

**Smithy Street
Primary School**

**Physical Intervention and Restraint
Policy**



Approved by staff and governors

Nov 2018

We are a Unicef Rights Respecting School.

Relevant ‘Unicef Convention on the Rights of the Child’ Articles include:

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| Article 2 | All children have these rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, whether they are rich or poor. No child should be treated unfairly on any basis. |
| Article 3 | All adults should do what is best for you. When adults make decisions, they should think about how their decisions will affect children. |
| Article 5 | Your family has the responsibility to help you learn to exercise your rights, and to ensure that your rights are protected. |
| Article 12 | You have the right to give your opinion, and for adults to listen and take it seriously. |
| Article 13 | You have the right to find out things and share what you think with others, by talking, drawing, writing or in any other way unless it harms or offends other people. |
| Article 14 | You have the right to choose your own religion and beliefs. Your parents should help you decide what is right and wrong, and what is best for you. |
| Article 15 | You have the right to choose your own friends and join or set up groups, as long as it isn't harmful to others. |
| Article 16 | You have the right to privacy. |
| Article 17 | You have the right to get information that is important to your wellbeing, from radio, newspaper, books, computers and other sources. Adults should make sure that the information you are getting is not harmful, and help you find and understand the information you need. |
| Article 18 | You have the right to be raised by your parent(s) if possible. |
| Article 19 | You have the right to be protected from hurt and mistreated, in body or mind. |
| Article 20 | You have the right to special care and help if you cannot live with your parents. |
| Article 21 | You have the right to care and protection if you are adopted or in foster care. |
| Article 23 | You have the right to special education and care if you have a disability, as well as all the rights in this Convention, so that you can live a full life. |
| Article 24 | You have the right to best health care possible, safe water to drink, nutritious food, a clean and safe environment, and information to help you stay well. |
| Article 25 | If you live in carer in any other situations away from home, you have the right to have these living arrangements looked at regularly to see if they are the most appropriate. |
| Article 28 | You have the right to a good quality education. You should be encouraged to go to school to the highest level you can. |
| Article 29 | Your education should help you use and develop your talents and abilities. It should also help you learn to live peacefully, protect the environment and respect other people. |
| Article 30 | You have the right to practice your own culture, language and religion – or any you choose. Minority and indigenous groups need special protection of this right. |
| Article 31 | You have the right to play and rest. |
| Article 33 | You have the right to protection from harmful drugs and from the drug trade. |
| Article 34 | You have the right to be free from sexual abuse. |
| Article 36 | You have the right to protection from any kind of exploitation (being taken advantage of). |
| Article 37 | No one is allowed to punish you in a cruel or harmful way. |
| Article 39 | You have the right to help if you've been hurt, neglected or badly treated. |
| Article 42 | You have the right to know your rights! Adult's should know about these rights and help you learn about them, too. |

Smithy Street Primary School Policy for Physical Intervention and Restraint

At Smithy Street Primary School, we are committed to a positive behaviour policy which encourages children to make positive behaviour choices. We do however recognise that children sometimes do make the wrong choices. On rare occasions this may result in a situation that requires some form of physical intervention by staff. Our policy for physical intervention is based upon the following principles:-

- Physical intervention should be used only as a last resort when other appropriate strategies have failed.
- Any physical contact should be only the minimum required.
- Physical intervention must be used in ways that maintain the safety and dignity of all concerned.
- Incidents must be recorded and reported to the Headteacher as soon as possible
- Parents will be informed of each incident

1. The Legal Framework

In part one of the Department for Education's (DfE) statutory guidance on 'Keeping children safe in education: statutory guidance for schools and colleges', it is recognised that there are circumstances when it is appropriate for staff in schools and colleges to use reasonable force to safeguard children and young people.

The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury.

'Reasonable' in these circumstances means 'using no more force than is needed'. The use of force may involve 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 the classroom.

Section 93 of the Education & Inspections Act allows 'teachers and other persons who are authorised by the Head Teacher who 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:-

- causing injury to his/herself or others
- committing an offence
- damaging property
- prejudicing the maintenance of good order & discipline'

2. Our approach

At Smithy Street Primary School we aim to avoid the need for physical intervention and regard this as a last resort in a tiny minority of situations. We always aim to deal with behaviour using a positive approach and therefore this policy should be read in connection with our Behaviour Policy.

