

PHYSICAL CONTACT AND RESTRAINT POLICY

Tollgate Primary School
Tollgate Lane
Bury St Edmunds
IP32 6DG

Plan Owner / Author:	Dawn Marshall
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Introduction

At Tollgate School we work in an environment where our aim is to provide clear guidance to all staff, and provide information to parents and carers of our use of physical contact. Physical contact with children in school is an integral part of the job, whether it is helping a child in holding a pencil, administering First Aid or helping a child with intimate care such as toileting. Physical touch can be used to reassure or comfort a child and on occasions guide a child away from an unsafe situation.

The governors, head teacher and staff will take all reasonable steps to ensure that the welfare of pupils is safeguarded and that their safety is preserved and that any physical touch will be done in the "*best interests of the child.*"

The Governors and the Head Teacher strongly advocate that:

- Staff should always try to deal with any situation through other strategies before using reasonable force.
- Any force used should always be the minimum needed to achieve the desired result.
- The application of reasonable force to restrain or control a pupil is used only as a last resort if the circumstances of the particular incident warrant it.

The purpose of this policy is to:

- Address the range of circumstances in which physical contact may be used.
- To give clear guidance on the use of reasonable force.
- To clarify who may use reasonable force in Tollgate Primary School.
- To explain when and where reasonable force may be used.
- To define what constitutes reasonable force.
- To specify the procedures for reporting and recording incidents

When may physical contact be used?

Physical contact with a child will occur throughout the day through;

- Congratulating or praising a child
- Interacting through a play activity
- Administering First Aid
- Teaching a physical activity
- Intimate care such as helping a young child in toileting.
- Holding a hand of a child
- Reassuring and comforting a distressed or anxious child.

Definition of Restraint

Restraint means to hold back physically or to bring a pupil under control.
(Use of force guidance July 2013 DfE- Reviewed July2015)

When may restraint be used?

On occasion it may be necessary to physically stop a child from doing something and this will require restraint through the application of **reasonable force**.

Reasonable Force

All members of school staff have a legal power to use reasonable force, section 93, Education and Inspections Act 2006

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 be reasonably used. It will always depend on the circumstances of the case. It should be used as a last resort and be reasonable and proportionate to the context and the circumstances.

There are relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it; whether or not it was necessary, therefore physical force cannot 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 the least restrictive option that will meet the need- in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any restriction should be imposed for no longer than is necessary
- Whether it is reasonable to use force, and the degree of force that could reasonably be employed must also meet the statutory guidance in respect of disability, special educational needs, race, other equalities and human rights. Whatever is done, why and with what consequences must be recorded in an open and transparent manner.

WHO may use Reasonable Force/Safe Handling?

*All staff have a **duty of care** toward children attending Tollgate School and from the Education & Inspection Act 2006, have a legal power to use reasonable force. However at Tollgate it is expected that only staff trained in the application of safe techniques in stopping, holding and moving pupils will do so. The duty of care requires all staff to act in the best interest of the child in order to keep them safe. This does not require the member of staff to place themselves in an unsafe position, however to do nothing does not fulfil our duty of care. Actions such as use of voice, instruction, seeking help, minimising risks within the environment etc. should all be considered when confronted by a challenging situation. In exceptional or life threatening circumstances there may be a need for a member of the admin or lunch time support staff to apply reasonable force in order to keep a child, themselves or another person safe and control a situation. Authorisation to respond with physical force is not given to volunteers, students on placement, visitors or parents at Tollgate Primary school.*

The act of restraint is to bring a pupil under control by the application of a degree of force in the face of resistance. Passive physical contact such as standing between pupils or blocking a pupil's path is not restraint. Active physical contact that a pupil complies with such as leading a pupil by the arm is not restraint.

WHEN Reasonable Force may be used:

There may be circumstances when a member of staff may have to decide between making an intervention and using reasonable force by placing him/herself in a dangerous situation or standing back and thereby allowing colleagues or pupils to face a potential danger. There will always be an element of personal judgment in these decisions and there is the possibility of someone being injured. However, it is reasonable to expect a member of staff to engage in some risk where there is evidence of danger to others and intervention has a good chance of being effective. Staff should not, however, put themselves in personal danger merely to safeguard property. Reasonable force should be limited to high risk

situations and used only as a last resort when all other behaviour management strategies have been exhausted and:

a) Where action is necessary in self-defence or because there is an imminent risk of injury.
b) To prevent a pupil causing personal injury to, or damage to the property of, any person (including the pupil him/herself), e.g.

- An attack on a member of staff or another pupil
- Pupils fighting
- A pupil causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous substances or objects
- A pupil running in a corridor or on a stairway, in a way in which he/she might have or cause an accident likely to injure him/herself or others

c) Where a pupil is behaving in a way that is compromising to good order and discipline, whether during a teaching session or otherwise, e.g.

