

OLDHAM HULME GRAMMAR SCHOOL

PHYSICAL INTERVENTION / USE OF RESTRAINT POLICY

This policy is applicable from EYFS through to Year 13

Principles

The Education and Inspections Act 2006 confirmed the right of staff to use 'such force as is reasonable' for the purpose of preventing a student from

- committing an offence;
- causing personal injury to, or damage to the property of, any person (including themselves);
- prejudicing the maintenance of good order and discipline.

Nothing in the law concerning the use of reasonable force legitimises corporal punishment and the use of force as a punishment is always unlawful.

Code of conduct for staff

Staff at Hulme are expected to

- be aware that even well intentioned physical contact may be misconstrued by the pupil, an observer or by anyone to whom this action is described;
- be prepared to explain actions and accept that all physical contact be open to scrutiny;
- be aware of the government guidance in respect of physical contact with pupils and meeting medical needs of children;
- be aware of the duty to make reasonable adjustments for disabled children and children with Special Educational Needs.
- ensure that all incidents are reported and logged in the school's electronic files. A student's parents should be informed about a serious incident involving the use of force.
- School staff should always try to avoid acting in a way that might cause injury.

Circumstances where physical restraint may be justified

The provision applies when a teacher, or other authorised person, is on the school premises, and when he or she has lawful control or charge of the pupil concerned elsewhere, eg on a field trip/DoE expedition or other authorised out of school activity.

The use of force can be regarded as reasonable if:

- it is used for the minimum length of time to achieve its objective;
- it is used as a last resort;
- the degree of force must be the minimum necessary and in proportion to the incident and the seriousness of the behaviour or the consequences it is intended to prevent;

Lawful methods of reasonable force can take several forms. It might involve staff:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- pushing;
- pulling;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back; or,
- in extreme circumstances using more restrictive holds.

Physical restraint should only be used as a last resort; other non-physical strategies for diffusing the situation must be tried first. Whenever possible, the age, level of understanding and gender of the student should be considered. In addition staff should be mindful of any student who is on the SEND register. However, it is understood that in some instances (such as stopping a child who is running down a corridor), staff may have to act quickly, and without having the time to consider all the circumstances.

Examples of behaviour likely to lead to restraint

- physical attack by a student on an adult/student;
- deliberate damage to school property;
- a student behaving in a way which places others at risk, e.g. pushing, tripping on a staircase, rough play or running in a corridor;
- preventing a student running into a busy road;
- refusal by a disruptive student to leave the classroom.

Restraint is NOT a punishment, must not be used as such and should not lead to injury. Assistance should be sought whenever possible.

Therefore staff SHOULD NOT:

- hold a student around the neck or collar, or in a way that might restrict breathing;
- slap, punch or kick;
- twist or force limbs against a joint;
- trip, hold or pull by the hair or ear;
- use restraint in a one-to-one situation unless absolutely necessary, as witnesses are important;
- hold a student face down on the ground.
- Use the 'seated double embrace', 'double basket hold' or 'nose distraction' techniques.

NB All staff must be aware that the use of unwarranted physical force is likely to constitute a criminal offence.

Follow up with Staff

It is best practice that after an incident the members of staff involved in holding a pupil are given the appropriate support. They should be given reassurance and guidance as well as time to compose themselves both physically and emotionally. Time should be taken to support the staff to reflect on the incident in a non-judgemental, supportive and caring manner.

If the incident is significant the immediate priority is to ensure support for everyone involved and reporting the incident to the relevant parties. It would be beneficial to discuss the incident with LADO to ensure that the recording and reporting procedures are followed correctly. Contact email:

lado@oldham.gov.uk Colette.Morris@oldham.gov.uk

Complaints about the use of force

All complaints about the use of force should be thoroughly, speedily and appropriately investigated by a Deputy Principal, Head of Juniors or Head of Nursery and Infants. Suspension of the member of staff would not be an automatic response to such an allegation. School will consider carefully whether the circumstances warrant a member of staff being suspended until the allegation is resolved.

In summary, staff at Hulme must

- adhere to the school's physical intervention policy;
- always seek to defuse situations by non-physical means;
- always, if necessary, use minimum force for the shortest period necessary.

The right to search students

In line with DfE advice 'Searching, screening and confiscation' of January 2018, the Principal, and any member of the school staff authorised by the Principal, who has reasonable grounds for believing that a student may have a prohibited item, have a statutory power to search pupils or their possessions, without consent. Prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items

- tobacco and cigarette papers and e-cigarettes
- fireworks
- pornographic images (which should only be viewed in the presence of a colleague)
- any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or
- to cause personal injury to, or damage to the property of, any person (including the pupil).

