

THE CHARTER SCHOOLS

EDUCATIONAL TRUST

PUPIL RESTRAINT POLICY

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1. Introduction

At The Charter Schools Educational Trust, we aim to offer a welcoming, secure and safe environment in which our pupils will flourish. We also aim to create an environment in which the use of force in relation to a pupil is very unlikely. However, in the circumstances where physical restraint may be needed to secure the safety of a pupil or staff member, or where there is a serious breach of school discipline, or to prevent serious damage to property, this policy will apply. Physical restraint will be considered in the following situations:

2. Objectives and targets

The objectives of this policy include:

- Maintaining the safety of pupils and staff.
- Preventing serious breaches of school discipline.
- Preventing serious damage to property.
- Preventing criminal offences (or if under the age of criminal responsibility, from committing what would be a criminal act for an older student).

We aim to minimise the need to use force by:

- Creating a calm environment that minimises the risk of incidents arising that might require using force.
- De-escalating incidents if they do arise.
- Only using force when the risks involved in doing so are outweighed by the risks involved in not using force.
- Risk assessments and positive handling plans for individual students who require it.

3. Definitions

Force as a means of control

Control can mean either:

- **Passive physical contact** (for example, standing between pupils, blocking a pupil's path).
- **Active physical contact** (for example, taking a pupil by the arm or hand, or ushering a pupil away by placing a hand on the arm and / or shoulder).

Force as a means of restraint

This usually means physically preventing a pupil from continuing what they are doing after having been told to stop. The circumstances are generally more extreme than control situations, for example, when pupils are involved in a fight.

Examples where **reasonable force** might be used:

- Preventing a pupil from attacking a member of staff, or another pupil, or to stop a fight between two or more pupils.
- Preventing a pupil from causing deliberate damage to property.
- Preventing a pupil from causing injury or damage by accident, rough play, or misuse of a potentially dangerous object or materials.
- Ensuring a pupil leaves a room where the pupil persistently refuses to do so.
- Preventing a pupil from behaving in a way that seriously disrupts a lesson or the good order of the school.

Preventing a pupil from behaving in a way that seriously disrupts a school sporting event or visit.

4. Searching pupils

Under the Schools (Specification and Disposal of Articles) Regulations 2012 **reasonable force** may be used by Headteachers and those authorised by the Headteacher to search pupils for prohibited items including:

- Knives and weapons.
- Alcohol.
- Illegal drugs.
- Stolen items.
- Tobacco and cigarette papers.
- Fireworks.
- Pornographic images.
- Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.
- Any item banned by the school rules which has been named in those rules as something for which staff will search.

5. Staff authorised to use force

The Headteacher/Head of School and all members of teaching staff have the statutory power to use pupil restraint/force where necessary at all times.

In addition, non-teaching staff may be authorised to use force by the Headteacher/Head of School. The Headteacher/Head of School has the responsibility to ensure that staff are fully informed of the school's policy and understand what authorisation entails.

Temporary authorisation will be given to others who do not normally supervise children, for example, volunteers and parents accompanying pupils on school-organised visits.

6. Using restraint

Staff will only use force when:

- The potential consequences of not intervening are likely to be sufficiently serious to justify considering use of force.
- The chances of achieving the desired result by other means are low.
- The risks associated with not using force outweighed those of using force.

7. Individual pupil risk assessments

Wherever possible these judgements will take account of the particular characteristic of the pupil, including age, any SEND needs or disability.

Individual risk assessments are used where the school knows a child may require physical restraint and the school will plan a response should the need for restraint arise for these pupils.

The individual risk assessment will include the:

- Management of the pupil (e.g., reactive strategies to de-escalate a conflict)
- Involvement of parents to ensure that they are clear about the specific action the school might need to take
- Briefing of staff so 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

Before taking steps to restrain pupils, all members of staff will, wherever possible, tell the pupil to stop misbehaving and what the consequences will be if they do not. The member of staff will communicate in a calm and measured manner throughout the incident, and will, where possible use alternative strategies to de-escalate the situation.

8. Training

All teaching staff will be informed of their duty to use force as a means of control and also their duty of care under the Health and Safety at Work etc. Act 1974

Specific staff including those involved in behaviour management, inclusion and SEND, and Senior Leadership will receive updated positive handling training from a reputable training agency. This will include information about:

- How to deal with pupils who present particular risks to themselves or others (as a result of SEN and/or disabilities and/or other personal circumstances, such as domestic violence).
- How to minimise the highest risks, for example, by calling the police if a pupil is suspected of having a weapon and seems likely to resist a search.
- Types of restraint that could be used, for example:
 - Standing between pupils or blocking a pupil's path.

