



Jarrow Cross C of E Primary School

Physical Restraint Policy To be ratified by Governors March 2023

This policy should be read along with the Safe Touch Policy and Discipline and Behaviour policy

After each revision the policy is circulated to all Governors, school staff and displayed in the staff room and on the school website.

The policy is to be reviewed by the Governing Board in:2026

Key contacts within school

Designated Safeguarding Lead for Child Protection and Thrive Practitioner
Kayleigh Foreman - 4898354
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Deputy Designated Safeguarding Lead and Lead for Whistleblowing/Speaking out and Prevent and Thrive Practitioner

SusanMcBeth- 4898354

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Governor for Child Protection and Safeguarding-
Malcolm Davison (Chair of Governors)

Key Contacts within the Local Authority

Early Help Service and Early Help Advice team:	0191 424 6214
Integrated Safeguarding intervention Team:	0191 4245010
Let's Talk (Adult Services) contact:	0191 4246000
Adult and Children's Out of Hours contact:	0191 4562093
Children's Standards Unit:	0191 4545021

REFERRAL TO Local Authority Designated Officer (LADO)

Contact the LADO, Safeguarding Manager, South Tyneside Council, Children Adults and Families

Laygate Centre, 38 Laygate Place, South Shields. Tyne & Wear. NE33 5RT

Telephone 0191 4247340.

Mission Statement:

This policy is carried out within the context and spirit of the school's Mission Statement. It supports and reinforces the aims of Jarrow Cross Church of England School, valuing all children equally and as individuals.

" Jarrow Cross Church of England Primary School provides a caring, Christian environment, where everyone is welcome, and given the opportunity to develop to their full potential."

Aims

The aims of this policy are to ensure the safety of both children and staff at Jarrow Cross. It must be noted that Physical intervention is different to Safe/ Touch and should be avoided wherever possible. However, there are occasions when physical intervention is deemed appropriate. At Jarrow Cross Physical intervention must be used in ways that maintain the safety and dignity of all concerned. Incidents should be recorded and reported to the Headteacher

Prevention: Avoiding the Need to Use Force

At Jarrow Cross it should be a last resort to use force to restrain or control pupils. It is important to try to stay calm and in control, avoid confrontation and de-escalate potential conflict. The school's behaviour policy sets out the sorts of strategies and approaches which staff should use to decrease the likelihood of challenging behaviour occurring and to defuse incidents and avoid the need for physical intervention. All staff are referred to those policies. This includes the use of normal incentives and sanctions and agreed approaches with individual pupils who have been involved in incidents causing concern, and it is important for all relevant staff to be aware of any specific arrangements for individual pupils.

When justifying the use of force, staff will need to show that they first took reasonable steps to deal with a difficult situation without using force. Any force used should be reasonable and the minimum required for the shortest possible time to restore order. The use of restrictive physical interventions should be minimized by employing preventive strategies. Staff team members are trained in the safest and gentlest means of holding a child that is entirely designed to enable the child to feel safe and soothed, and to bring him or her down from uncontrollable states of hyper-arousal. Named staff at Jarrow Cross have received Team Teach Training which gives them the knowledge and understanding to know how and when to hold children in safe ways within governmental guidelines.

The Power to Use Force

Such necessary interventions are fully in line with guidelines set out in the Government Document, 'New Guidance on the Use of Reasonable Force in School.' (DfE1998) and 'Use of Reasonable Force' (2013)

Section 550A of the Education Act 1996, under the heading Power to Restrain Pupils, allows teachers and other authorised staff of a school to use reasonable force to prevent a pupil from doing, or continuing to do, any of the following:

- (a) committing any offence;

(b) injuring themselves or others;

(c) causing damage to property;

(d) engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise.

The power to restrain pupils came into force on 1 September 1998. It applies on the school premises or elsewhere, eg on a field trip or other authorised out of school activity.

Under the common law, reasonable force can be exercised by any person to prevent someone committing an offence or causing injury or damage to property. This covers the situation where it appears necessary to restrain a pupil at the school or a person other than a pupil at the school.

