Use of Reasonable Restraint Policy

The Children's Endeavour Trust comprises of:

Abbot's Hall Community Primary School
Bosmere Community Primary School
Broke Hall Community Primary School
Chilton Community Primary School
Combs Ford Primary School
Freeman Community Primary School
Springfield Junior School

Document Control

Version	Date	Author	Comments
Issue 1	**Dec 2020**	**CEO**	Based on a Bellscroft Consultancy Document

Owner: CEO

Approver: Trust Board

Statutory Policy: Yes

Review Cycle: Bi-annual

Approval date: 16th December 2020

Contents

Appendices:

1. Introduction

1.1 Schools have a duty to promote good behaviour and discipline. The school governing bodies, with the support of the Trust as the employer has the duty to ensure the health, safety and well-being of everyone in schools so far as is reasonably practicable.

1.2 For some pupils it must be recognised that their challenging behaviour is an aspect of their developmental needs. Interventions to manage their behaviour must reflect their overall needs, should be matched to their particular circumstances and be in the best interest of the child and school as a whole.

1.3 It is essential that staff act appropriately to safeguard children and to minimise the risk of accusation of improper conduct towards a young person.

1.4 Section 93 of the Education and Inspections Act 2006 gives staff the legal right to discipline pupils whose conduct falls below standard which could reasonably be expected. To be lawful, any sanction must satisfy the following conditions:

- it is not a breach of any legislation (for example in respect of disability, special educational needs, race and other equalities and human rights) and that it is reasonable in the circumstances - it is always unlawful to use force as a punishment or simply to get a pupil to follow an instruction.
- the pupil is under lawful control or charge of a member of staff.
- any sanction is proportionate in the circumstances of the case.

The Headteachers and governing bodies will ensure schools have robust behaviour policies to support staff in managing behaviour, including the use of rewards and sanctions. Schools will always consider whether continuing disruptive behaviour might be the result of unmet educational or other needs. At this point school will consider whether a multi-agency assessment is necessary.

1.5 Reasonable force, restraint or any restrictive practices are only to be used as a last resort when other approaches have been tried and exhausted. (Education Act 2006)

2. The Scope of this policy guidance

2.1 This guidance aims to support staff by providing information for use in situations where pupils may need to be prevented from harming themselves or others.

2.2 The use of physical restraint must always be set in the context of the school's overall behaviour policy.

2.3 **Restraint is an action of last resort, should only be used in exceptional circumstances and is not a substitute for behaviour management strategies**. The emphasis of such strategies should be on managing incidents and behaviour through non-physical, non-threatening aggression-free strategies. Physical intervention should only be considered in order to control situations involving imminent danger to pupils or to others where all other options have been exhausted.

2.4 The degree of force employed must be the least restrictive option that will meet the need in proportion to the circumstances of the incident and the seriousness of the behaviour or the

consequences it is intended to prevent. Any restriction should be imposed for no longer than absolutely necessary.

3. Definition of restraint

Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example, when two pupils are fighting and refuse to separate without physical intervention. (Use of force guidance July 2013 DfE - reviewed July 2015)

The positive application of force with the intention of over-powering the child. By definition it is applied without the child's consent. Department of Health (DOH)

Prohibited Holds

A panel of national experts in education identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question 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; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose. (DfE: Use of force guidance July 2013)

Whatever the technique is called, pupils should not be deliberately restrained in a way that impacts on their airway, breathing or circulation. This would include any pressure to the neck region, rib cage or abdomen. The mouth and/or nose should never be covered.

There should also be no intentional restraint of a person in a prone/face down position. Schools should keep their practice and training under review to ensure it reflects current guidance.

Where staff have been trained to restrain, only approved methods and holds will be used.

4. Reasonable force

All members of school staff have a legal power to use reasonable force, Section 93, Education and Inspections Act 2006

4.1 What is reasonable force?

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. It should be a last resort and it should be necessary and proportionate to be reasonable in the context and circumstances presented.

4.2 There are relevant considerations:

i) The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it; whether or not it was necessary, therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanour or in a situation that clearly could be resolved without force.

ii) Whether it is reasonable to use force, and the degree of force that could reasonably be employed must also meet statutory guidance in respect of disability, special educational needs, race, other equalities and human rights.

Whatever is done, why and with what consequences must be recorded in an open and transparent manner.

