



Physical Contact, Intervention and Restraint Policy

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Context

Newton Regis CofE Primary School is part of the Birmingham Diocesan Multi Academy Trust. The academy aims to provide an outstanding education for children in the local area within a Christian context, by promoting Life in all its fullness for all, success for all and positive well-being for all.

This policy should be read in conjunction with other school policies relating to interaction between adults and pupils specifically the school's Behaviour Policy, Child protection policy,

Please also refer to *statutory guidance and the document 'Guidance on the Use of Force and Physical Intervention'*, which can be accessed in Warwickshire's inter-agency safeguarding procedures at <https://www.safeguardingwarwickshire.co.uk>

Introduction

At Newton Regis C.E Primary School we believe that everyone has the right to feel safe all of the time. Staff need to know what they are expected to do when faced with an individual in crisis. They need to know which de-escalation skills to use and what to do when these fail to bring a situation under control. Staff need techniques and methods to enable them to intervene safely when an individual is a danger to themselves, others, seriously damaging property or behaving in a way that is seriously prejudicial to the maintenance of good order and a safe environment for all concerned.

Risk cannot be eliminated but the level of risk of injury to staff and service users must be assessed and reduced where foreseeable. (Health and Safety at Work Acts 1974 & 1992)

As new pupils or new potentially hazardous situations arise risk assessments must be carried out and appropriate steps taken to eliminate and reduce those risks.

All teachers working with children have a **duty of care** towards them. Failure to take reasonable steps to protect them from harm could open individuals to charges of negligence. (The Children Act, Guidance and Regulations 1989 Vol 4).

Aims

Through this policy we aim:

- to promote effective, safe verbal, positive and protective techniques within a whole setting holistic response to behaviour management
- to develop acceptable and appropriate responses to serious incidents of 'out of control' behaviour in a manner that maintains positive relationships and provides safety for all
- to reduce the frequency of incidents involving physical controls

The physical techniques are based on providing the maximum amount of care, control and therapeutic support. Whenever possible, physical interventions should take place in the context of an ongoing positive relationship with the individual concerned. The message behind the intervention should be 'I care enough about you not to let you be out of control'.

Only staff that have been trained in appropriate physical intervention should practice the techniques and there should always be two members of staff involved when serious situations develop. Training should where possible be updated every 3 years for staff who will undertake physical intervention.

At Newton Regis we use the Warwickshire advised strategy which is...

Taking Care Protective Behaviours

This policy should be brought to the attention of any newly appointed or temporary staff working in school. A copy can be found in the school policies folder in the school office.

Any individual should be held with the minimum necessary force and for the shortest possible period.

It is important not to respond emotionally, but to remain professional and composed, to see beyond the behaviour and not to view any actions as personal.

Physical intervention is always a last resort and all other behavioural strategies should be used before physical interventions.

Values that underpin behaviour management strategies

All individuals have the right to be

- Treated with respect, understanding and dignity
- Treated with quality care and as an individual
- Kept informed and involved
- Kept safe and provided with boundaries and limits
- Treated fairly, openly and honestly
- Treated with humanity, compassion and courtesy
- Treated ethically, empathetically and supportively
- Treated with appreciation of worth
- Treated with fairness and firmness when needed

Types of incident where the use of force may be necessary

- Where action is necessary in self-defence or because there is an imminent risk of injury
- Where action is necessary as there is a developing risk of injury, or significant damage to property
- Where action is necessary because a pupil is compromising good order and discipline

Examples of situations which fall within one of the first two categories are:

- a pupil attacks a member of staff or another pupil
- pupils are fighting
- a pupil is causing, or at risk of causing injury, damage by accident, by rough play, or by misuse of materials or objects
- a pupil is running in a corridor or in a way which he or she might have or cause an accident likely to injure him or herself
- a pupil absconds from a class or tries to leave the school

Examples of behaviour which fall into the third category are:

- a pupil persistently refusing to do as requested.
- a pupil is behaving in a way that is seriously disrupting a lesson.

