



# Physical Restraint Policy



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 **Shine like a Star** 



## Introduction

At Stow Heath Primary School we believe that good behaviour is a necessary condition for effective teaching and learning to take place.

We believe that pupils should display self-discipline and proper regard towards each other including adults in authority.

## The legal framework

The Education Act 1997 (Section 4) clarified the position about the use of physical force by teachers and others, authorised by the Headteacher of a school, to control or restrain pupils. This clarification involved the addition of section 550A to the Education Act 1996. This came into force on 1st September 1998 and applies to all schools. It restates principles derived from statute and case law and seeks to clarify common misconceptions. For example it is not true that, since the Children Act 1989, any physical contact with a child is unlawful. Where necessary reasonable force can be used to control or restrain pupils. Physical contact with pupils may also be appropriate or necessary in other circumstances.

## Section 550A

This section allows teachers, or other 'authorised staff' who have control or charge of pupils, to use such a force as is reasonable in all circumstances to prevent a pupil from doing or continuing to do, any of:

- Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
- Injury themselves or others
- Causing damage to property, whether belonging to themselves or to others;
- Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a teaching session or elsewhere.

This provision applies when a teacher or other authorised person is on the school premises and also when he or she has lawful control or charge of the pupil(s) concerned elsewhere, e.g. on a field trip or other authorised out of school activity.

## The aims of Physical Intervention and use of reasonable force to restrain pupils

Whenever physical control or reasonable force is used the main aims should be to:

- lower the pupils level of arousal, by giving verbal reassurance, removing the trigger for the incident as far as is possible;
- cause the minimum level of restriction to the pupil, consistent with preventing injury, to the pupil or others, and/or serious damage to property;
- use a form of restraint which is suited to the pupil and the environment and is therefore least likely to cause injury;
- prevent any other pupils becoming engaged in the incident, or its control
- work with other responsible adults whenever possible with one adult taking the lead



- not move the pupil whilst physical restraint is still required, unless not doing so may cause greater physical danger;
- cease the physical restraint at the earliest possible moment

### Authorised staff

Teachers at the school are allowed to use reasonable force to control or restrain pupils, when circumstances arise on the school premises and also when they have control or charge of pupils elsewhere, during an authorised off the premises. When the action occurs on the school premises or during an authorised activity off the premises, Teaching assistants are also able to use reasonable force if necessary.

### Staff development and training

Training and guidance will be provided to ensure that everyone is clear the policy. All authorised staff should ensure they are clear about the procedures contained in this policy.

Everyone concerned should be aware of and clearly understand the implications of the authorisation. No member of staff will be expected to undertake any physical intervention if, by doing so they put themselves at risk.

Staff and other authorised people should be extremely cautious about using reasonable force and must be aware of this policy and the school discipline procedures. Staff should not place themselves in a situation which does not comply with school policy. Staff should ensure that they are fully clear on school policy for discipline and child protection.

Everyone has the right to defend themselves against attack provided that they do not use a disproportionate degree of force to do so.

No member of staff will be expected to undertake physical intervention or use reasonable force with which they do not feel confident or comfortable and staff should seek advice from the Headteacher.

Teachers are required to maintain good order among pupils.

All teaching staff, and authorised staff, working with pupils with challenging behaviour will receive training in behaviour management and, where appropriate, the use of acceptable forms of physical intervention. Training in the use of physical intervention will always be approved by the LA whatever its source, and updated as appropriate to the needs of the school.

### Reasonable Force

There is no legal definition of 'reasonable force' and it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonable be used.

There are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could misdemeanour or in situation that clearly could be resolved without the use of force.
- The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force should always be the minimum needed to achieve the desired result, applied for the minimum time necessary.



Whether it is reasonable to use force, and the degree of force that should be reasonable be employed, might also depend on the age, understanding and sex of the pupil. References can also be found in Circular 10/98 and the Children Act 1989.

### Planning for incidents

As soon as a pupil is known to be prone to acts of violence and/or serious disruption, the school should carry out a thorough risk assessment of the pupil's behavioural difficulties, including environmental, medical, curriculum, personal and personnel issues which might trigger episodes of challenging behaviour. The risk assessment should take place when a pupil enters school with a history of aggressive behaviour or violence, or when a number of staff have made senior managers aware of concerns regarding the aggressive behaviour of a pupil.

