



TEAM Multi Academy Trust

Physical Contact Between Staff and Pupils & Restraint Policy

This Procedure was adopted by the TEAM Multi Academy Trust Board of Trustees on

Date: 2015

Signed (on behalf of the Board of Trustees): Penny Wignall

Signed (CEO): Paul Mulligan

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TEAM Multi Academy Trust Physical Contact Between Staff and Pupils Policy

1. Staff may have cause to have physical contact with pupils for a variety of reasons:
 - to comfort a pupil in distress (method must be age-appropriate);
 - to gently direct a pupil (again, age-appropriateness has to be considered);
 - for curricular reasons (e.g. in physical activities such as PE, Drama, Art, Science, Design Technology, etc.);
 - in an emergency to avert danger to the pupil;
 - in rare situations when physical restraint is warranted.
2. In all situations when physical contact between staff and pupils takes place, staff must consider the following:
 - the pupil's age and level of understanding as to why physical contact is made;
 - the pupil's individual characteristics (need to use judgement where the physical contact might be misinterpreted or resented, this includes issues of the relative gender of staff and pupil);
 - the location where the contact takes place (e.g. it should not take place in private without other witnesses present);
 - physical contact should never be made as a punishment or in order to inflict pain;
 - all forms of corporal punishment are prohibited;
 - inappropriate contact should be avoided.
3. The policy on physical contact between staff and pupils should be read in conjunction with other Trust policies, in particular the Health and Safety Policy, Child Protection & Safeguarding Policy, Equality Policy and the Behaviour Management Policy.
4. Should physical contact between staff and pupils lead to an injury suffered by either party, a written report must be completed as soon as possible (Model report form in Appendix A).
5. Any complaints about physical contact should be dealt with using the school's complaints procedure. In cases of serious allegations, the Child Protection Procedure should be used.
6. Physical restraint of pupils should only be used to avert an immediate danger to:
 - a) the pupil;
 - b) other people;
 - c) the property of any person.

In accordance with the DfEE Guidance in Circular 10/98, Section 550A of the Education Act 1996 “The use of force to Control or Restrain Pupils’, physical intervention is also permitted:

- *“if the young person is committing a criminal offence (including behaving in a way that would be an offence if the young person were not under the age of criminal responsibility)”*; or
- *“where a pupil is behaving in a way that is compromising good order and discipline”*.

No more force than is reasonably necessary under the circumstances should be used. (A detailed policy for the use of physical restraint is attached in Appendix A).

PHYSICAL CONTACT BETWEEN STAFF AND PUPILS

DO’s AND DON’Ts”

DO

- Know the Trust’s policy and other related policy documents.
- Discuss with a senior member of staff if you are unsure about any aspects of the policy.
- Be aware of pupils’ individual characteristics.
- Assess the situation before acting.
- Stay calm and do not over-react.
- Remember that you have an obligation to safeguard the welfare of pupils in your care.
- Consult your Professional Association or Trade Union if you have any concerns.
- Report concerns over physical contact between other staff and pupils to your line manager.
- Record any serious incidents in the appropriate format as soon as possible.

DON’T

- Place yourself at risk through your actions.
- Act in anger.
- Have physical contact with a pupil in a private situation.
- Have frequent physical contact with the same pupil, if avoidable.
- Allow situations to get out of control.

APPENDIX A

POLICY ON THE USE OF PHYSICAL RESTRAINT IN EDUCATION ESTABLISHMENTS

1. INTRODUCTION

When considering the use of physical restraint, two fundamental principles of care for young people need to be taken into account:

- the duty of a member of staff to care for and protect the young person, and
- the rights and liberties of that young person.

It is the intention of the policy to create a framework in which both these principles can co-exist and be safeguarded.

2. LIMITATIONS OF GUIDELINES

2.1 A Policy framework cannot give guidance for every situation in which physical restraint might be necessary. The judgement of staff remains critical at all times. It is the sole intention of the policy to describe a number of processes and procedures which offer staff and young people protection in cases of physical intervention. In this sense staff must have regard to the policy.

2.2 A variety of ways in the physical handling of young people might or might not be applicable according to the guidance offered below. Schools must ensure that any staff training in “safe physical handling” complies with this policy.

2.3 The policy does not replace the duty of educational establishments to draw up their own policy on the use of physical restraint. The specific nature of organisational, environmental and staffing factors in establishments must be reflected in their own policies.