5. Restrictive Practice

UN Convention on the Rights of a Child - Article 3 (Best interests of the Child) states:

(1) 'In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities, or legislative bodies, **the best interests of the child shall be a primary consideration'.**

(2) 'State parties shall ensure that the institutions, services and facilities responsible for the care or the protection of children **shall conform with the standards established by competent authorities,** particularly in the area of safety, health, in the number and suitability of their staff as well as competent supervision'.

Article 37 (Torture and deprivation of liberty). State parties shall ensure that;

(1) 'No child shall be subjected to torture or other cruel, inhumane or degrading treatment or punishment....'

(2) 'No child shall be deprived of his or her liberty unlawfully or arbitrarily…'

Seclusion or isolation rooms

DfE guidance on behaviour and discipline in schools states that schools can adopt a policy which allows disruptive pupils to be placed in an area in what is often referred to as a seclusion or isolation room. An isolation which prevents a child from leaving a room of their own free will should only be considered in exceptional circumstances. However in their document, 'The use of force, including restraint and the restriction of liberty, in education and care settings', Ofsted states internal exclusion – is sometimes mistakenly called 'seclusion' but this means forcing a child to spend time alone against their will. It is an offence to lock a person in a room without a court order except in an emergency, for example where the use of a locked room is a temporary measure whilst seeking assistance. Locked also includes holding a door shut, or someone standing against a door. An emergency is a genuinely unforeseeable event e.g. when a child acts out of character. Therefore, if locking a pupil in a room or holding a door handle becomes a planned response then it isn't an emergency because it is foreseeable. Any planned restriction of liberty must be legally justifiable, should be agreed by a multi-disciplinary team and form part of the pupils' behaviour support plan.

6. Reporting and recording

A detailed, contemporaneous written report should be made in respect of any incidents where force is used by the member of staff concerned. The information that should be contained within this report is set out in DfEE Circular 10/98 and is included as Appendix 5 to this policy document.

6.1 The first time an incident occurs, a school incident report form must be completed and a risk assessment must be implemented. This will be shared with the Trust CEO. If the behaviour continues or lessens, then the school should continue to use incident report forms which will be monitored within school. If the risk increases the reports must go to the Trust CEO. Risk assessments must be continually adapted.

6.2 Additionally, the school's internal recording and reporting procedure for restraint should be followed. Where restraint or force has been used, a report should be logged in the Restraint Book, held in the Headteacher's office. (See Appendix 5 for information that needs to be completed in this report). This information should be completed and brought to the attention of the Headteacher after every incident so that incidents can be tracked, documented and used for further Behaviour Planning.

6.3 The Headteacher or a designated senior member of staff will ensure that parents are informed as soon as is reasonably practicable of an incident where physical restraint has been used. Where a pupil has Special Educational Needs or behavioural difficulties and an agreed method of restraint has been included in an IEP or IBP, the use of restraint will be reviewed regularly but only reported to parents where the restraint applied is outside that set out in the Support or Behaviour Plan, EHCP or Statement.

6.4 After any incident, staff will reflect on the situation to identify how to reduce the need for restrictive practices and earlier interventions to reflect the guidance document "reducing the need for restraints and restrictive practices" guidance June 2019 and the trusts training provider on de-escalation training.

7. Risk assessments

A risk assessment is a systematic, careful examination of what in our school could cause harm to people so that decisions can be made as to whether enough precautions have been taken or more should be done to reduce the risk of harm.

Risk assessments are a health and safety requirement for all foreseeable risks, including any behaviour that could potentially put both pupils and staff at risk of injury:

Risk assessment, action planning and behaviour support plans ensure schools can evidence a clear audit trail of early intervention and behaviour management strategies. Risk assessment proformas to be used at Abbot's Hall appear as Appendix 3.

Five steps to risk assessment (Health and Safety Executive):

• identify the hazards

• identify who is at risk

• evaluate that risk

• assess the level of the risk

- control the hazards and the risk

- record your findings

- review and monitor.

8. Behaviour planning

In order to reduce the need for restrictive interventions, it is important to understand the function or the need of the behaviour. Pupils may often engage in behaviours due to challenging or complex needs that are not being met. Recording behaviours to identify patterns can provide important data, which enables these unmet needs to be understood and individualised preventative measures developed. Through a functional analysis and behaviour planning approach, staff can be supported to help pupils to adopt alternative strategies to get their needs met.

Behaviour Incident Forms

For behaviours that have not resulted in the use of restraint, the school's Behaviour Policy should be followed and incidents logged accordingly.