It is not possible to define every circumstance in which physical restraint would be necessary or appropriate and staff will have to exercise their own judgement in situations which arise within the above categories. Staff should always act within the School's policy on behaviour and discipline, particularly in dealing with disruptive behaviour.

Staff should be aware that when they are in charge of children during the school day, or during other supervised activities, they are acting in *loco parentis* and have a 'Duty of Care' to all children they are in charge of. They must, therefore, take reasonable action to ensure all pupils' safety and well being. Staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention.

3. Use of physical restraint

Physical restraint should be applied as an act of care and control with the intention or re-establishing verbal control as soon as possible and, at the same time, allowing the pupil to regain self-control. It should never take a form which could be seen as punishment.

Staff are only authorised to use reasonable force in applying physical restraint, although there is no absolute definition of this. What constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied. However, as a general rule, only the force necessary to stop or prevent danger should be used, in accordance with the guidelines below.

In all circumstances, alternative methods should be used as appropriate with physical intervention or restraint, a last resort.

When physical restraint becomes necessary:

DO

- Tell the pupil what you are doing and why
- Use the minimum force necessary
- Involve another member of staff if possible
- Tell the pupil what s/he must do for you to remove the restraint (this may need frequent repetition)
- Use simple and clear language
- Hold limbs above a major joint if possible e.g. above the elbow
- Relax your restraint in response to the pupil's compliance

DON'T

- Act in temper (involve another staff member if you fear loss of control)
- Involve yourself in a prolonged verbal exchange with the pupil
- Involve other pupils in the restraint
- Touch or hold the pupil in a way that could be viewed as sexually inappropriate conduct
- Twist or force limbs back against a joint
- Bend fingers or pull hair
- Hold the pupil in a way which will restrict blood flow or breathing e.g. around the neck
- Slap, punch, kick or trip up the pupil
- Use physical restraint or intervention as a punishment

4. Actions after an incident

Physical restraint often occurs in response to highly charged emotional situations and there is a clear need for debriefing after the incident, both for the staff involved and the pupil. **The head teacher should be informed of any incident as soon as possible** and will take responsibility for making arrangements for debriefing once the situation has stabilised. An appropriate member of the teaching staff should always be involved in debriefing the pupil involved and any victims of the incident should be offered support, and their parents informed.

If the behaviour is part of an ongoing pattern it may be necessary to address the situation through the development of a behavioural IEP, which may include an anger management programme, or other strategies agreed by the SENCO. This may require additional support from, other services, for example the LA BST.

In some circumstances a EHA may be appropriate to help identify an additional need for a particular child.

It is also helpful to consider the circumstances precipitating the incident to explore ways in which future incidents can be avoided.

All incidents should be recorded immediately on the Pupil Restraint Report Form (attached). All sections of this report should be completed so that any patterns of behaviour can be identified and addressed.

In the event of any future complaint or allegation this record will provide essential and accurate information.

A copy should be filed in the child's appropriate file and in a central school file in order to inform individual and school risk assessments.

A member of the leadership team will contact parents as soon as possible after an incident, normally on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

5. Risk Assessments

If we become aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, we will plan how to respond if the situation arises. Such planning will address:

- Strategies to be used prior to intervention
- Ways of avoiding 'triggers' if these are known
- Involvement of parents to ensure that they are clear about the specific action the school might need to take
- Briefing of staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance)
- Identification of additional support that can be summoned if appropriate
- The school's duty of care to all pupils and staff

6. Complaints and Allegations

A clear restraint policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under the complaints disciplinary or allegation management procedures.

It is our intention to inform all staff, pupils, parents and governors about these procedures and the context in which they apply.

We will review this policy on a regular basis.

RECORD OF PHYSICAL INTERVENTION OR RESTRAINT

Date of incident: Time of incident:

Pupil Name: D.o.B:

Member(s) of staff involved:

Adult witnesses to restraint:

Pupil witnesses to restraint:

Outline of event leading to restraint:

Outline of incident of restraint (including restraint method used):

Outcome of restraint:

Description of any injury(ies) sustained by injured pupil and any subsequent treatment:

Date parent/carer informed of incident:

Time:

By whom informed:

Outline of parent/carer response:

Signature of staff completing report: Date:

Signature of Teacher-in-charge: Date:

Signature of Head STS: Date:

Brief description of any subsequent inquiry/complaint or action: