



# **Physical intervention and restraint policy**

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## Links to other policies

This Policy should be read alongside other related policies:

- Behaviour
- Anti-bullying
- Child Protection and Safeguarding
- SEND Policy

### 1 Introduction and purpose of policy

On rare occasions, school staff may need to use physical intervention or restraint in order to safeguard pupils or maintain discipline within the school environment.

*Keeping Children Safe in Education* recognises that there are circumstances where it is appropriate for staff to use reasonable force to achieve these aims and states that schools should **not** have a 'no contact' policy as this can put staff and pupils at risk.

The aim of any policy is to ensure staff are confident about the context in which they have the power to use physical intervention and restraint in order to safeguard pupil welfare.

#### **Camden's core statement**

Physical intervention and restraint on pupils should only be used as a last resort, normally when de-escalation strategies have failed, and when there is a clear risk of serious harm to the pupil or others or serious damage to property or to deal with serious classroom disruption.

Decisions on when to use physical intervention is a matter of professional judgement and any intervention or restraint should be proportionate and reasonable in the context of the perceived risk and in the pupil's best interests. This would normally be after de-escalation strategies have failed. Should such an intervention be required the school should record the details, including any injury, and contact the parent/carer on the same day to explain the circumstances involved.

### 2 Legal framework

Section 93 of the Education and Inspections Act 2006 allows members of the school's staff to **use reasonable force** in order to:

- prevent a pupil from hurting themselves or others
- prevent a pupil from causing serious damage to property

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- remove a disruptive pupil from a classroom
- prevent a pupil from leaving a classroom where there is a risk to their safety or the safety of others.

### **Statutory guidance makes it clear that physical intervention and restraint cannot be used as a punishment.**

Section 550ZB of the Education Act 1996 allows schools to **use reasonable force to carry out searches** for prohibited items where the young person has not consented to the search. Prohibited items are:

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

Emmanuel School will refer to the following government guidance for further details:

- *Use of reasonable force in schools*

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

- *Searching, screening and confiscation in schools*

<https://www.gov.uk/government/publications/searching-screening-and-confiscation>

## 3 Senior leadership responsibilities

Senior leaders in schools, including governors and head teachers, will ensure the following:

- There is a culture of respect and good relationships between staff and pupils so that the need for high-level intervention is reduced.
- All staff are aware of the school policy and their powers and responsibilities regarding the use of physical intervention and restraint and their part in implementing this policy.
- Staff are able to use de-escalation techniques strategies in the first instance unless the situation requires an immediate physical response.

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- All staff receive appropriate training in behaviour management, including de-escalation techniques so that they are confident to deal with incidents and only use physical intervention where necessary.
- We may consider whether certain staff members should receive specialist training on physical intervention and restraint techniques.
- Staff do not place themselves at risk when using physical restraint and are able to access medical treatment and take time off if injured.
- The use of physical intervention and restraint is part of an overarching strategy of behaviour management within the school environment and that its use is closely aligned to the school's behaviour policies.
- Staff are aware of any agreed adjustments to the policy and procedures that are in place for individual pupils with special educational needs and disabilities (SEND).
- Staff are supported to use physical intervention and restraint where this is within acceptable parameters and in line with school policies.
- Support is offered to pupils and staff involved in incidents requiring physical intervention and restraint.
- There is a system in place to record and monitor incidents where physical intervention or restraint have been used.
- The policy on physical intervention and restraint is reviewed at least annually and more frequently where thought appropriate.

### 4 Physical intervention and use of force

To ensure the welfare of pupils and protect staff from any misplaced allegations, any physical contact between staff and pupils must be appropriate within the context of the teacher/pupil relationship, the pupils' age and the circumstances. There are many examples of appropriate positive physical contact that can be used to reassure, comfort, guide or calm a pupil, such as holding hands.