For pupils for whom purple forms are regularly completed, or for serious incidents, a Behaviour Support Plan should be considered (Appendix 4). This should be completed and passed to the Headteacher and SENCO/Deputy Headteacher together with the Functional Analysis form (Appendix 6) which will be used to inform Behaviour Planning.

Behaviour support plans will include early interventions, developed to meet the individual needs of the pupil concerned. These will include de-escalation techniques to divert, distract or sometimes disengage to prevent the behaviour escalating. Plans will also include guidance for staff as to how they should react if the pupils becomes further agitated through to a full crisis situation. (See Appendix 7)

This approach provides clear evidence and an audit trail of good practice, reducing the need for restrictive interventions.

9. Staff training

The Headteacher considers whether members of staff are suitably and sufficiently trained to manage the level of risk within their school, to enable them to carry out their responsibilities safely. Staff receive training on a positive, pro-active approach to de-escalation behaviour and the legal implications of any restrictive interventions, prior to any physical restraint training.

10. Support for pupils and staff

The schools will ensure arrangements are in place to provide support for pupils and staff following situations where there has been an incident.

10.1 A debriefing session will be held with both staff and pupil(s) involved in any incident and outcomes reviewed to inform future practice in order to minimise risk of similar occurrences.

11. Responsibilities

All Staff

It is the duty of everyone to consider the safety of children, their own safety and that of other staff at all times.

In the event of circumstances arising that might escalate to an incident, staff will:

- follow the school's behaviour policy and pupil behaviour plans where appropriate;
- begin early de-escalation using preventative, non-confrontational methods;
- consider all options available to them, including withdrawal of themselves or others;
- seek support where possible.

11.1 Governors

Section 88 of the Education and Inspections Act 2006 requires every governing body to ensure that its school pursues policies designed to promote good behaviour and discipline among pupils. This includes a duty to monitor and review the use of restraint or restrictive practices in the school on a regular basis.

In particular Section 88 requires governing bodies to:

- make, and from time to time review, a written statement of principles to guide the Headteacher in determining the measures that make up the school's behaviour policy; (see Behaviour Policy for the current statement of principles – Feb 2017)

- consult the Headteacher, other appropriate members of staff, parents and all pupils on this statement of principles.

While it is up to the governing body to determine their principles of behaviour they are expected to notify the Headteacher that the following issues will be covered in the school's behaviour policy:

(i)   screening and searching pupils (including identifying in the school rules items which are banned and which may be searched for);
(ii)   the use of reasonable force or other physical contact with pupils;
(iii)   the power to discipline beyond the school gate;
(iv)   pastoral care for school staff accused of misconduct; and
(v)   when a multi-agency assessment should be considered for pupils who display continuous disruptive behaviour.

In making or reviewing its statement of principles, the governing body must have regard to 'Behaviour and Discipline in Schools: Guidance for Governing Bodies', issued by the Secretary of State for Education: https://www.gov.uk/government/publications/behaviour-and-disciplinein-schools-guidance-for-governing-bodies

Governing bodies will also wish to consider their duty under section 175 of the Education Act 2002 requiring them to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children and their general duty to eliminate discrimination under section 149 of the Equality Act 2010.

11.2 Headteachers

The Headteachers will have regard to any guidance or notification provided by the governing body which may include the following:

- screening and searching pupils;
- the power to use reasonable force and other physical contact;
- the power to discipline beyond the school gate;
- when to work with other local agencies to assess the needs of pupils who   display continuous disruptive behaviour; and
- pastoral care for staff accused of misconduct.

The Headteachers will ensure:

- the school's behaviour policy is applied consistently across the school
- that the school's behaviour policy aims to promote good behaviour, self-discipline and respect; it aims to prevent bullying; to ensure that pupils complete assigned work; and aims to regulate the conduct of pupils.
- the school's behaviour policy is publicised on the school website
- the school behaviour policy is publicised in writing, for example, via the school's newsletter, to staff, parents and pupils at least once a year
- that staff are trained to a suitable and sufficient level to manage behaviour effectively in order to minimise the need for the use of restrictive practices
- risk assessment and behaviour plans are in place for children whose behaviour may be challenging
- staff are provided with comprehensive information on the risks and the preventative and early de-escalation strategies that are part of the school behaviour policy
- staff are given clear guidance to risk assess difficult and dangerous behaviour so that interventions are legal, appropriate and proportional
- an open and transparent reporting & recording system for monitoring behaviour,
- monitor and review incidents to take appropriate action to mitigate reoccurrence and inform staff CPD
- staff development and training is kept under review to ensure it reflects current guidance

11.3 Teaching staff

Teachers will have regard to the expectations of conduct set out in the Teachers Standards.