School staff can carry out a search for any item if the pupil agrees. Force cannot be used to search for items which are merely banned under the school rules.

Members of staff can only carry out a search without consent if they have reasonable grounds for suspecting a pupil may have in his/her possession a prohibited item. Reasonable grounds may include:

- hearing other students talking about the item
- a pupil behaving in a suspicious way
- evidence from CCTV footage

The Principal must ensure that the person carrying out the search is of the same sex as the student and the search must be carried out in the presence of another member of staff also the same sex as the student. (The only exception to this is if the member of staff reasonably believes that there is a risk serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.) Searches without consent can only be carried out on the school premises, or where the member of staff has lawful control or charge of the pupil, for example a school trip in England. The powers only apply in England.

The Principal cannot require teachers to conduct the searches, only authorise them to do so. If a search reveals any offensive weapons or knives, or *evidence in relation to an offence*, the school **MUST** call the police in. The school has no discretion in this, not even if the school wishes to resort solely to internal discipline procedures.

The extent of a search

The authorised member of staff can search the student's: clothes, possessions, desks and lockers.

The student cannot be required to remove any clothing other than outer clothing and if the student's possessions are searched this must also be done in the presence of another adult and the student. The person carrying out the search is able to use such force as is reasonable in the circumstances for exercising that power. In terms of clothing the power is limited to a personal search of pockets; only the police can carry out an intimate search.

Confiscation

School staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.

Following a search

Alcohol, tobacco/cigarette papers and fireworks may be disposed of appropriately and should not be returned to the pupil.

Controlled drugs (including items believed to be so), stolen items and weapons (or items which are evidence of an offence) must be delivered to the police as soon as possible.

Pornographic images should be disposed of unless their possession constitutes an offence. Images found on a mobile phone or other electronic device should be deleted unless it is necessary to pass them to the police. Staff should follow the detailed guidance in the safeguarding policy if they suspect that such images may be illegal.

Electronic devices

Data or files on electronic devices may be examined if the member of staff believes there is good reason to do so.

A good reason would include: if the device in question has been, or could be used to cause harm, disrupt teaching or break the school rules.

If inappropriate material is found on the device the member of staff should use their professional judgement in deciding whether to delete the material, retain it as evidence of breach of school discipline, or whether it is of sufficiently serious nature that it requires the involvement of the police.

If a member of staff has reasonable grounds to suspect an electronic device contains evidence in relation to an offence, they must give the device to the police as soon as is reasonably practicable.

Searching with consent

School staff can search a pupil, their locker and desk for any item if the pupil agrees (although the ability to give consent may be influenced by the child's age or other factors). This does not have to be formal written consent. This could be for an item not on the prohibited list but which has been banned from school in the school rules and in communications to parents and pupils. A pupil refusing to cooperate with such a search should be dealt with using the school's disciplinary sanctions.

Recording incidents

Governing bodies have a responsibility to ensure that a procedure for recording incidents is in place and is followed by staff. A record should be made as soon as practicable after the incident when all parties involved are emotionally ready to do so.

All accounts of the same incident should be taken including those of the pupil(s) involved where possible.

Best practice demonstrates that this should be a description of the behaviour and action taken. There should be no motive or judgemental language.

The school will keep an up to date record of such incidents kept in a secure place and monitored by the Principal. Parents will be informed of occasions when physical intervention is used with their children on the same day, or as soon as reasonably practicable.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. If a member of staff is injured through the intervention then they will be required to complete the school's accident form, and to comply with RIDDOR '2013 reporting as applicable (Reporting of injuries, diseases and dangerous occurrences regulations). They should keep a copy of the report.

It is the Principal's responsibility to monitor and review the use of physical intervention within their school. It is good practice that all reports of physical intervention are seen by the Principal.

The Principal will report physical interventions in his termly report to Governors.

Where there is a known risk regarding an individual pupil a risk assessment will be carried out and regularly updated. This risk assessment should be revisited after any incident to assess its usefulness and to amend if necessary in the light of the post incident recording form.

Physical Intervention Policy reviewed May 2023

Next Review Due: May 2025

Nature of physical intervention used:

Duration of Physical Intervention: _____

Date and time line manager notified: _____

Parent/Carer notified (date and method): ----/----/----- _____

Name(s) of injured people: _____

Injury sustained: _____

Accident form completed: ----/----/-----

Damage to property

Follow Up Actions Required

Signed: _____ **Position:** _____

Date and time of report: _____