (2 Section 93, Education and Inspections Act 2006)
- **Where possible** members of staff trained in Team Teach should be called upon to support the use of restraint, to safely move a student from a dangerous situation.
- However this power applies to any member of staff at the school. It can also apply to people whom the head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit

### Staff trained in Team Teach:

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### When can reasonable force be used?

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder
- In a school, force is used to contain a student from causing harm to themselves or anyone else
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances

The following list provides some examples of situations where reasonable force can and cannot be used.

### Schools can use reasonable force to:

- \* Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others
- \* Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground
- \* Restrain a pupil at risk of harming themselves through physical outbursts

### **Schools cannot:**

- \* Use force as a punishment – **it is always unlawful to use force as a punishment.**

### **Power to search pupils without consent**

In addition to the general power to use reasonable force described above, head teachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force **cannot** be used to search for items banned under the school rules. Separate guidance is available on the power to search without consent (3 Section 550ZB(5) of the Education Act 1996)

### **Recording and reporting incidents:**

It is imperative that there is a detailed, written report of any occasion where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint.

Such incidents should be recorded in an incident book. The member of staff concerned should tell a senior member of staff and provide a written report as soon as possible afterwards. That should include:

- The name(s) of the student(s) involved, and when and where the incident took place

- The names of any other staff or students who witnessed the incident
- How the incident began and progressed, including details of the student'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 student's response, and the outcome of the incident
- Details of any injury suffered by the student, another student, or a member of staff, and of any damage to property

The incident should then be recorded in the restraint book – following the guidelines on the front of the book.

Incidents involving the use of force can cause the parents of the student involved great concern. Parents should be informed of any such incident involving their child and given the opportunity to discuss it. The Headteacher, or a senior member of staff, will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing.

**Post-incident support:**

Incidents that require the use of restrictive physical interventions can be upsetting to all concerned and result in injuries to the student or staff. After incidents have subsided, it is important to ensure that staff and students are given emotional support and basic first aid treatment for any injuries, or that further medical help is accessed for any injuries that require more than basic first aid.