2.4 This policy for physical restraint cannot limit the legal right of citizens to seek justice in courts and thus cannot protect staff against allegations and the pursuance of those in a legal process. The policy can only give reassurance that staff and young people will be offered support by the trust if the advice contained in this document has been followed.

2.5 The policy on the use of physical restraint has to be read in conjunction with national legislation and any statutory or non-statutory guidance, in particular DfEE Circular 10/98.

3. AVOIDING THE USE OF PHYSICAL RESTRAINT

3.1 Best practice in educational establishments is characterised by low incidence of restraint regardless of the student population.

- 3.2** An educational provision has a duty to operate an active behaviour policy designed to prevent physical incidents from occurring. Creating a calm, well-ordered and secure atmosphere is the best insurance against incidents of aggressive confrontations. Training for staff in positive behaviour management of pupils is available.
- 3.3** Frequent incidents of restraint in an educational establishment give rise to concern and should be questioned. If a young person is restrained on a regular basis or incidents of physical intervention recur frequently, environmental, organisational and staffing factors in the educational provision should be challenged.

4. THE CONDITIONS OF PERMISSIBLE FORMS OF RESTRAINT

- 4.1** Starting point of all guidance in respect of physical restraint should be the general rule that any person who touches another person without his or her consent runs the risk of being accused of committing an unlawful act (needs to be understood in context of school and pupils involved).
- 4.2** Staff working with young people have an obligation to safeguard their welfare. Under certain conditions this duty overrides a young person's right not to be touched. Staff may physically intervene to avert immediate danger to:
- a) The young person;
 - b) Other people
 - c) The property of any person;
 - d) Or if any young person is committing a criminal offence (including behaving in a way that would be an offence if the young person were not under the age of criminal responsibility).

No more force must be used than is reasonably necessary under the circumstances.

- 4.3** Using physical restraint must be the last resort of any intervention. It is important to ensure (and be able to demonstrate) that staff have tried some other non physical means in attempting to avert the danger to people or property.
- 4.4** Staff are authorised to physically intervene under the circumstances of 4.2 and, indeed, might be deemed negligent if they fail to do so.
- 4.5** The DfEE Circular 10/98 on "The use of Force to Control or Restrain Pupils" also permits physical intervention in cases "where a pupil is behaving in a way that is compromising good order and discipline" (p5). This is further illustrated by quoting examples "where a pupil persistently refuses to obey an order to leave the classroom, or when a pupil is behaving in a way that is seriously disrupting a lesson" (p5). In such cases as in all others where the need for physical intervention might arise, staff need to employ non-physical behaviour management techniques **first** before any physical intervention is considered. Any physical force used must in addition always be reasonable and in proportion to the seriousness of the incident. Staff should at all times seek to de-escalate a conflict and demonstrate that they are able to remain calm even when provoked or challenged.
- 4.6** Physical restraint should never be used as a substitute for good behaviour

management.

- 4.7** If an educational establishment is aware that an individual pupil has special educational needs and-or is likely to behave in such a way that physical intervention becomes necessary, it should plan how to respond. Such planning should include training for staff in advance of the pupil's arrival, detailed communication with parents/carers and agreed strategies amongst all staff on de-escalating a conflict. It is advisable that this plan should form a part of the pupil's Individual Educational Plan

5. RISK ASSESSMENT

- 5.1** Before any physical intervention, the risks of action must be assessed and weighed up against the dangers of not intervening.
- 5.2** Staff working in situations where there is reasonable likelihood that they might have to employ physical restraint should consider whether clothing, hairstyle, jewellery, etc. add to the danger of injury.
- 5.3** In all cases of restraint, staff should call for assistance of a second member of staff. Before physical restraint is used, staff must consider the age, relative gender, physiques and medical conditions of the restrainer and the young person.
- 5.4** Before physical restraint, consideration should be given to:
- the presence of a second member of staff to assist, supervise or witness;
 - the presence of other pupils (audience) and the effect they may have;
 - the scope to secure further assistance;
 - spectacles, hearing aids, jewellery or clothing worn by the young person;
 - the capacity of the restrainer to remain calm;
 - the location of the restraint and any risks posed by surroundings (unsuitable furniture, in workshops, near windows , etc.);
 - the young person's previous experience of restraint and their likely reactions;
 - the presence of any weapons.
- 5.5** Staff should always adopt a calm and measured approach to any physical intervention. They should not give the impression that they have lost their temper or are acting out of anger, frustrations, or in order to punish the pupil.