Staff have a duty of care both to themselves and to others. The duty of care includes taking reasonable measures to prevent harm. If restraint of a pupil appears necessary but a member of staff feels unable to intervene effectively, he/she will need to seek urgent assistance (for example by shouting or sending a pupil for help) and may need to explain subsequently what action he/she took and why .

There may be rare occasions where it appears necessary to restrain a pupil. In such circumstances physical restraint is a form of control, which is legally defensible, when other alternatives have been employed or considered, or when staff believe it is their duty of care and make the professional decision to intervene, or when the urgency of the situation does not allow for other methods to be employed. It may be appropriate to employ physical intervention to prevent a significant risk of harm, eg:
to prevent a pupil running toward a busy road; to prevent a pupil self-injuring;
to prevent a pupil injuring another person; to prevent a pupil committing an offence .

It is important to note that corporal punishment is not allowable and that the legislation is not intended to encourage the use of inappropriate force.

The legislation does not make staff immune to complaints or charges that they have acted inappropriately, and staff should be aware that they may need to justify their actions if they have used physical intervention. Any complaint or allegation that staff or other adults have acted inappropriately towards children will be dealt with through the relevant procedure, eg contacting the LADO (Local Authority Designated Officer)

Definitions

The following definitions apply to the power to restrain pupils contained in Section

SSOA of the Education Act 1996 .

(i) The words apply to any pupil at the schools. This includes all registered pupils of the school, and other persons who are at the school for the purposes of education.

The LA interprets this broadly, to include for instance young persons not over school leaving age who are participating in youth activities both on- and off-site, and children involved in induction activities both pre-school and cross-phase.

(ii) A member of the staff of a school is defined in law as any teacher who works at the school or other person who the Head teacher has authorised to have lawful control or charge of pupils at the school.

(iii) Committing any offence includes behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility.

(iv) Damage to property includes the pupil's own property.

(v) Regarding maintaining good order and discipliner, examples of types of incident are given in Sections 14 and 15 of DfE Circular 10/98.

(vi) There is no legal definition of reasonable force. Reasonableness can only be judged in accordance with the circumstances. Relevant factors would include whether the response matched the circumstances, the degree of force used, the seriousness of any disciplinary breakdown, and evidence that less intrusive methods had been attempted initially. The scale and nature of any physical intervention must be proportionate to the behaviour of the individual to be controlled and the nature of the harm that person might cause. The minimum necessary force should be used. The age, cultural background, gender, stature or medical history of the child, are also relevant.

Authorisation of Staff

Teachers have the power in law to use reasonable force to control or restrain pupils. Staff have been trained in Team Teach techniques. Other people may also have this power, but this only applies to those who have been authorised by the Head teacher to have lawful control or charge of pupils. DfE Circular 10/98 suggests that this might include (in our school) classroom assistants, midday supervisors, specialist support assistants, premises officers or voluntary helpers. The Head teacher of Jarrow Cross authorises all those listed above to have this power but to use it only if absolutely necessary.

Using Force to Prevent Injury to the Pupil and/or Others, or Serious Damage to Property

As a general rule, physical intervention should be avoided. If physical intervention seems absolutely necessary, staff should follow the Team Teach guidelines and the strategies below in order to reduce their own vulnerability to complaint and to ensure the protection of pupils.

- (a) Staff should have good grounds for believing that restraint is necessary.
- (b) Such physical intervention should only be used after other less intrusive methods have been attempted or considered.
- (c) If possible call for urgent assistance, at least to gain the presence of a credible adult witness.
- (d) Tell the pupil that you are restraining him/her to avoid the pupil harming him/herself, others or property. Where other potential witnesses are present it is helpful if they hear you give this explanation.
- (e) Such physical interventions should be acts of care and control, not punishment. Only reasonable force should be used. The duration of such intervention should be the minimum necessary.
- (f) Where past experience indicates that such physical intervention will be needed with a particular pupil, for instance because of particular emotional or behavioural difficulties, the strategies to be used should be clearly specified and made known to relevant staff. They should be included in a management plan (eg a pupils Individual Education Plan). The potential hazards should have been systematically considered, for example through a risk assessment. In such cases it is also important that broader preventive strategies and forms of positive behaviour management are in operation. Such a plan should detail specific strategies and techniques to be used, and, if appropriate, techniques not to be used. Such strategies or approaches should be discussed with parents/guardians and relevant professionals, made clear in writing, and reviewed regularly. They will be implemented under the supervision of an identified member of staff, who will monitor the incidence and method of interventions used