Teachers will:

Manage behaviour effectively to ensure a good and safe learning environment:

- have clear rules and routines for behaviour in classrooms, and take responsibility for promoting good and courteous behaviour both in classrooms and around the school, in accordance with the school's behaviour policy
- have high expectations of behaviour, and establish a framework for discipline with a range of strategies, using praise, sanctions and rewards consistently and fairly
- manage classes effectively, using approaches which are appropriate to pupils' needs in order to involve and motivate them

- maintain good relationships with pupils, exercise appropriate authority, and act decisively when necessary.

Personal and professional conduct

A teacher is expected to demonstrate consistently high standards of personal and professional conduct. The following statements define the behaviour and attitudes which set the required standard for conduct throughout a teacher's career.

Teachers uphold public trust in the profession and maintain high standards of ethics and behaviour, within and outside school, by:

- treating pupils with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position
- having regard for the need to safeguard pupils' well-being, in accordance with statutory provisions
- showing tolerance of and respect for the rights of others
- not undermining fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of those with different faiths and beliefs
- ensuring that personal beliefs are not expressed in ways which exploit pupils' vulnerability or might lead them to break the law.

Teachers must have proper and professional regard for the ethos, policies and practices of the school in which they teach, and maintain high standards in their own attendance and punctuality.

Teachers should be aware of their powers to discipline which include the power to discipline pupils even when they are not at school or in the charge of a member of staff.

Teachers must have an understanding of, and always act within, the statutory frameworks which set out their professional duties and responsibilities.

12. Complaints

All complaints about the use of force should be referred to the Local Authority Designated Officer (LADO) in accordance with the Suffolk Safeguarding Children Board 'Arrangements for managing allegations of abuse against people who work with children or those who are in a position of trust'. LADOs can be contacted using the LADO central telephone number: 0300 123 2044

Schools should not investigate complaints about the use of force unless or until they are advised they may do so by the LADO.

Policy Review

This Acceptable Use of Reasonable Restraint Policy will be reviewed every two years.

Policies that link to this guidance

School Behaviour Policies

School SEN Policies

Trust Child Protection and Safeguarding Policy

Trust Code of Conducts

Trust Complaints Policy

Other useful links and documents

Circular 10/98 DFEE Guidance

Use of force in schools - https://www.gov.uk/search?q=Use+of+reasonable+force DfE July 2013

Positive and Proactive Care: reducing the need for restrictive interventions https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300293/J RA_DoH_Guidance_on_RP_web_accessible.pdf DOH 2014

Education and Inspections Act 2006 – http://www.legislation.gov.uk/ukpga/2006/40/contents

Education Act 2011 – http://www.legislation.gov.uk/ukpga/2011/21/pdfs/ukpga_20110021_en.pdf

Education Act 2002 http://www.legislation.gov.uk/ukpga/2002/32/pdfs/ukpga_20020032_en.pdf

Equality Act - https://www.gov.uk/search?q=Equality+Act United Nation Conventions of the Rights of the child - http://www.unicef.org.uk/Documents/Publication-pdfs/UNCRC_PRESS200910web.pdf

Management of health and safety at Work regulation 1999http://www.legislation.gov.uk/uksi/1999/3242/pdfs/uksi_19993242_en.pdf

DOH and DfES: Guidance for Restrictive Physical Interventions - July 2002 http://webarchive.nationalarchives.gov.uk/+/http://dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4068461.pdf

Manual Handling Operations Regulations 1992 http://www.hseni.gov.uk/l23_manual_handling.pdf

Suffolk Safeguarding Children Board –Arrangements for managing allegations of abuse against people who work with children or those who are in a position of trust: http://suffolkscb.org.uk/information-and-links/local-authority-designated-officers/

• Screening and Searching and Confiscation https://www.gov.uk/government/organisations/department-for-education

 • Incident reporting – http://www.suffolklearning.co.uk/leadership-staff-development/healthsafety/incident-reporting

• Mental health and behaviour in schools - https://www.gov.uk/government/publications/mental-health-and-behaviour-inschools--2