Physical intervention can cover a wide variety of contact with pupils of varying degrees of intrusiveness ranging from positive handling, such as gentle guiding to physical restraint. The level of intervention used and the degree of force required will be determined by the circumstances and the level of assessed risk to the pupil and others.

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Generally, low-level physical contact/positive handling can be used to manage most behaviour, for example gentle contact to comfort, reassure or guide a pupil away from risk or block their movements.

For younger pupils, this positive handling can be used to control the child's movements in order to keep them from harm or danger. The level of contact and force that would be acceptable to achieve this would be similar to the actions that a reasonable parent would do to keep their own child safe.

In some situations, it may be necessary to use a physical intervention that involves restraint and the use of force. Where force is used, it must be a proportionate and reasonable response to the risk involved and decisions to use force must be based on a full risk assessment.

Reasonable force should involve "no more force than is needed" and should only be used for the purposes of restraining or controlling a pupil in order to safeguard pupils, stop damage to property or keep order in the classroom. What is reasonable force will be down to the professional judgement of the staff member but any use of force must be justifiable and the paramount consideration is that any action is taken in the interests of the pupil.

## 5 Vulnerable pupils

Some pupils may be more vulnerable to experiencing physical intervention and restraint due to their personal circumstances or because they have SEND.

- Pupils with emotional and behavioural difficulties may exhibit challenging behaviour or high levels of emotional distress and may be a risk to themselves or others.
- Pupils with additional needs and/or SEND may exhibit challenging behaviour because of frustrations at not being able to communicate their difficulties or needs. These children are also more vulnerable to bullying.

We will demonstrate that reasonable adjustments have been made to ensure any policy on physical intervention and restraint does not disadvantage these pupils.

We will demonstrate that the specific needs of these pupils have been considered and that we have tailored our approach accordingly to avoid discrimination against these pupils. This is likely to involve putting in place an individual plan in advance.

## 6 Planning and prevention

### 6.1 Whole school

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We will be alert to situations and circumstances that can lead to incidents that may require physical intervention and take active steps to avoid issues escalating.

We regularly review environmental factors within the school that may lead to incidents in the school or elsewhere and will consider:

- the general school environment and any potential hot-spots
- any difficulties that may arise at different times of the day, ie: breaks
- any issues around supervision of pupils
- specific environmental factors for pupils with SEND
- specific risks related to gender, race, ethnicity, sexuality or disability
- specific risks related to gang activity
- specific risks off-site/school trips.

This should address:

- the nature of the risk and likely impact on pupils
- the likelihood of incidents
- actions and/or reasonable adjustments for pupils with SEND
- actions to be taken to avoid incidents and reduce risk
- actions to be taken in the event of an incident in order to reduce risk to staff and pupils.

### **6.2 Individual pupils**

Any pupil who requires physical intervention on 2 or more occasions should have an individual plan that looks at their specific circumstances, any triggers to behaviours and strategies or approaches that may reduce the number of incidents and which should be regularly reviewed.

Where it is known that physical intervention involving force or restraint may be required in order to manage an individual pupil's behaviour this should be planned for in partnership with parents and the pupil (where appropriate) and an intervention plan put in place.

The risk assessment should consider:

- the risks to the pupil and others from their behaviour
- the risks from use of physical intervention
- the risks from not intervening
- the form of physical intervention that would be the least restrictive.

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The plan should:

- identify the triggers to the behaviour that may lead to the need to intervene or restrain
- relevant background information, such as experiences of home life or history of abuse
- relevant information with regard to a pupil's SEND
- detail any de-escalation techniques that should be used in the first instance to deal with incidents
- set out what forms of physical intervention and restraint may be used without injury to the pupil, staff member or anyone else present
- provide details of how incidents will be reviewed and who will be involved in the review.

Planned intervention can be viewed as positive as it demonstrates a commitment to keeping children safe and enables them to take part in the planning process.

## 7 Dealing with incidents

### 7.1 Initial consideration

Before any action is taken staff will quickly weigh up the situation and decide if intervention is needed immediately to avert risk of harm. It is for the staff member to make a professional judgement on whether the situation requires the use of physical intervention and the degree of force needed.

