

PENRICE ACADEMY

PHYSICAL RESTRAINT POLICY

Adopted by the Governing Body

Review date: July 2019

Introduction

The policy and advice set out in the document provide a framework of principle within which staff judgements should be made and specific incidents addressed. The guidelines are designed to:

- Provide, together with the DFE/DH joint guidance, a framework within which schools/settings can develop their own policies;
- Promote coherent, consistent and co-ordinated approach across different schools/settings and, where appropriate, with other agencies;
- Form a basis for monitoring the implementation of policies within the Directorate;
- Provide advice to schools/settings on how to monitor and evaluate their own use of restrictive physical interventions (positive handling) so that practice is improved both locally and across the Local Authority.
- From September 2010 governing bodies of schools and management committees of Pupil Referral Units are advised to ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a pupil, and for the reporting of these incidents to the pupil's parents as soon as practicable after the incident.

A member of staff who has used appropriate physical restraint will have a reasonable defence to any legal action against them, if:

- The purpose of the physical intervention was to avert an immediate danger of injury to any person, or an immediate danger to the property of any person ("person" includes the pupil), or to prevent the committing of a criminal offence, or where a young person's conduct leads to behaviour that prejudices good order and discipline.

AND

- No more force was used than was reasonably necessary in the circumstances.

Working Principles

- Where physical intervention is a likelihood, a plan should be devised.
- Physical intervention should be a last resort and only undertaken when all other means of gaining order have failed

- Staff should not place themselves at risk of being the subject of a false allegation. To minimise risk avoid being alone with any child/young person if possible.
- Schools/settings which adopt these guidelines should set them in the context of other policies; these being whole school/setting positive behaviour management, child protection, health and safety and disciplinary procedures.
- Schools/settings should carry out an individual risk assessment on children/young people who are more likely to require physical restraint and for staff who manage children/young people with challenging behaviour. Risk assessment should be carried out in accordance with Local Authority policy. The European Education Consultancy Risk Assessment software is recommended.

Section 2

Physical Contact With Children

The following guiding principles are suggested:

- The level and type of physical contact should reflect the educational and social needs of the child/young person; eg physical contact is likely to occur in some PE and drama activities as well as for the children/young people who require a personal assistance programme;
- Specific consideration should be given to the needs of children/young people in schools/settings who may have suffered abuse and/or neglect. Physical contact should not respond or lead to expectations or anxieties of any form. This information should be in mind when planning programmes to be implemented. This applies to children/young people who require a personal assistance programme.
- In responding to a child/young person who indicates a need for physical contact/comfort, due consideration should be given to these guidelines;
- There should be no general expectations of privacy for the physical expression of affection or comfort in any circumstances. **Staff must not be alone with a child/young person in such a situation.**

Section 3

Guidelines for Good Practice

Context

Section 93 of the Education and Inspections Act 2006 and **(DFE Guidance June 2011)** 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:

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

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

- Any teacher who works at the school and;
- Any person whom the headteacher has authorised to have control or charge of pupils. This:
 - a. includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
 - b. can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (eg. catering or premises-related staff) and unpaid volunteers (eg. parents accompanying pupils on school organised visits);
 - c. does not include prefects.

**If you do not feel able to intervene you should seek assistance immediately
Each school/setting should devise their own system by which assistance can be called.**

Penrice Academy has 6 staff who are 'Team Teach' trained.

Richard Cardigan – Assistant Principal

Martin Carter – SEN Teacher

Abby MacDonald – Assistant Sendco

Matt Potter – Attendance and Behaviour Officer

Rob Smith – SEN Specialist

Kirstin Libby – THRIVE Practitioner and SFC Co-Ordinator

If a situation arises please contact Reception and ask for Team Teach Assistance.

Safe Handling Principles

- The principles of safe handling are based on twin assumptions:
- A situation is about to exist in which people or property will be in serious danger of assault, injury or damage;
- All efforts to avoid the need for physical intervention has been taken.

The physical restraint of a child/young person must be considered as a **last resort** attempt to cope with the particular situation.

Risk Evaluation

Any physical intervention involves a degree of risk: the assessment of the level of risk is a calculation that must be made before deciding to intervene. Think clearly and carefully before acting.

Methods

Any physical intervention employed must involve the minimum force necessary for the minimum amount of time and must meet the following criteria:

- Handling must not involve deliberately or inadvertently striking the child/young person;
- Handling must not involve 'punitive' acts; ie deliberately inflicting pain on the child/young person (for example, cannot involve joint locks or finger holds);
- Handling must not restrict the child/young person's breathing (for example, must not involve throat or neck holds or pressing the child/young person's face into soft furnishings);
- An adult must avoid touching the genital area, the buttocks or the breasts of the child/young person;
- Handling must avoid the adult putting weight upon the child/young person's head, spine or abdominal area.