- Leading a pupil by the hand or arm.
- Ushering a pupil away by prompting and escorting them.
- Use of appropriate restricting holds in more extreme circumstances.

Any form of restraint that is likely to injure a pupil will only be used in extreme emergencies and where there is no viable alternative. Staff will not restrain any child in a way that could constrict breathing.

There are some types of restraint that are unacceptable because they present an unacceptable risk and will not be used by staff in The Charter Schools Educational Trust.

These are:

- 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.
- The 'double basket-hold' which involves holding a person's arms across their chest.
- The 'nose distraction technique' which involves a sharp upward jab under the nose.

Staff will also be advised that, whenever possible, they should not use active physical contact force until a trained staff member is present to take action and support.

9. Recording incidents

It is important that there is a detailed, written report of any occasion (except minor or trivial incidents) where force is used so the incident record form in the school behaviour monitoring system (for example Behaviour Watch) will be completed as soon as possible after any incident has occurred, but as a minimum before the end of the school day on which the incident occurred. Similarly, all injuries will be recorded in accordance with the Trust health and safety policy. In considering whether an incident is recorded, the following will be taken into consideration:

- The level of risk presented at the time of the incident.
- The degree of force used.
- Any effect on the pupil or member of staff.
- The child's age.

10. Reporting incidents

Parents/carers will be informed of any recordable incident and given an opportunity to discuss the incident with the Headteacher, Head of School, Senior Leader or appropriate other staff and a copy of this policy will be shared. Afterwards arrangements will be made for supporting staff and pupils involved in the incident, including meeting any immediate physical needs and rebuilding relationships, to ensure that lessons are learned from the incident.

However, if it is considered that it is likely to result in significant harm to the pupil then parents/carers will not be informed of any recordable incident.

In some cases, the appropriate external agencies (for example, children's services, the local children's safeguarding board, the health and safety executive, youth offending teams and the police) will also be informed.

11. General advice to staff

Under the **Health and Safety at Work etc. Act 1974**... 'It shall be the duty of every employee while at work:

- (a) to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work; and
- (b) as regards any duty or requirement imposed on his employer or any other person by or under any of the relevant statutory provisions, to co-operate with him so far as is necessary to enable that duty or requirement to be performed or complied with.'

Members of staff should not put themselves at risk. They will not be deemed to have failed in their duty of care by not using force to prevent injury if their own safety would thereby be threatened.

The Charter Schools Educational Trust does not adopt a no-contact policy. This would inhibit the ability of staff to use reasonable force where necessary. Such a policy could place a member of staff in breach of their duty of care towards a pupil or prevent them from taking an action needed to prevent pupils causing injury to others or harming themselves.

The Charter Schools Educational Trust has a legal duty to make reasonable adjustments to the possible use of force with children with SEND. It is particularly important that when a situation involves pupils with SEN and/or disabilities special care should be taken to appreciate the circumstances and if possible obtain and use information about the individual concerned before using any reasonable force, including any individual risk assessment.

There are some situations where it is better to remove the other pupils from the area if a child is a danger to them. The pupil causing the problem can then be dealt with.

Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

12.Complaints and allegations

Should there be a complaint or allegation raised following a restraint incident, then the Trust's policies for dealing with complaints and allegations of misconduct will be followed.

Trust Complaints and Concerns Policy
Trust Whistleblowing policy
Trust Child Protection Policy
Trust Staff Code of Conduct

However, suspension will not be an automatic response when a member of staff has been accused of using excessive force, and senior leaders in the Trust schools will support their staff when they have had to use restraint.

If a decision is taken to suspend a member of staff, the Trust has a duty of care to its employees and will ensure that the staff member has access to a named contact who can provide support. The Local Governing Body will always consider whether a staff member has acted within the law when reaching a decision on whether or not to take disciplinary action against them.

13.Monitoring and evaluation

The Headteacher or Head of School will make an annual report to the local governing body of the recordable incidents after which the impact of the policy will be considered and the policy changed if necessary.

14. Reviewing

This policy will be reviewed as per the school's policy review schedule. Additionally, parents will be invited to comment on the policy if their child is involved in an incident involving restraint.

November 2020

Next review due: November 2023