The staff member must be clear on the justification of the action and the intended outcome of intervention, for example stopping a young child from leaving the classroom to stopping an older pupil from attacking another pupil, and how the intervention is in the best interests of those involved. This could be important in terms of providing a defence to any allegation of assault arising following the incident.

Staff should also consider the risks of not intervening, for example if no intervention is made and the pupil causes serious injury to another, the school could be considered negligent in the duty of care owed to that pupil.

### 7.2 De-escalation

De-escalation techniques if possible must be used in the first instance and staff should:



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- make the pupil and others present aware that the staff member is taking control of the situation;
- ask other pupils to leave in order to calm the situation;
- send for assistance from another staff member (particularly if restraint is likely to be needed);
- remain calm and respectful and speak slowly and clearly to the pupil to give reassurance and instructions;
- be aware of their tone of voice and body language;
- where possible, use minimal force/positive handling to gently guide the pupil away from danger (but be aware of risk to self);
- be aware of their own emotions and avoid allowing the situation to spiral;
- if the pupil is pacing, try to remain still and avoid mirroring their anxiety;
- keep a respectful distance and avoid encroaching on the pupil's personal space
- give the young person options so that they have an opportunity to resolve the situation in a dignified manner
- be specific to a pupil's SEND.

De-escalation techniques can be used where there is an opportunity to do so but not in a situation where a pupil is already at risk of harm and action is needed. However staff can continue to use many of the techniques listed above during restraint to calm and reassure the young person.

### **7.3 Use of force and restraint**

All staff have a duty of care to pupils and have the power to use physical intervention and restraint where required. However staff can send for help if it is thought that assistance will be needed.

Use of force must be reasonable, proportionate and necessary and restraint should only be used for as long as is needed and.

- Ideally, staff should not have to deal with incidents requiring restraint alone for any period of time and it is recommended that other staff attend the incident as soon as possible in order to reduce risk.
- Where possible, before intervening, staff should warn the pupil clearly and calmly that physical force may be used to restrain them and they should be given an opportunity to comply with any instructions to avoid this.
- When using restraint, staff should remain calm and continue to talk to the pupil calmly throughout in order to reassure them and let them know what is happening and why.
- The restraint should:

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- only involve the minimum of force necessary to restrict movement
  - only be used temporarily until the risk has passed
  - should not restrict breathing or blood supply
  - should avoid bringing pupil to the ground
  - should not involve any contact that may amount to a criminal offence such as assault.
- The child or young person should be released slowly and safely when it is felt they are sufficiently in control of their emotions.

## 8 Following incidents

### 8.1 Recording and reporting incidents

Serious incidents involving use of force will be recorded in the 'Bound & Numbered Book' kept in the Headteacher's Office and the record should cover:

- time/date of incident
- staff and pupils involved
- events leading up to the incident
- reason for use of physical intervention/restraint
- nature of physical intervention/restraint including degree of force and duration
- outcome of incident.

### 8.2 Notifying others

- The head teacher must be informed of all incidents immediately in order to decide on what further actions are required.
- The designated safeguarding lead should also be informed of incidents that may raise any safeguarding issues.
- It is good practice for schools to inform parents following serious incidents involving the use of force to physically intervene or restrain a pupil and this decision will be made by the head teacher. Parents should be informed by telephone, text or email immediately after the incident and a written notification giving details of the incident sent within a reasonable timeframe.
- Head teachers and the head of Pupil Referral Units should include a report on the use of physical intervention and restraint as part of their annual report to the Board of Governors.

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- In settings where the use of physical intervention and restraint is a regular feature due to pupils' individual needs the setting should have in place a system for recording, analysing and reporting incidents. This can be particularly helpful during Ofsted inspections and where an allegation or complaint is made.

