**Silver Birch School**

**Restraint & use of force policy**

**Issued:** 31/08/13

**Reviewed:** 19/08/19

**Next review date:** August 2020

**1. Background**

The use of reasonable force should always be a last resort for teachers and support staff but schools should offer clear, precise advice and guidance to their staff on their restraint policy so that there can be no confusion. All schools should have a policy on the use of force.

The Education and Inspections Act 2006 enables school staff to use "such force as is reasonable in the circumstances to prevent a student from doing or continuing to do" any of the following:

* committing any offence (or, for a student under the age of criminal responsibility, what would be an offence for an older student)
* causing personal injury to any person (including the student themselves)
* causing damage to the property of any person (including the student themselves)
* Prejudicing the maintenance of good order and discipline at the school, and among any students receiving education at the school, whether during a teaching session or otherwise.

The act also defines to whom the power applies as follows:

* Any teacher who works at the school
* Any other person whom the Principal has authorised to have control or charge of students. Specific mention is made of support staff, teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.

It is imperative that support staff are made aware of their school's policy, whether the Principal has authorised them to use reasonable force and, if so, to what level and in what circumstances.

The power to use reasonable force applies whether students are on school premises or elsewhere, as long as they are in the lawful control or charge of a staff member. This includes school visits.

# Definition and Rationale for Physical Restraint

2.1 The positive application of force with the intention of controlling the student's behaviour in order to protect them from harming themselves or others or seriously damaging property

2.2 Physical restraint occurs whenever a member(s) of staff, intentionally, using force, physically restricts a student's movement against their will

2.3 In general the rule is that any person who touches another person without their consent commits an unlawful act. Of EE Circular 10/98 states that physical restraint is necessary if the purpose of the physical restraint is to avert an imminent danger to the property of any person ("person" includes the student)

(DfEE ‘The Use of Force and Control’)

2.4 Section 550a, clarified in Section 4 of the Education Act 1997 forbad corporal punishment, but clarified the powers of teachers and other staff to use reasonable force to prevent a student from:

Committing a criminal offence Injuring themselves or others Damaging property

Acting in a way counter to maintaining good order and discipline on site

3.2 Restraint

Physical restraint should be used as a last resort when other strategies have failed. It should serve to de-escalate or prevent a violent or potential violent situation. All staff of Silver Birch School are authorised by the Principal to restrain students if deemed appropriate.

# Only to be used when ALL the following conditions apply

3.3.1 Other approaches have been tried and no effective alternative can be found

3.3.2 Member of staff has given an oral warning that restraint will be used unless the student desists

3.3.3 There is immediate danger to self, others or property

# Additionally

* The member of staff should continue to talk to the student in a calm manner,offering choices and time for the student to become calm
* Calling for support and assistance is not a sign of failure and could prove helpful as well as having a witness to the situation
* For short, specified, periods of time
* Incidents of restraint must be recorded, in the Incident File, within 24 hours, and parents/carers informed
* *A* Behaviour Contract must be devised following an incident of restraint

**3.4.3** Restraint must not involve deliberate, painful or dangerous procedures. It should:

* **Never** interfere with breathing, blood supply or genital areas
* **Never** hold the head, throat or fingers
* **Never** hold the wrists at the joint
* Discontinue and relax restraint as soon as the situation is deemed safe

**When using restraint members of staff have a responsibility to justify that means other than force have been attempted and are proving impractical.**