

Guidelines for use of Physical Restraint



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1. Rationale for this Document

- (i) This document has been produced to provide guidance to staff who need to develop procedures and practice in this area. These guidelines are formulated against a backdrop of guidance set out by the Department for Education and Employment (section 550A of the Education Act 1996: the use of reasonable force to control or restrain pupils).
- (ii) Use of behavioural procedures and restraint is a sensitive topic. This document is meant to provide reassurance and support to our staff teachers and to ensure that practice in our school is always in the best interests of the pupils concerned.

2. What is physical restraint?

- (i) Restraint occurs whenever a member of staff, using intentional force, physically restricts a child's movement against his or her will.

Physical restraint does not include the use of gentle physical prompting or guidance where the child is happy to comply and the aim is to assist him or her to participate appropriately in activities.

There are other situations where physical contact may be necessary eg; demonstrating exercises in PE lessons; administering first aid; or offering comfort to a distressed pupil. This does not constitute restraint but staff should be conscious of pupil perceptions and recognise that for some pupils touching may be unwelcome and misinterpreted despite good intentions.

- (ii) It is a procedure for dealing with an unsafe or crisis situation.
- (iii) It must not be used as a form of punishment and must not be used when a less severe response might have effectively resolved the situation.
- (iv) Deliberate use of physical contact to punish a pupil, cause pain or injury or humiliation is unlawful, regardless of the severity of the pupil's behaviour or the degree of provocation.
- (v) Parents should be given the opportunity to participate in discussions about the school's policy on behaviour, discipline and restraint procedures so that they are fully aware of the actions that may be taken if their child is involved in an incident.

3. The use of physical restraint

- (i) Restraint should only be used in circumstances where there are good grounds for believing that the pupil is placing him/herself or other people in immediate danger or where there is a likelihood of significant damage to property. Restraint should be

used rarely to secure compliance with staff instructions; other methods should always be considered first.

(ii) If a school is aware that a pupil is likely to behave in a way that may require physical restraint it will be sensible to plan how to respond, should such a situation arise. This plan should be shared with parents and other staff taking account of the school policy and legislation. If physical restraint is likely to be necessary this should be included in the pupil's Individual Education Plan (IEP) together with information on: de-escalation strategies; the manner in which the pupil will be held; how support can be summoned if needed; any medical factors to be considered.

4. Types of Restraint

(i) Restraint occurs whenever a member of staff, using intentional force, physically restricts a pupil's movement against the pupil's will. This may mean restraining a pupil or moving him/her by physical means. The procedures of restraints apply to pupils of either sex and of any age.

(ii) Restraint can be: a) Partial . restricting and preventing particular movements.

b) Total: as in the case of immobilisation.

(iii) **Partial Restraint** covers a wide range of techniques which can be applied in degrees to meet particular circumstances. It may involve:

1. Physically moving a pupil from a situation where there is an imminent risk of a violent incident and where the pupil has refused to respond to a reasonable verbal request.

2. Holding pupils to restrict their movements.

3. Retaining a pupil in a confined area in order to prevent individuals or property being damaged. (It is illegal to lock a pupil in a room or cupboard which they cannot leave of their own volition).

(iii) **Total Restraint** is where pupils are held in such a way which prevents them from moving. This could mean a pupil being held on the floor. This is an extreme form of restraint and would be used only when an assault was being thought a serious risk to others.

(iv) Staff should be aware that for some pupils the use of physical restraint may act as a positive re-inforcer for their behaviour.

5. The Legal Framework

(i) Section 550A of the Education Act 1996 allows teachers, and other members of staff at a school who are authorised by the head teacher, to use such force as is reasonable in circumstances where the pupil may need to be prevented from engaging in behaviours which are likely to cause injury to themselves, others or damage to property. The guidance extends this to maintaining good order and discipline, for both on-site and offsite activities.

(ii) There is no legal definition of reasonable force. The Criminal Law Act (1967) allows any person to use such force as is reasonable in the circumstances to prevent an offence (eg. physical assault) being committed. Reasonable minimal force must be a matter of personal judgement.

It is permissible:

- a) in order to remove the danger of another person being assaulted
- b) when a person is wilfully damaging property.

(iii) The use of any degree of force or restraint is unlawful if the circumstances do not warrant the use of physical force. The degree of force employed *must* be in proportion to the circumstances of the incident and the potential consequences.

(iv) The law requires that force should be used only when every other approach has been tried and all practical methods to de-escalate the situation have been employed.

Where a member of staff has clearly over-reacted and the use of force was unreasonable or excessive, he/she may be liable to disciplinary, civil or criminal proceedings.

(v) In cases of physical restraint, a written report must be kept on the child's file and this will need to include:

- a) How the incident began and progressed including a description of the pupil's behaviour.
- b) What was said by each party?
- c) The steps taken to defuse/calm the situation.
- d) The type of restraint used and with what degree of force, and for how long.
- e) The pupil's response and outcome of the incident.
- f) Injuries sustained by the pupil, another pupil, or a member of staff and any damage to property.

(vi) It is recommended that this report be written within 12 hours of an incident occurring, and that the pupil is checked by a member of staff independent of the incident to ascertain if injuries have been sustained. (A pro-forma incident report form is included

as Appendix A).

(vii) It is always advisable to inform parents of an incident involving their child, and give them the opportunity to discuss it. The Headteacher will need to consider whether to inform parents straight away or at the end of the school day, and whether this should be done in writing or orally.

