



Houghton Primary School

Working hard to achieve our best

Physical Intervention & Restraint Policy

Date reviewed and adopted by school staff:	Summer 2021
Signed: Headteacher	
Date of next review:	Summer 2022



Definition

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 reasonably be used. It will always depend on all the circumstances of the case.

Schools should refer to DFE Use of Reasonable Force: Advice for head teachers, staff and governing bodies (2012). Use of restrictive physical intervention describes how a trained member of staff uses an approved hold or technique to physically contain a young person, the use of this approach may have been agreed as part of an assessed management plan.

The use of force is used to describe situations other than this where the use of a physical response may be to prevent immediate and significant harm occurring in a situation which cannot be contained in any other manner.

The Use of Physical Intervention & Restraint

This policy does not seek to provide a full legal summary nor to offer advice for the context in which any incident might occur. However it is important to recognise that the use of restrictive physical interventions needs to be consistent with the Human Rights Act (1998) and the United Nations Convention on the Rights of the Child (ratified 1991). These are based on the assumption that every child and young person is entitled to:

- respect for his or her private life
- the right not to be subjected to inhuman or degrading treatment
- the right to liberty and security
- the right not to be discriminated against in his/her enjoyment of those rights.

Restrictive physical interventions need to be child or young person specific, integrated with other less intrusive approaches, and clearly part of an education or placement plan approach to reduce risk when needed. They must not become a standard way of managing children and young people, or as a substitute for training in people related skills.

Physical intervention must never be used simply to maintain or bolster good order in the classroom or other environment. It is expected that its use will be rare, in exceptional circumstances when a particular need arises. It should never become habitual or routine.

The Framework for the EYFS states that physical intervention can only be taken for the purposes of averting immediate danger of personal injury to any person (including the child) or to manage a child's behaviour if absolutely necessary.

In Cambridgeshire County Council the term 'restrictive physical intervention' should be interpreted as describing direct safeguarding action.

The term 'restrictive physical intervention' is defined by the DfES/DoH (2002) as being 'designed to prevent movement or mobility or to disengage from dangerous or harmful physical contact...'

There are 4 main principles underpinning any physical intervention:

- Restrictive Physical Interventions should, wherever possible, be avoided.
- There are occasions when the use of such interventions would be appropriate.
- Such interventions should always be reasonable and proportional to the circumstances.
- When restrictive physical interventions are necessary, they should recognise the need to maintain the dignity of all concerned as well as always being intended to preserve their safety.

It is a criminal offence to use physical force, or to threaten to use force (for example, by raising a fist, or using verbal threat), unless the circumstances give rise to a 'lawful excuse' or justification for use of force. (DfES/DoH 2002)

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Due notice should be given to the DfE publication Use of Reasonable Force: Advice for headteachers, staff and governing bodies 2012.

Key Points: Schools can use reasonable force to:

- prevent a pupil at risk of harming themselves through physical outbursts;
- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- 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.

Schools cannot:

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

The decision on whether to physically intervene is down to the professional judgement of the staff member concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case.

The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result.

School staff should expect the full backing of their leadership team and governing body when they have used force appropriately.

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Whenever restrictive physical intervention is used it must be recorded by the school so that a clear record is kept of the incident which can be shared as appropriate.

Education and Inspections Act 2006 For schools, Section 93 of the Education and Inspections Act 2006 (which replaces section 550A of the Education Act 1996) enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- a) committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b) causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- c) prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

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

- a) any teacher who works at the school, and
- b) any other person whom the head teacher has authorised to have control or charge of pupils.

This:

- (i) includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors
- (ii) can also include people to whom the head teacher has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve

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supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example, parents accompanying pupils on school organised visits)

(iii) does not include pupils e.g. prefects or other such roles.

The power may be used where the pupil (including a pupil 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).

The Act stipulates that the head teacher may empower staff by reference to an individual pupil or staff member, or a group of pupils of a particular description, all pupils, or a group of staff of a particular description.

There are no legal requirements as regards how staff or pupils should be notified of such a decision, this being a matter of common sense and professional judgement. Head teachers should, however, do this in writing for the sake of certainty – including reflecting as appropriate in staff members' contracts, and making this a part of the measures that the head teacher sets down in the school behaviour policy.