### 8.3 Support following incidents

It should be acknowledged that the use of physical intervention and restraint carries an inherent risk of injury to staff and pupils involved.

Use of physical intervention and restraint can be upsetting for pupils and staff and schools should have procedures in place for dealing with the aftermath of incidents so that those involved have time and space to recover.

It may be necessary to ensure staff and pupils receive any required medical attention and are able to talk to someone who was not involved in the incident about what happened and why.

### 8.4 Monitoring and reviewing incidents

We will monitor and review the use of force, physical intervention and restraint as a means of learning from incidents to improve practice and inform risk assessments in order to avoid the need for physical intervention and restraint. Information on incidents can help inform any risk assessment both on a whole-school level and in terms of individual or groups of pupils.

When reviewing incidents, we will consider the following:

- *Was the use of physical intervention necessary, appropriate and proportionate?*
- *What steps were taken to ensure that minimum reasonable force was used?*
- *Have the incidents needing physical intervention increased/decreased?*
- *Are pupils with SEND over-represented in the numbers and if so why? Is the school confident that pupils with SEND are not being discriminated against by policy and procedures?*
- *Was the length of time physical intervention was used kept to a minimum?*
- *Could alternative methods other than physical intervention been used?*
- *What steps were taken to ensure that physical intervention used causes a minimum of pain or distress?*
- *What steps were taken following physical intervention for the pupil and the staff involved?*

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- *Were there separate debriefing sessions for both pupil and members of staff who have been involved in the intervention? What were the antecedents, consequences and alternative courses of action?*

## 9 Training for staff

Training from a relevant trainer increases staff confidence in dealing with incidents and reduces risks. Emmanuel School use the Team-Teach training available from Camden Learning.

When considering training, schools should be aware that any member of staff may need to intervene in emergency situations. Schools may consider training in the context of the needs of pupils and the number and seriousness of incidents that are likely to occur in the school.

- All staff should receive training on how to prevent the need for physical intervention, including how to de-escalate situations and awareness of positive handling techniques.
- Schools should identify the most appropriate members of staff for specialist training in restraint techniques.
- Schools should keep a record of which training staff have received and those staff who have received specialist training in restraint techniques.
- Some settings such as special educational needs or pupil referral units may have a higher level of incidents requiring a higher proportion of staff to receive specialist training on positive handling techniques. Where settings have a regular need to use physical intervention and restraint it is recommended that all staff should be trained.

## 10 Complaints and allegations

Emmanuel's Complaints Policy is published on the school website to ensure pupils and parents know how to make a complaint following the use of physical intervention or restraint.

The use of force to physically intervene or restrain a child can lead to accusations against staff by pupils and parents of improper conduct or assault, so it is essential that schools have in place clear policies and procedures around the use of physical intervention and restraint so that staff have a defence against such allegations.

Where an incident of physical intervention or restraint leads to an allegation being made against a teacher, this will be dealt with under the CSCB "*Managing*

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*allegations against staff and volunteers*” guidance and the matter will be referred to the LADO.

This guidance makes it clear that reasonable force can be used to control or restrain in specific circumstances and this will be taken into account when deciding on what action to take. However, it must be demonstrated that the staff member followed agreed practice and procedure.

It should be made clear to staff that force may only be used within the parameters set out in the school’s policy and that any deviation from acceptable practice will leave the staff member vulnerable to complaints and allegations.

<b>Policy reviewed</b>	November 2022
<b>Agreed review schedule</b>	Annually
<b>Next review due</b>	November 2023