Where possible all agencies involved with the pupil and his/her family and the parents should be involved in the assessments of the pupil's behavioural needs.

Reference should be made to the LA health and Safety document, and all relevant procedures should be followed.

All pupils with known behavioural difficulties, including those whose difficulties are associated with other SEN, should have an individual behaviour plan (IBP), agreed, as far as possible, with the involvement of all outside agencies concerned and with the parents.

The IBP may form part of a wider individual education plan, which may also include other special plans, such as manual-handling plan, in line with the SEN code of practice.

The school should review the IBP regularly, as often as necessary to effect change in the pupil's behaviour, but at least every term. All relevant outside agencies and the parents should be invited to be involved in these reviews at least once every term.

### When to use restrictive physical intervention

Whether used in an unplanned way, restrictive physical intervention should only be considered when other, non-physical, strategies have failed and there is significant evidence of actual or probable;

- Violence directed towards others;
- Violence which is self-directed (self-injury)
- Dangerous disregard for the safety of their own person;
- Dangerous disregard for safety of others;
- Serious damage to property;
- Committing of a criminal offence;
- Behaviour that compromises good order and discipline.

### The aims of restrictive physical intervention

Whenever restrictive physical intervention is used the main aims should be to:

- Lower the pupils level of arousal, by giving verbal reassurance, removing the trigger for the incident as far as is possible;
- Cause minimum level of restriction to the pupil, consistent with preventing injury, to the pupil or others, and/or serious damage to property;



- Use a form of intervention which is suited to the pupil and the environment and is therefore least likely to cause injury;
- Prevent any other pupils becoming engaged in the incident, or its control;
- Work with other responsible adults whenever possible, with one adult taking the lead;
- Not move the pupil whilst physical intervention is still required, unless not doing so may cause greater physical danger;
- Cease the physical intervention at the earliest possible moment.

## Reporting

Incidents where force is used must be recorded. The following information should be included;

- The name(s) of staff or other authorised adults involved
- The name of the pupil(s) involved
- When the incident took place (time and date)
- Where the incident took place
- Why Force was deemed necessary
- Details of the incident
- Steps taken to diffuse the situation and resolve it without force
- The nature of force used
- Pupil(s) response
- Outcome of incident
- A description of any injuries suffered by the pupil(s) or other(s) and/or property damaged during the incident
- Name of all the witnesses, pupils and adults
- Signed witness statements
- The reasons force was used
- A description of the way in which the incident developed

Following a detailed recording of a serious incident the Headteacher or delegated person will;

- Read all accounts of incident
- Interview all staff and pupils who witnessed the incident



- Discuss incident with pupil(s) involved and where possible prepare a written statement
- Ensure parents/Carers or other persons with parental responsibility have been informed of all the relevant facts
- Ensure that LEA and chair of governors have been informed
- Ensure that all concerned are aware of their rights of complaint
- Review policies and procedures
- Monitor the effects of the incident on the pupil(s) and staff. Specialists help will be sought wherever possible.

Staff will be able to seek support from the Headteacher and other senior members of staff and may be advised to contact their own professional association.

### Complaints

The complaints procedure will be made available for parents who believe inappropriate intervention has been used. The school will keep a record of all complaints from parents, pupils and staff. The school will follow the complaints procedure as detailed by the LA and Governing body.

### Staff Counselling

All staff involved in incidents requiring physical intervention will be offered the opportunity for counselling, which can usually be provided by a senior member of staff. On rare occasions it may be appropriate to involve a representative of the LA, e.g. Education Psychologist or education social worker.



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Name of pupils involved
Time of incident
Place where incident occurred
Names of staff or other authorised adults involved
Incident report – description of the way in which the incident developed
Pupils response
Outcomes of the incident including injuries and damage
Names of witnesses
Witness statement attached YES/NO
The reason for force being used
Signature of staff completing form _____ Date _____
Headteacher comments
Headteacher signature _____ Date _____
Parents informed