Corporal punishment – as defined in section 548 of the Education Act 1996 – is unlawful. Use of restrictive physical intervention may give rise to an action in civil law for damages if it results in injury, including psychological trauma, to the person concerned. However, Cambridgeshire County Council expect that governing bodies will support staff who, having been appropriately trained in a restrictive physical intervention, follow this policy and act in a reasonable manner.

If a child acts in a way which is dangerous or harmful to him or herself or others, then Cambridgeshire County Council expects the member of staff

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dealing with the behaviour to react in a way consistent with the duty of care they have for that child.

The use of force should only be applied if it is reasonable, proportionate and absolutely necessary.

Following any incident, if it is considered that similar situations are likely to occur again then a risk assessment should be undertaken and appropriate training given to staff in restrictive physical intervention, if necessary.

Appropriate Use of Force and Physical Intervention

The importance of attempting to de-escalate situations and avoid the use of force and restrictive physical intervention should be clear in all setting policies. It is important to recognise that positive or 'contingent' touch may be beneficial in some cases, for some children and young people, and that settings should not have a policy which seeks to avoid all physical contact between staff and children / young people.

DFE Use of Reasonable Force: Advice for head teachers, staff and governing bodies (2012) states: 'It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.'

Examples of where touching a pupil might be proper or necessary:

- holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school
- when comforting a distressed pupil
- when a pupil is being congratulated or praised
- to demonstrate how to use a musical instrument
- to demonstrate exercises or techniques during PE lessons or sports coaching

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- to give first aid.

As described in detail in the previous section, restrictive physical interventions may be used to achieve different outcomes such as:

- to break away from dangerous or harmful physical contact
- to separate the person from the events triggering risk and/or challenging behaviour
- to protect the child or young person.

Interventions may be;

- Carried out only by those staff who have received specific 'Team Teach' training
- Proactive, in which staff employ, where necessary, prearranged strategies and methods which are based upon a risk assessment and recorded in individual plans.
- Reactive, which occur in response to unforeseen events.

In all situations, the decision to intervene using physical restraint should be a professional judgment taken calmly and in full knowledge of the desired outcome. Though likely to be a last resort it should be an act of care, not punishment; a conscious decision to act in the child or other's best interest, and not an act of desperation or a tool to force compliance.

The headteacher is responsible for ensuring that they use this document to ensure that:

- there is a current policy in place for the setting
- there is opportunity to review the policy at least annually
- dynamic and robust risk assessments are in place
- all incidents of restrictive physical intervention are recorded and reported as required

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- appropriate support and de-brief is available to children, young people and staff, and that they are aware of how to access the support available
- parents and carers are kept informed of any risks or incidents requiring physical intervention or use of force.

Only the minimum of restrictive physical intervention necessary to prevent injury or to remove the risk of harm should be applied and, if used, this should be accompanied by calmly letting the child/young person know what they need to do to remove the need for restrictive physical intervention.

Staff should seek to recognise signs when a child becomes calm whilst being held; they may physically feel it as this is part of the child's communication that they have calmed down. As soon as it is safe to do so, the restrictive physical intervention should be gradually relaxed to allow the child or young person to gain self-control.

Wherever possible, restrictive physical interventions should be used in a way that is sensitive to, and respects the cultural expectations of children and their attitudes towards physical contact. This should always form part of the child's risk assessment.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, will also depend on the age and understanding of the child or young person, as reasonable use is likely to vary greatly from a very young child to a young adult. It is also important to recognise that where a restraint might be considered reasonable in one instance it may not be in another.

Ultimately only a court may judge what is reasonable in terms of the amount of force used in physical restraint and obviously will do so retrospectively.

Recording & Reporting

All incidences of physical restraint at Houghton Primary School are recorded in the Physical Restraint Record Book (blue book), which is kept in the locked safeguarding filing cabinet in the Headteacher's office. All parts of the form must be completed in full and a copy then shared with the parent, class teacher and Headteacher. A copy must also be retained in the child's file (school office).

A copy of this policy is kept alongside this book for reference.

July 2021

Next review: Summer 2022