



## **NOTRE DAME HIGH SCHOOL**

### **THE USE OF PHYSICAL INTERVENTION FOR THE RESTRAINT AND COMPLIANCE OF STUDENTS (POSITIVE HANDLING) POLICY**

**“All persons are formed, sustained and strengthened by the quality of relationships with others”**

**THIS POLICY NEEDS TO BE READ AND REVIEWED IN CONJUNCTION WITH THE REASONABLE ADJUSTMENT POLICY AND EQUALITY DUTY.**

#### **1. CONTEXT**

At all times staff should seek to carry out their duties mindful of the Mission Statement of the school. In particular, all children have a right to be treated with courtesy and respect even when the circumstances make this difficult.

Even in the most trying circumstances it is incumbent on staff to remember that they are the adults in any situation.

This policy is framed in the context of the legislation contained in section 93 of the Education and Inspections Act, 2006, and the 2013 DfE *Use of Reasonable Force* advice for headteachers, staff and governing body.

#### **2. MEASURES IN PLACE TO MINIMISE THE NEED FOR THE USE OF FORCE**

This policy takes account of the advice and support provided to teachers through:

- 2.1.1. The school Behaviour Policy and disciplinary structures;
- 2.1.2. Support for teachers from Pastoral Managers, Heads of Year and the Senior Management Team;
- 2.1.3. Risk assessments for individual students.

Wherever possible and feasible staff should take steps to de-escalate conflicts.

The judgement about whether the force used in restraint was “reasonable” would take into account steps taken by the teacher to de-escalate conflict prior to the use of force. Before resorting to physical intervention, the member of staff should consider:

- 2.1.5 The seriousness of the incident.
- 2.1.6 The chances of resolving the issue by other means.
- 2.1.7 The relative risk to the student, themselves and others of physical intervention.

### **3. AUTHORISED STAFF**

The law allows all members of school staff to use reasonable force to control or restrain pupils.

### **4. SITUATIONS IN WHICH PHYSICAL INTERVENTION MIGHT BE APPROPRIATE**

- 4.1. Physical intervention may be used, if deemed appropriate by members of staff whilst the student is in the care of the school (both on and off school premises)
- 4.2. Section 93 of the Education and Inspections Act 2006 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:
  - 4.2.1 committing any *offence* (or, for a pupil under the age of criminal responsibility, what would be an *offence* for an older pupil);
  - 4.2.2 causing personal injury to, or damage to the property of, any person (including the pupil himself); or
  - 4.2.3 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.

### **5. SITUATION IN WHICH FORCE IS SPECIFICALLY PROHIBITED**

Staff may not use force in the chastisement of a pupil. This is against the law.

### **6. REASONABLE FORCE**

- 6.1. There is no legal definition of “reasonable force”. However, the following considerations should be taken into account:
  - 6.1.1. The authorised member of staff needs to recognise the difference between their strength and that of the pupil. Use just enough force to deal with the situation and no more.
  - 6.1.2. The force used should only be enough to overcome the danger – physical restraint followed by a slap would not be appropriate.

- 6.1.3. The force used should be proportional to the perceived danger. Use the least level of physical restraint necessary to deal with the situation eg: gentle leading instead of holding, don't pull or push unless there is no alternative.
- 6.1.4. Stop when the danger has passed – the idea of restraint is to stop a situation – when the danger has passed, in your judgement, stop

## **7. TYPES OF PHYSICAL INTERVENTION WHICH MIGHT BE DEEMED REASONABLE**

- 7.1. Physical interposing between student or students.
- 7.2. Blocking a student's path.
- 7.3. Leading a pupil by the hand or arm
- 7.4. Shepherding a student away by placing a hand in the centre of the back.
- 7.5. More restrictive holds (in extreme circumstances) where deemed safe

Restraint means preventing a student from doing something which is dangerous or unsafe by physically intervening to stop the behaviour.

**N.B. "Reasonable" – the definition of reasonable in law is that which a sensible adult would consider appropriate.**

## **8. TYPES OF FORCE WHICH ARE GENERALLY UNREASONABLE:**

- 8.1. Holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe.
- 8.2. Slapping, punching or kicking a pupil.
- 8.3. Twisting or forcing limbs against a joint.
- 8.4. Tripping up a pupil.
- 8.5. Holding or pulling a pupil by the hair or ear.
- 8.6. Holding a pupil face down on the ground.
- 8.7. Staff should always avoid touching or holding a pupil in a way that might be considered indecent.
- 8.8. The following have been identified as restraint techniques that present an unacceptable risk when used on children and young people.
  - 8.8.1. The 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing.
  - 8.8.2. The 'double basket hold' which involves holding a person's arms across their chest.

- 8.8.3. The ‘nose distraction technique’ which involves a sharp upward jab under the nose.

## **9. CHECKLIST OF FACTORS WHICH NEED TO BE TAKEN INTO ACCOUNT WHEN MAKING A DECISION TO RESTRAIN OR USE FORCE**

- 9.1. The age and level of understanding of the pupil.
- 9.2. Whether and the extent to which the use of force will exacerbate the situation.
- 9.3. The appropriate type of force/restraint to be used.
- 9.4. The length of time the force is to be applied – the idea of restraint is to stop a situation – when the danger has passed the restraint should cease.
- 9.5. The degree of force to be applied, in proportion to the size and age of the pupil.
- 9.6. The seriousness of the behaviour or the consequences it is intended to prevent.
- 9.7. Where appropriate and possible, the steps taken to de-escalate conflict.
- 9.8. Involvement of other staff, if appropriate.
- 9.9. Where appropriate, warnings given in advance of the likely outcome for the pupil if the behaviour persists.
- 9.10. The “reasonableness” overall of the use of force.

## **10. SEN AND DISABLED STUDENTS**

- 10.1. When assessing the appropriateness of physical intervention in situations involving SEN or disabled students, members of staff must pay due regard to the Equality Act, 2010, not to treat disabled students less favourably for a reason relating to his or her disability than someone to whom that reason does not apply and to take reasonable steps not to avoid putting disabled students at a disadvantage to students who are not disabled.
- 10.2. Where necessary, the SEN co-ordinator will carry out risk assessments on any students for whom physical intervention may pose a greater risk of harm. These assessments and subsequent guidance will be made available to all members of staff. (*Appendix 1*) Risk Assessment Proforma.

## **11. TRAINING**

Members of staff will be advised and updated in the appropriate use of physical intervention as part of their induction process. Existing members of staff will receive the latest guidance and instruction regarding physical intervention as appropriate.

Where concerns are raised about a particular student, a risk assessment will be carried out (*appendix 2*). If necessary, this will include measures that should be taken to proactively de-

escalate and manage potentially aggressive or violent situations. This risk assessment will be shared with appropriate staff. This may involve sharing it with all school staff.

## **12. RECORDING INCIDENTS**

When it has been necessary to use force or restraint, the circumstances should be recorded on the appropriate form as soon after the incident as possible. The completed form should be given to the Child Protection Lead Teacher via the appropriate Progress Manager or Pastoral Manager (*Appendix 2*)

An oral report of the incident should be made to the appropriate Progress or Pastoral Manager before the end of the day. The Progress Manager, in consultation with Senior Management Team, will decide when and how it is appropriate to inform the parents. This should be done either immediately or at the end of the day, and can be done either orally or in writing.

## **13. COMPLAINTS**

Complaints about the use of force or restraint will be handled under the school's complaints procedures.

## **14. FURTHER INFORMATION**

Is available on the school website.

**Review Date:** June 2019

**Next review:** June 2022

**Review Mechanism:** Governors Curriculum and Welfare Committee

**Update:** June 2019