## Appendix 1 The Use of Reasonable Force: Briefing Note

<b>The Use of Reasonable Force: Advice for Head Teachers, Staff and Governing Bodies (DfE 2013);</b>	
<b>What the law says</b>	<b>Camden advice / good practice</b>
<p><b>Key points:</b></p> <ul style="list-style-type: none"> <li>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.</li> <li>Suspension should not be an automatic response when a member of staff has been accused of using excessive force.</li> <li>Senior school leaders should support their staff when they use this power</li> </ul>	<ul style="list-style-type: none"> <li>It is good practice to set out in the behaviour policy, the circumstances in which force might be used. The policy should acknowledge their legal duty to make reasonable adjustments for disabled children and children with Special Educational Needs (<b>SEN</b>)</li> <li>The definition of 'reasonable' will always be a matter of personal and professional judgement that will need to be justified, as <b>proportionate and necessary</b>, reported and recorded.</li> </ul>
<p><b>When can it be used:</b></p> <ul style="list-style-type: none"> <li>remove disruptive children from the classroom where they have refused to follow an instruction to do so</li> <li>prevent a pupil behaving in a way that disrupts a school event or a school trip or visit</li> <li>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</li> <li>prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground</li> <li>restrain a pupil at risk of harming themselves through physical outbursts</li> </ul> <p><b>It is always unlawful to use force as punishment.</b> To take no action, where the outcome is that a child injures himself, or another, including staff, could be seen as negligence (<i>see advice on taking action</i>).</p>	<p><b>Useful considerations:</b></p> <ul style="list-style-type: none"> <li>Is the risk of intervening greater – e.g. escalation, damage to relationship – greater than the risk of not intervening?</li> <li>Have other strategies been attempted? – use of force should be a <b>last resort</b></li> <li>Any force applied should be done in a manner that attempts to <b>reduce</b> rather than <b>provoke</b></li> <li>Staff should <b>not</b> act in a way that might reasonably be expected to cause injury</li> <li>The best legal defence (for intervening physically) would be to show that any actions were taken out of <b>best interest</b> were <b>reasonable and proportionate</b> to the context – i.e. the force used should be proportionate to the consequences it was intended to prevent</li> </ul> <p>It is a power, not a duty, to use force. <b>Taking action</b> may include other interventions – e.g. issuing clear instructions and consequences, providing distraction, utilising de-escalation and diffusion strategies, seeking help etc.</p>
<p><b>Who?</b> All members of school staff have a legal power to use reasonable force – this includes people whom the head teacher has temporarily put in charge of pupils – e.g. unpaid volunteers/parents &amp; carers</p>	<p><b>Staff awareness:</b></p> <ul style="list-style-type: none"> <li>Are staff aware of their powers and responsibilities?</li> <li>Do staff require advice and training? – Camden has accredited tutors able to deliver certificated Team-Teach training in physical interventions and de-escalation strategies</li> </ul>
<p><b>Recording and reporting:</b> It is up to schools to decide whether it is appropriate to report the use of force to parents</p>	<p><b>Recording:</b></p> <ul style="list-style-type: none"> <li>Schools should keep a record of incidents where physical force has been used – <b>include:</b> time, reason, length, involved staff, degree of force, outcome</li> <li>Pupils requiring regular physical interventions should have an individual PI plan</li> <li>It is good practice to have a transparent and open dialogue with parents about the use of physical force – this is likely to maintain relationships and reduce the possibility of complaints</li> </ul>
<p>Legislation: Education Inspections Act 2006; Education Act 2011</p>	<p>For further advice and information, contact: Martin Cresswell, Camden Learning. Email: <a href="mailto:martin.cresswell@camden.gov.uk">martin.cresswell@camden.gov.uk</a></p>

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## Appendix 2

### Screening, Searching and Confiscation: Briefing Note

Screening, Searching and Confiscation: Advice for Head Teachers, Staff and Governing Bodies (DfE 2018)	
What the law says	Camden advice / good practice
<p><b>Screening</b> Without consent of pupils:</p> <ul style="list-style-type: none"> <li>Schools can require pupils to be screened by a walk-through or hand-held metal detector (Schools have a <i>statutory power to make rules on pupil behaviour and manage the safety of staff, pupils and visitors</i>)</li> <li>Any member of staff can screen pupils</li> <li>Screening without physical contact is not subject to the same conditions as the powers to search without consent</li> </ul> <p>Failure to comply: Schools can refuse to have pupil on premises – coded as unauthorised absence and not as fixed term exclusion</p>	<p><b>Screening:</b></p> <ul style="list-style-type: none"> <li>School behaviour policy should make reference to the school’s power to screen and, if the school chooses to use this power, describe the school’s implementation of the legislation</li> <li>There are models of good practice in Camden settings: for further information, contact Martin Cresswell or Hilary Forbes</li> </ul>
<p><b>Searching</b> <b>With consent:</b> Any item banned by the school rules – searches may include bags, lockers etc. Failure to comply: - Schools can apply appropriate disciplinary sanctions <b>Without consent:</b> (<i>Education Act, 1996</i>)</p> <ul style="list-style-type: none"> <li>For knives or weapons (of any description), illegal drugs, alcohol and stolen items (<i>‘prohibited items’, likely to be increased</i>)</li> </ul> <p><b>Who:</b> Any member of staff authorised by the HT. <i>Staff can be authorised to search for some items but not others. Staff can refuse to undertake a search</i> <b>Where:</b> School premises or where the staff member is in lawful charge of the pupil, e.g. trip <b>Search protocols:</b></p> <ul style="list-style-type: none"> <li>Staff must be the same gender as the pupil</li> <li>There must be a witness (same gender if possible)</li> <li>Only outer clothing may be removed – <i>defined as: clothing not worn next to the skin or over underwear</i></li> <li>Can search possessions – e.g. bags, lockers – <i>in the presence of pupil and staff witness</i></li> </ul> <p><b>Intimate search:</b> Only a police officer can carry out a search of a person or their clothing beyond outer clothing; a staff member should be present if the search is at school</p>	<p><b>Searching:</b></p> <ul style="list-style-type: none"> <li>Staff should have <b>reasonable grounds</b> for undertaking a search for a ‘prohibited item’ – e.g. other students have raised concerns</li> <li>The school’s behaviour policy should list all prohibited items and communicate them with parents/carers</li> <li>Schools should only use the power to search <b>without consent</b> if all other options have been satisfactorily exhausted – e.g. questioning, parent/carer contact</li> <li>Schools may wish to have a condition of a pupil having a locker that he/she consents to a search</li> <li>If in doubt as to whether a search is intimate or not, seek further advice and/or contact the police</li> </ul>
<p><b>Reasonable force:</b> May be used to conduct a non-consensual search (for ‘prohibited items’). Any use of reasonable force should be <b>reasonable and proportionate</b> to the context – <i>please see separate guidelines on ‘The Use of Reasonable Force’</i></p>	<p><b>Consider:</b> degree of risk; contacting the police; contacting parent/carer; applying appropriate sanctions; removal from school site</p>
<p><b>Confiscation:</b> <i>Education and Inspections Act 2006</i></p> <ul style="list-style-type: none"> <li>Staff have the discretion to confiscate (and dispose of) items found in a consensual search as long as it is reasonable in the circumstances</li> <li><b>Weapons</b> and <b>controlled</b> drugs must be delivered to the police</li> <li><b>Stolen</b> items should be delivered to the police unless this is unreasonable – e.g. low value items which can be returned to the owner</li> </ul>	<p><b>Recording:</b></p> <ul style="list-style-type: none"> <li>All instances involving searches, consensual or not, should be recorded</li> <li>If reasonable force has been used include: time, reason, length, involved staff, degree of force, outcome</li> <li>Any comment made by the pupil should also be recorded, preferably quotes – <i>this may reflect their state of mind</i></li> </ul>
<p>Legislation: Education Act 1996; Education Inspection Act 2006; Education Act 2011; Health and Safety at Work Act 1974</p>	<p>For further advice and information, contact: Martin Cresswell, Camden Learning. Email: <a href="mailto:martin.cresswell@camden.gov.uk">martin.cresswell@camden.gov.uk</a></p>