Recording Events and Actions

Governing bodies/schools/settings should establish arrangements to ensure that all incidents of restraint are logged by the member(s) of staff involved as soon as possible after the event. This should take the form of a special 'log book' or file which has numbered and bound pages. Cornwall Team-Teach have published a log book and this is available through Cornwall's Team-Teach training. The information should also be included in the child/young person's file.

	Level of reporting required	
Level or severity of incident	School/Setting Incident Log Book	Copy of Incident Log sent to Senior Manager Social Inclusion & SEN Support* Or If Residential Setting – Lead Home Manager
1) Incident dealt with using/following existing IBP, IBMP, Care Plan or Individual Safety Plan and was resolved without distress to child/young person and member(s) of staff	No (note frequency & duration in IBP, IBMP, CP ISP)	No
2) Incident required action in addition to existing IBP, IBMP or Care Plan but was resolved without distress to child or young person.	Yes	No
Incident was not planned for and action undertaken led to: 3a) no apparent injury or distress to child/young person and member(s) of staff	Yes	No
3b) no apparent injuries but need to identify and analyse trends and patterns	Yes	No
3c) significant level of force during restraint was required or duration of restraint exceeded 15 minutes which may be justified	Yes	Yes (If judgement is finely balanced)

3d) Injury or distress to child and/or member(s) of staff	Yes	Yes
3e) other agencies being involved eg police, ambulance	Yes	Yes If residential setting – (Ofsted regulation 30(1) schedule 5 notification)
4) Incident led to Ground or Prone holds being used	Yes	Yes

All incidents 3c,3d,3e & 4 above must be reported to the Principal and Governor with Safeguarding responsibility or manager/head of setting. This information should be reviewed along with all other statistical returns and may form the basis of a request for further Local Authority support. The Local Authority will undertake periodic reviews of Incident logs as part of C, S & F rolling review programme.

Witness Statements

Immediately after the incident has been resolved, the Principal or senior member of staff should be verbally appraised of the situation.

When taking a witness statement from another child/young person, contact Children, Young People and Families Personnel before proceeding. The following points should be considered:

- Avoiding the risk of collusion;
- Having a quiet place in which to record the statement;
- The language skills of a child/young person witness.

Management Considerations

All incidents involving the physical restraint of a child/young person must be reported to a senior member of staff and the Principal/head of centre as soon possible and they should receive a report as soon as practicable thereafter. All senior staff involved must record details of their involvement of every stage, together with details of all follow-up action.

Section 4

Roles and Responsibilities

ALL STAFF NEED TO KNOW THE SCHOOL/SETTING POLICY ON THE USE OF PHYSICAL RESTRAINT

The school/setting's recording system should be used to monitor the use of physical restraint in order to check that all staff apply the school/setting's policy in a consistent manner.

Section 5 **Child Protection**

Procedures set out in the South West Child Protection Procedures require headteachers (or chairs of governors) to consult with the Single Referral Unit (0300 123 1116) following the receipt of an allegation that a member of staff may have abused a child. This does not necessarily mean that a child protection investigation will take place. The guidance is intended to assist headteachers, governing bodies and managers in making decisions as to whether the reported action or behaviour should be dealt with in accordance with the child protection procedures.

Section 6 **Dealing with Complaints**

Any complaint arising from the use of physical restraint must be fully considered in light of existing routes of investigation; ie:

- Statutory routes which must include child protection (Social Care);
- Other routes including disciplinary procedures (Personnel);
- BeeLine, Share Advocacy, Childline etc.

Once routes outlined above are exhausted or not applicable, the matter should be dealt with in accordance with the school/setting's normal complaints procedure.

Child protection procedures are set out at: www.swcpp.org.uk and advice should be sought from the single Referral Unit (0300 123 1116).

Section 7 **Training**

Cornwall Local Authority will continue to provide training in behaviour management. In addition, the Local Authority now has a team of trainers who are licensed to provide training in the 'TEAM TEACH' which is the Local Authority's preferred approach to positive handling strategies. Training will be provided at a Local Authority level and by request at a whole school level. Headteachers and managers may wish to access other forms of positive handling training; it is advised to ensure that any form of physical restraint (positive handling) training has been fully accredited by the British Institute of Learning Disabilities (BILD).

If you would like this information in another format, please contact:

Cornwall Council
County Hall
Treyew Road
Truro TR1 3AY

Telephone: **0300 1234 100**

Email: **enquiries@cornwall.gov.uk**

www.cornwall.gov.uk