HINGUAR PRIMARY SCHOOL AND NURSERY

RESTRAINT POLICY

Responsible members of Staff
Mrs. F. Willis-Acting Headteacher
Mrs. K. White-SENCO
Mr. M. Sweeting- Safeguarding Governor
Ms G. Hansford – Chair of Governors

This Policy was approved by the Governors January 2019 and will be reviewed on an annual basis

“Hinguar Primary School and Nursery is committed to safeguarding and promoting the welfare of its' children and expects all staff, parents, governors and volunteers to share this commitment”.

This policy should be read in conjunction with the following policy
- Behaviour
- Absconding
Hinguar Primary School and Nursery is focused continually on providing a safe learning environment for our pupils. On the rare occasion a child may get anxious or agitated – we will do our best to help pupils to calm down using communication skills, distraction techniques and removing triggers where possible. However, there may be times when children need more help to calm down – this may require staff physical support to ensure the pupil’s own safety, the safety of other pupils and staff, or that property is not seriously damaged. This can require physical interventions.

At Hinguar Primary School and Nursery, we have trained identified staff members in the Team Teach approach to manage challenging behaviour. All incidents where children need to be held to help them to calm down are recorded in school and parents are informed as a matter of course.

Children who are at risk and most likely to need help in this way will have an Pastoral Support Plan (PSP) that will be discussed with parents and consistently followed by all school staff. At Hinguar we encourage parents to be involved in agreeing appropriate support arrangements, PSP’s are devised which include strategies to prevent and deal with any recurrence of behaviour that could lead to the use of force as a strategy with two main purposes – to control pupils or to restrain.

Introduction

This policy is based on guidance outlined in DfE (July 2013) Use of Reasonable Force. The circular refers to the Education and Inspections Act 2006 which clarifies the position regarding the use of physical force by teachers and other staff working in schools, to control or restrain pupils. Staff should also refer to the schools behaviour policy.

The Use of reasonable Force to Control or Restrain Pupils

Section 93 of the Education and Inspections Act 2006 enables school staff to use force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- Committing a criminal offence (or for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- Causing personal injury to, or damage to the property of, any person (including the pupil themselves)
- 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.

(Please refer to appendix 1 for guidance when restraint can be used)

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

- Any teacher who works at the school and
- Any other person whom the Head has authorised to have control or charge of pupils

this also applies to non-teaching staff who have been authorised by the headteacher to have control or charge of pupils, e.g. classroom assistants, midday supervisors, etc.Staff will be informed if they are authorised in this way.

The use of restraint should always be a last resort. If practical before intervention, a calm warning or instruction to stop will be given and every effort should be made to achieve a satisfactory outcome without physical intervention. In all circumstances help MUST be sent for, even when immediate intervention is necessary.
What is **reasonable force**? There is no legal definition. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequence it is intended to prevent. The degree of force used should be the **minimum** needed to achieve the desired result.

- **It is always unlawful to use force as a punishment.** This is because it would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1996.

It is the expectation of the school that the use of physical force will be used as a last resort.
At Hinguar using reasonable force or physically restraining pupils can only be used by authorised trained persons. These include:
- Sharon Wilson (Learning Mentor)
- Ferliene Willis (Assistant Headteacher)

Upon recommendation from the LA these members of staff have undergone training from Team Teach.

**No restraint will take place unless the Headteacher or senior member of staff are present.**

**Policy for dealing with Pupils with Special Educational Needs and/or disabilities**
Those exercising the power to use force will take into account any particular special educational need and/or disability that a pupil might have.

- Pupils who have communication impairments that make them less responsive to verbal communication;
- Physical disabilities and/or sensory impairments;
- Conditions that makes them fragile, such as hemophilia, brittle bone syndrome or epilepsy;
- Dependence on equipment such as wheelchairs, breathing or feeding tubes.

The Behaviour Mentor will work with parents to develop a risk assessment for a child and explain the school’s practice on the use of force. Positive handling plans will be devised for individual pupils assessed as being at greatest risk in consultation with the parents as part of the PSP process.

**Policy for Dealing with Pupils with Emotional/Behaviour Difficulties**
- Some of our pupils are subject to aggressive outbursts.
- Try to read the signs and defuse the situation before it escalates.
- Call for help by the Headteacher or Behaviour Mentor.
- The PSP for particular children must be supported and referred to at all times.
- For individuals who present very serious challenges an individual handling policy/risk assessment will be agreed with parents.

**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:

- Management of the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used if necessary)
• Briefing of staff to ensure they know exactly what action they should be taking
• Identification of additional support that can be summoned if appropriate.
• If appropriate contact parents to ensure that they are clear about the specific action the school might need to take.

Recording Incidents
As a school we keep systematic records of every significant incident in which force has been used. The purpose of recording is to ensure policy guidelines are followed, to inform parents, to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record of any future enquiry.

1. Immediately following an incident, the member of staff concerned should inform the head teacher or a senior member of staff.
2. The child should always be offered an explanation for the course of action.
3. It is important that there is a detailed, current, record of any occasion when a restrictive physical intervention is used. A written report will be written immediately and reported to the headteacher or senior manager. Written reports will be placed in the incidents book with consecutively numbered pages. This is stored in the Headteacher’s office.
4. A written report will include the following:
   • Names of pupil/pupils involved
   • The date and time the physical intervention occurred
   • Names of witnesses (pupils or staff)
   • The reason force was used
   • How the incident began and progressed, including details of:
     a) pupils’ behaviour and what was said to each party
     b) steps taken to defuse the situation
     c) degrees of force used, how it was applied, for how long
     d) the child’s response and the outcome of the incident
     e) details of any injury suffered or damage to property
     f) action taken such as treatment in relation to any marks or injuries occurring as a result of the incident to either the child/ren or member/s of staff concerned
5. The child’s parent/carer will be informed when physical intervention has been necessary by, at the latest, the end of the working day. All injuries will be recorded in accordance with the school procedure using the appropriate H/S61 or HSW5 form.

Post-incident Support
Serious incidents that require the use of force can be upsetting to all concerned and may result in injuries to the pupil or to staff. Immediate action must be taken to provide first aid for any injuries and to access medical help for any injuries that go beyond first aid. As a school we ensure that staff and pupils are given appropriate emotional support.

Physical Contact with Pupils in other Circumstances
It is recognised that, particularly with younger or distressed pupils, touching can give welcome reassurance or comfort, but adults must be aware that even perfectly innocent actions, can sometimes be misconstrued. In all situations, with the dignity and sensitivity of the pupil in mind, staff should ensure their words and actions are witnessed by others.
STRATEGIES:

**Touching and holding children**
- The level and type of physical contact should reflect the educational and social needs of the pupil (e.g. physical contact is likely to occur in some PE and drama activities).
- Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.
- A pupil asking a member of staff for contact should not be responded to automatically or without question. However, the pupil should not be rejected without explanation.
- There should be no expectations of privacy for the physical expression of comfort. Staff should endeavor not to be alone with a pupil in such a situation. Male staff need to be particularly aware of this.
- Any physical contact should not become habitual. It should not respond or lead to expectations from the child, or cause anxieties of any form. Specific consideration should be given to the needs of pupils who may have suffered abuse and/or neglect.

**Self-help / life skills**
- Pupils on entering nursery are expected to use the toilet independently. If toileting difficulties arise, staff should stand at the outside toilet door (i.e. not near the cubicle) and encourage the child to complete the task independently.
- If necessary, staff may assist a child to use the toilet but with sensitivity. (Two members of staff are always expected to be present)
- Pupils are expected to change for PE independently. If a child finds elements of this difficult, this should be discussed with the parent quickly, and the parent encouraged to support developing this skill at home.
- Children who have physical disabilities/difficulties may require more assistance and should have a statement about necessary physical contact added to their IEP.