Staff must be aware off the High level of risk are associated with:

the use of clothing or belts to restrict movement;

holding some who is lying on the floor or forcing them onto the floor; any procedure which restricts breathing or impedes the airways;

seclusion, where a child is forced to spend time alone and unsupervised in a room against their will;

extending or flexing the joints or putting pressure on the joints; pressure on the neck,

chest, abdomen or groin areas.

(Special consideration must be given to those needing constant or high levels of supervision. This might include children who lack an awareness of danger, either to themselves or others. Such children will need to be the subject of risk assessments and Positive Handling Plans.

Action Following an Incident

Incidents where force has been used to restrain or control pupils are to be reported as soon as practicable to the Head teacher in writing in the school log with details of:

pupil(s) involved; date/time/place;
reason for force being used;

how the incident occurred and progressed; the pupil's response;
outcome;

details of any injury or damage; identities of witnesses .

The Headteacher will keep such written information securely and monitor the use of restraint.

The Headteacher may need to be the first to exercise judgement on whether the restraint used was reasonable, having made initial enquiries, although other procedures will apply if queries or complaints arise.

The parent/carer/guardian will be advised of an incident involving their child, either immediately or at the end of the day, according to the seriousness of the incident. If there is the possibility of a claim for compensation, the complainant must be referred to the LEA (Administration Service) without delay.

Staff and children should be given separate opportunities to talk about what happened in a calm and safe environment, when those involved have had an opportunity to regain their composure.

Debriefing staff and pupils may help in identifying exactly what happened, the effect on the participants, and possible ways of preventing the need to use force in the future.

If injury or severe distress is suspected, prompt medical attention must be arranged, via First Aid procedures initially.

Where a member of staff is assaulted or suffers injury as a consequence of using

reasonable force or restraint, the member of staff is advised to contact their professional organisation or trade union.

Assaults on staff which result in physical injury will be reported without delay by the Headteacher to the LEA and the Health & Safety Executive if appropriate (using form F2508).

Risk Assessment

Employers are responsible for the health, safety and welfare of staff and children. This carries a requirement to assess risks, including the use of physical interventions. Where it is foreseeable that a child might require a restrictive physical intervention a risk assessment should be carried out which identifies the benefits and risks associated with different intervention techniques. Such a risk assessment should lead to the clear identification of the intervention techniques to be used for the child in question, to be described in the child's record and made known to the parent and relevant staff.

The potential consequences for all parties if physical intervention is not used must be weighted against the likely consequences if no action is taken. Relevant factors include:

- (a) Age of pupil whatever action is taken must consider issues of age-appropriateness.
- (b) Gender of pupil it is important to be sensitive to situations which are best dealt with specifically by either male or female staff.
- (c) Gender of staff which should be taken into account in the risk assessment process.
- (d) The safety of both the pupil and the member of staff concerned.
- (e) The potential for causing distress to either the pupil or the member of staff.
- (f) Ensuring that physical intervention is not used unnecessarily.
- (g) Maintaining working relationships between staff and pupils.
- (h) Ensuring that physical intervention is not used habitually.
- (i) Ensuring that whatever action is proposed or taken maintains the duty of care.

Communication

For the benefit of all parties, it is important that the school's policy and actions are clear and transparent, known and understood by staff and governors, children and parents, and other relevant professionals whose advice on some aspects of physical intervention and some children is invaluable.

We wish to minimize people feeling they have been treated in a way they did not expect. We believe that effective communication helps to avoid problems and to safeguard children and staff.

Review of Policy

This updated policy is to be presented to *Governors* in *March 2023*