6. Complaints

(i) The possibility that a complaint may be lodged by a parent whose child has been physically restrained cannot be ruled out.

(ii) This is less likely if the parents are party to the planning which has taken place and are informed about the necessary actions, in agreement and informed appropriately should an incident occur.

(iii) In circumstances where a complaint is lodged it would be for a disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances.

(iv) To meet such circumstances it is important that the school has procedures for managing complaints. It is expected that the member of staff involved would make time available to meet with the pupil and his/her parents/carers to discuss the incident. Such meetings should also be attended by the Headteacher or a senior member of staff.

Assistance may also be sought from a governor, Education Welfare Officer or member of a voluntary organisation to support pupils and parents/carers.

7. Training Implications

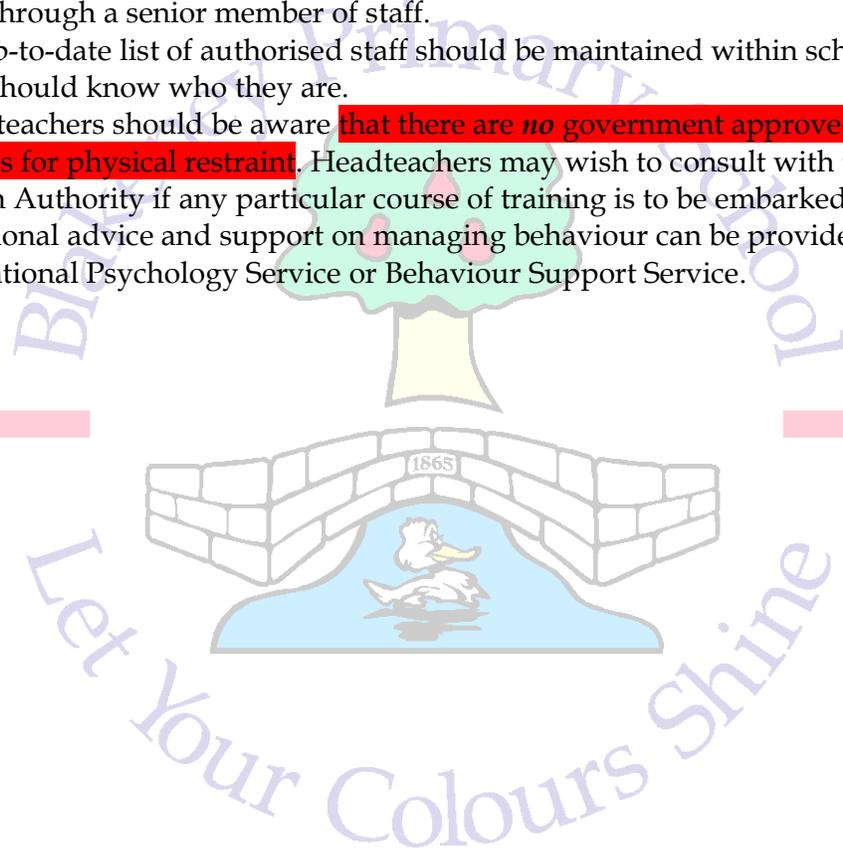
(i) It is the responsibility of the Headteacher to ensure that staff are fully informed of the school policy and understand what authorisation entails.

(ii) It is the responsibility of the Headteacher to arrange training or guidance to staff, possibly through a senior member of staff.

(iii) An up-to-date list of authorised staff should be maintained within school and teachers should know who they are.

(iv) Headteachers should be aware that there are *no* government approved training techniques for physical restraint. Headteachers may wish to consult with the Local Education Authority if any particular course of training is to be embarked upon.

(v) Additional advice and support on managing behaviour can be provided through the Educational Psychology Service or Behaviour Support Service.



RESTRAINT - INCIDENT REPORT FORM

1. Basic information

Name of School: _____

Name of Pupil: _____ DOB: _____ Yr: _____

2. Events leading to this incident

2.1 Where did the incident occur?

2.2 When did the incident occur? Time: _____ Day/Date: _____

2.3 How did the incident begin?

3. Describe the incident

3.1 What was happening at the time?

3.2 Was anyone else involved?

3.3 Did anyone else see what happened? (give details)

3.4 What behaviour was the pupil presenting that warranted restraint?

3.5 Was there damage to property or an assault on a pupil or staff during the incident?

3.6 What did you do to try to defuse the situation before using restraint?

3.7

(i) How was the pupil restrained? (describe)

e.g. two people escort; one person wrap; supine control

(ii) For how long?

(iii) By how many staff members?

(iv) Were they authorised?

4. Injuries sustained

4.1 Was anyone injured? **YES / NO**

If yes, give details _____

4.2 Was this recorded in the accident book? **YES / NO**

4.3 Was the pupil checked for injuries by a member of staff who was not involved in the

incident? **YES / NO**

If yes, by whom? _____

5. Implications for future planning

5.1 What do you think this behaviour was about?

e.g. attention; emotional release; task escape mechanism; other

5.2 What would you do differently next time to avoid the need for physical restraint?

5.3 Are other staff aware of the need for a planned response to the pupil? **YES / NO**

6. Follow up Action

6.1 The incident was reported by:

_____ (designation: _____)

6.2 Parent/ Carer was informed by:

Telephone Letter (with pupil) Letter (post) Personally

When were they informed? Time: _____ Date: _____

Incident form completed by: _____ Post held: _____

Date: _____

Copies to: _____ School File