 • Framework for a school behaviour policy - http://www.suffolklearning.co.uk/leadership-staff-development/behaviourattendance/behaviour

• SEND: guide for schools and alternative provision settings
https://www.gov.uk/government/publications/send-guide-for-schools-andalternative-provision-settings

• Autistic Spectrum Disorders resource pack for school
staffhttp://www.autism.org.uk/teacherpack

• Keeping children safe in education -
https://www.gov.uk/government/publications/keeping-children-safe-in-education-- 2

• Handbook for short, monitoring and unannounced behaviour school inspections
https://www.gov.uk/government/publications/handbook-for-short-monitoring-andunannounced-behaviour-school-inspections

• School exclusion - https://www.gov.uk/government/publications/school-exclusion

• Preventing and tackling bulling /Supporting children and Young people who are being bulled https://www.gov.uk/government/publications/preventing-andtackling-bullying DfE 2014

Other Sources of Support and Guidance:

• Educational Psychology Service - http://www.schoolschoice.org/?q=node/283

Pupil Behaviour Risk Assessment Form

Pupil	
School	

Assessment date	Review date

Description of assessment
e.g. activity, equipment, environment

Types of hazard(s) identified (assuming no controls)	Who might be harmed and how	Likelihood (1, 2, or 3)	Severity (1, 2, or 3)	Risk Rating (H, M or L)	What are you already doing?	Do controls reduce risk to acceptable levels?

Assessors Name:	Assessors Signature:	Date:

Pupil Behaviour Risk Assessment Form

Hazard	Do you need to do anything else to control this risk?	To Be Actioned By: [Name of Person]	Date to be Done By: [Date]	Checked and Signed off By [Name]	Date Checked and Signed off [date]
Example: Angry pupil lashing out at staff and pupils.	**Example:** **Staff:** Behaviour support plan/5A plan to be completed and shared. Staff physical intervention training. **Pupil:** Monitor behaviour, report incidents, complete F/A, identify early intervention strategies, complete BSP and 5As. **Other pupils:** As above.	**Example:** 1:1 TA and class teacher to monitor behaviour, report incidents, complete FA. Complete risk assessment with SENCO and SLT. Strategies to be cascaded to other staff.	**Example:** Immediately – no later than xx/xx/xxxx	[Signature and Name]	[xx/xx/xxxx]

Behaviour Support Plan

Name of pupil	
Date	
Any known Special needs?	

Which specific behaviours is this plan focussed on? (one at a time is suggested but no more than three)

Triggers *(anything known to bring on the behaviour?)*

Warning Signs *(any behaviour changes which indicate child is becoming agitated?)*

Interventions to avoid

Early interventions *(to be used as soon as early warning signs or triggers are seen)*

Active interventions *(to be used as soon as behaviour is displayed*

Circular 10/98 – Guidance for Reporting

Schools should keep an up-to-date record of all such incidents, preferably in an incident book.

Immediately following any such incident the member of staff concerned should tell the Head or a senior member of staff and provide a written report as soon as possible afterwards.

 That should include:

• the name(s) of the pupil(s) involved, and when and where the incident took place;

• the names of any other staff or pupils who witnessed the incident;

• the reason that force was necessary (e.g. to prevent injury to the pupil, another pupil or member of staff);

• how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;

• the pupil's response, and the outcome of the incident;

• details of any injury suffered by the pupil, another pupil, or a member of staff and of any damage to property.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

Incidents involving the use of force can cause the parents of the pupil involved great concern. It is always advisable to inform parents of an incident involving their child, and give them an opportunity to discuss it. The Head teacher, or member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing.

BehaviourSafe Functional Analysis

Name	
Date	

Description of target behaviour

Frequency

Intensity

Duration

Where does behaviour occur (also consider where it doesn't occur)

With whom

Function

Physiological

Safety

Love, affection and belonging

Self esteem

Review date

Action	
Child: What action do they take? What have they done in the past?	**Staff:** How will we keep the situation safe?

Aggression	
Child: Where does their aggression focus?	**Staff**: How will we de-escalate the behaviour? How will we keep people safe?

Anger	
Child: What are the behaviours/signs we see when the child becomes angry?	**Staff**: How do we support them in self managing?

Anxiety	
Child: What are the physical signs we see when the child becomes anxious?	**Staff**: What can we do to try and reduce anxiety?

Known triggers	
Child: What are the known triggers for this child?	**Staff**: What are we going to do as a team to avoid the triggers?