- A pupil is behaving in a way that is seriously disrupting a lesson

WHERE Reasonable Force may be used:

a) On the school premises

b) Elsewhere (when authorisation has been given to have lawful control or charge of the pupil concerned, e.g. educational visits, sporting events)

WHAT might be regarded as Reasonable Force?

When other behaviour management strategies have failed – it should be the minimum intervention of force that should reasonably be employed depending on the age, sex, physical strength, size, understanding, medical condition and any special needs of the pupil and used in a way that preserves the dignity and respect of all concerned. The use of reasonable force/safe handling should involve a calm and measured approach at all times appropriate to the particular pupil and be in accordance with the school's agreed strategies and the following procedures:

- tell the pupil to stop the inappropriate behaviour;
- ask the pupil to behave appropriately, clearly stating the desired behaviour;
- tell the pupil that physical intervention will take place if inappropriate behaviour continues;
- during the incident repeatedly reassure the pupil and tell him/her that physical contact will stop as soon as he/she is felt to be of no risk.
- if the teacher, classroom assistant or supervisory assistant feels at risk, e.g. from a large or older group of pupils, send for the nearest staff support.

The forms of reasonable force the school will use will depend on the individual circumstances and are:

a) Separating pupils who are fighting, or who are about to fight

b) Blocking a pupil's path

c) Holding

d) Breakaway techniques (e.g. when a member of staff is grabbed by a pupil)

f) Leading a pupil by the arm

g) Shepherding a pupil away by placing hands on the backs of elbows

h) (In extreme circumstances) using more restrictive holds

“Restraint will only be used when considered **necessary** when the **minimum degree of force** required will be applied for the **shortest period of time** and only for the above reasons.”

Health and Safety:

When using reasonable force/physical intervention/restraint/safe handling, the pupil's health and safety must always be considered and monitored. Restraints will only be used when considered necessary and applied for the shortest period of time.

Limits on the Use of Force:

The law strictly prohibits the use of force which constitutes the giving of corporal punishment. The use of force as a punishment or to intentionally cause pain, injury or humiliation would contravene our Child Protection Policy. Staff should never act in a way that might reasonably be expected to cause injury, for example by:

- holding around the neck;
- any hold that might restrict breathing;
- kicking, slapping or punching or using any implement;
- forcing limbs against joints;
- tripping;
- holding or pulling by the hair;
- holding the pupil face down on the ground;
- staff should also avoid touching or holding a pupil in any way that might be considered indecent.

The use of reasonable force is only to be employed in exceptional circumstances or an emergency where a pupil appears to be unable to exercise self-control of emotions and whose behaviour is presenting a threat to himself/herself or others. A member of staff should not intervene in an incident without help if there is a risk that he/she may be injured or may endanger his/her life.

How do we avoid using it?

Our intention will always be that our management strategies and de-escalation techniques will be exhausted before considering physical restraint, unless an immediate threat is posed. **Refer to the school's behaviour policy**

Procedures for Reporting and Recording incidents involving the use of Reasonable Force:

Following an incident of restraint a member of the SLT should be informed.

After every incident, a pupil incident form should be completed, (Appendix 1) which details the incident and responses made by the members of staff. A brief record will be made in a bound book and a sequential number allocated to the incident. Any post incident discussion is noted and the form handed to the Inclusion Lead prior to filing in the pupil file. The Inclusion lead will monitor incidents, follow through any resulting queries with staff; identify any learning opportunities for staff. Parents will be informed on the day of the incident.

Injury during physical contact

The risk of any physical contact whether in the context of care, learning, comfort, reassurance or restraint is that accidental hurt may take place to either the adult or the child. Incidents whereby an adult or a child is accidentally harmed will be recorded in the accident book. On occasion a restraint (despite the intention to avoid injury) may result in someone being scratched accidentally. When this happens to an adult it is generally due to an incorrectly applied hold or a mistake on our part. When a child is bruised or scratched it may be a regrettable side effect of ensuring that the child remains safe: it should not automatically be assumed due to failure of the professional technique. Any such injury will be recorded in the accident book and the head teacher informed. In the case of injury to a child, the parent will be informed by telephone and the injury recorded on the Pupil Incident form.

Complaints

If an incident occurs in Tollgate Primary School involving the use of reasonable force/restraint by a teacher, the procedures governing such incidents should be followed. This will include informing the parent(s)/guardian(s) of the child as outlined above. In the event of a subsequent complaint made against a member of staff, either by or on behalf of the child, this will be dealt with in accordance with the Circular 1999/10, Pastoral Care in Schools – Child Protection. Staff, who themselves are subject to physical violence or assault, should be supported, as appropriate, in taking any necessary action against an assailant. These procedures have been agreed by the staff and adopted by the Board of Governors.