6. METHODS OF HANDLING

- 6.1** Any technique employed to physically restrain a young person should always try to use minimum force for the minimum amount of time.
- 6.2** Where practical, staff are strongly advised to arrange that a staff member of the same gender as the young person is always present during incidents of restraint.
- 6.3** The physical positioning of restrainer and restrained should not be deliberately degrading or demeaning to the young person. A standing or sitting position, if practical, is to be preferred. Total immobilisation of the restrained person is only to be used as a last resort.

- 6.4** Physical handling of the young person must not involve deliberately inflicting pain, any hitting, poking or pulling hair, ears, etc. It must not restrict the young person's breathing.
- 6.5** During physical restraint, the member of staff must avoid touching sensitive areas, for example, genital areas, breasts or buttocks of the young person.
- 6.6** Putting pressure on joints during restraint is to be avoided. During restraint the adult must refrain from putting his/her full weight on the spine or the abdominal area of the young person.
- 6.7** During the course of the physical intervention, the member of staff should:
- not employ another young person to assist the holding;
 - avoid moving the restrained young person (experience had shown that this can be dangerous and should only be considered if remaining in the original location would pose an even greater danger);
 - avoid generating the fear of injury in the young person;
 - continually offer verbal reassurance in a calm manner;
 - intermittently give clear messages under what conditions the restraint will cease;
 - monitor the physical well-being of the young person, e.g. breathing, skin colour.
- 6.8** Staff have the right to defend themselves by physical means against an attack as long as they do not use a disproportionate degree of force to do so.

7. FOLLOW-UP ACTION

- 7.1** Physical restraint can be stressful to all parties involved. Having let the situation calm down and the young person regain his/her composure, it is important to explain to the young person why physical restraint was used and to defuse any potential future confrontation. This should happen as soon as it is feasible after the incident. Senior staff should promptly arrange for a support/supervision session with any member of staff involved in an incident of physical restraint if this is asked for or deemed advisable.
- 7.2** Any incident of physical restraint must be logged by the member of staff involved on CPOMs. A report on the incident should be completed as soon as possible and must include the following:
- details of location, date and time of the restraint;
 - circumstances and significant factors leading to the incident;
 - duration and nature of restraint used;
 - names of young person(s) and staff involved and all witnesses;
 - description of any injury sustained and subsequent medical attention;
 - description of any action taken after the incident.

Staff are advised to seek advice from a senior colleague or a representative of their Professional Association when compiling a report. They should also keep a copy of the report.

- 7.3** Parents/Carers should be informed as soon as possible if a physical restraint incident has involved their child.
- 7.4** Heads of School have a duty to monitor logged incidents carefully and must take action should the duration, restraint hold used, or frequency and pattern of recorded restraint incidents, give rise for concern.
- 7.5** If, after receiving the report of an incident of physical restraint, the Head of School and CEO considers that the Trust's guidelines have been seriously breached and that further investigation is warranted, the incident should **not** be pursued, but action in accordance with Child Protection Procedures must be taken. In these circumstances, any school-internal investigations must cease and no further statements should be taken. If the Trust's guidelines have been breached, it is recommended that the CEO also contacts HROne service and advises the staff member concerned to consult his/her Professional Association.

8. SUMMARY

- 8.1** Under the circumstances outlined in this policy, physical intervention by staff may involve:
- physically interposing between pupils;
 - blocking a pupil's path;
 - holding;
 - carefully pulling or pushing a pupil away from danger;
 - Leading a pupil by the hand or arm;
 - shepherding a pupil away by placing a hand in the centre of the back;
 - (in extreme circumstances) using more restrictive holds.
- 8.2** Staff should not act in a way that might reasonably be expected to cause injury to the pupil, for example by:
- holding a pupil by the neck or collar;
 - slapping, punching, or kicking a pupil;
 - twisting or forcing limbs against a joint;
 - tripping up a pupil;
 - holding or pulling a pupil by the hair or ear;
 - holding a pupil face down on the ground;
 - touching or holding a pupil in any way that might be considered indecent.