**Searching children**
- Searches should only take place in the present of the headteacher, or another senior member of staff. They should be conducted by a staff member of the same sex as the pupil, and must not include intimate touching or strip searching.
- A pupil’s consent should be asked first. If the pupil does not give consent, their parent should be invited to be present during the search.
- If the pupil is suspected of concealing drugs, stolen property or a weapon, it is appropriate for the headteacher to contact parents and to involve the police.

**Control and direction through physical contact**
- On some occasions, control can be maintained by holding a pupil in a manner which does not carry the force of physical restraint (e.g. holding a pupil’s hand when crossing the road, or guiding a pupil back to their seat).
- The main factor that distinguishes the holding from physical restraint is the degree of force applied, the intention of the action, and how the action is perceived by the pupil.

**Restriction of liberty**
- If a pupil attempts to leave the room or school premises, they should only be physically restrained if they are considered to be at risk of harming themselves or others. **A pupil refusing to remain in a particular place is not enough on its own to justify the use of force.**
- Members of staff should not leave other children/school premises in order to make chase.
• If a child leaves the school premises, the headteacher should be notified immediately. The parents and police will be contacted immediately. The headteacher, with the deputy headteacher, will attempt any search, in communication by mobile phone; the headteacher will notify the police and parents.
• A pupil should never be locked in a room to detain them.
• If a pupil is waiting in a room for a parent, social services or police to attend, a member of staff should remain with them.

**Hitting children**
- Staff should never hit or strike a child.

**Complaints**
Any dispute about the use of a restrictive physical intervention by a member of staff might lead to an investigation, either under disciplinary procedures or by the police and social services under child protection procedures.
Upon writing an incident record the parent is entitled to see the educational record free of charge, within 15 school days of receipt of the parent’s written request.

Governors will monitor incidents where force has been used. It is the duty of the Headteacher to report such incidents to the governing body.

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**Appendix 1**

**Schools can use reasonable force to:**
- 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; and
- 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.
**Record of Incident of Restraining**

Name of child ______________________
Name of staff ______________________
Date and time of incident ______________
Location of incident ______________________

Names of staff involved (directly or as witnesses)

________________________________________________________________

Details of other pupils involved (directly or as witnesses), including whether any of the pupils involved were vulnerable for SEN, disability, medical or social reasons

________________________________________________________________

Description of incident by staff involved, including any attempts to deescalate and warnings given that force may be used

________________________________________________________________

Reason for force and description of force (how long was force applied?)

________________________________________________________________

How did the incident begin? (including description of pupils behaviour and anything the teacher said before using physical intervention)

Details of any injury

________________________________________________________________

Follow up, including post-incident support and any disciplinary action

________________________________________________________________

When and how those with parental responsibility were informed about the incident and any views they have expressed

________________________________________________________________

Signature of person completing this form ………………………………………
Date …………………………………..     Time …………………………………..

Received by Head teacher/ Senior member of staff:
Signed………………………………………………………
Date ……………………………………     Time …………………………………….
Risk Assessment for assessing and managing foreseeable risks for children who present challenging behaviours

Name of child: …………………………………

Class ……………………………….

Name of teacher ………………………………………….

<table>
<thead>
<tr>
<th>Identification of Risk</th>
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</thead>
<tbody>
<tr>
<td>Describe the foreseeable risk</td>
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<tr>
<td>Is the risk potential or actual?</td>
</tr>
<tr>
<td>List who is affected by the risk</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>Assessment of Risk</th>
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<tbody>
<tr>
<td>In which situations does the risk usually occur?</td>
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<tr>
<td>How likely is it that the risk will arise?</td>
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<tr>
<td>If the risk arises, who is likely to be injured or hurt?</td>
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<tr>
<td>What kinds of injuries or harm are likely to occur?</td>
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<td>How serious are the adverse outcomes?</td>
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</tbody>
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Assessment completed by:
………………………………………………………………………..

Signature …………………………………………………………………

Date …………………………………………………