Physical Intervention is the last resort; prior to this, the following de-escalation techniques may be applied (appendix 1)

a) Verbal acknowledgment of unacceptable behaviour with request for the pupil to refrain; this includes negotiation, care and concern.

b) Further verbal reprimand stating:

- this is the second request for compliance
- an explanation of why observed behaviour is unacceptable
- an explanation of what will happen if the unacceptable behaviour continues.

c) Warning of potential need to intervene physically and that this will cease when the pupil complies. If possible summon assistance.

d) Physical intervention. Reasonable physical intervention using the minimum degree of contact to prevent a child harming him or herself, others or property.

The form of physical intervention may involve staff doing the following:

- physically interposing themselves between pupils
- blocking a pupil's path

- escorting a pupil
- shepherding a pupil away

Any such measures will be most effective in the context of the overall ethos of the school, the way in which staff exercise their responsibilities and the behaviour management strategies used. Whenever positive handling is used, staff will keep talking to the pupil.

Recording

Where positive handling has been used a record of the incident always needs to be kept. All recording needs to be completed on the day of incident and needs to include the following:

- name of pupil
- date, time and place of incident
- a brief description of the incident and actions taken
- attempts made to calm the situation
- names of people who witnessed the situation
- any damage/harm to persons or property
- name of person informing parents
- after investigation a summary of action taken

For recording incidents of physical intervention, ***the bound and numbered book version 7 can be found in the Headteachers office***

Action after an Incident

The Head teacher will ensure that each incident is reviewed and investigated further as required. If further action is required in relation to a member of staff or a pupil, this will be pursued through the appropriate procedure:

- Child Protection Procedure
- Staff Facing Allegations of Abuse Procedure
- Staff or Pupil Disciplinary Procedure
- School Behaviour Policy
- Exclusions Procedure
-

Members of staff will be kept informed of any action taken.

In case of any action concerning a member of staff, he/she will be advised to seek advice from his/her professional association/union.

Incident Management

Risk assessments will be carried out for any pupil who begins to experience difficulty in managing their own behaviour and is presenting a risk to themselves, others or property.

An incident management plan will be produced for individual pupils and will include clear guidance on the steps to be taken to manage a dangerous situation, including the de-escalation process and personnel who will be involved.

Definitions

(a) Physical Contact

Situations in which proper physical contact takes place between staff and pupils, e.g. in games/PE or to comfort pupils.

(b) Physical Intervention

This may be used to divert a pupil from a destructive or disruptive action, for example guiding or leading a pupil by the hand, arm or shoulder with little or no force.

(c) Positive Handling

This will involve the use of reasonable force when there is a risk to pupils, staff or property or if good order is being seriously prejudiced. All such incidents will be recorded.

Newton Regis Primary School De-escalation Techniques

In 2004, The National Investigation & Referral Co-ordinators, reported that the majority of allegations against STAFF, were against those with less than 2 Years' experience - (Particularly those with less than 1 Year's); the next most vulnerable group were those with more than 14 Years' experience!

Most experienced staff know in what situations & under what circumstances, a pupil is likely to become a management problem. Inevitably, however, staff have different thresholds & tolerances. Moreover, because of their personal differences, a degree of idiosyncrasy is likely to occur.

However, the management of pupils should not be dependent upon personal or spontaneous whims.

Consistency is nearly always trumpeted by most staff as the most important behaviour management tool. Therefore, we should all act in a similar way & know what the general response should be.

Staff interactions with pupils are crucial to limiting the frequency, duration & intensity of disruptive behaviours & to promoting their behavioural growth. It is axiomatic that, if some staff responses promote positive & appropriate behaviours, then others, inadvertently, increase the likelihood of acting-out behaviours.

These responses are grouped as a series of Techniques.

1. GROUP CONTROL
2. ATTITUDE & APPROACH
3. NON-VERBAL BEHAVIOUR
4. VERBAL BEHAVIOUR

For each factor there are behaviours which reduce problems & behaviours which, potentially, increase problems.

Group control

Good group control is an integral aspect of effective work with young people. If there is no order to group functioning, then neither individual, nor group objectives can be met.

Do

- ✓ Be on time. Starting & finishing on time are very important. This sends signals to pupils about the importance & value that the adult places upon the activity / lesson & makes colleagues' tasks easier.
- ✓ Be efficient. The more efficient you are, the better you feel, the higher your level of confidence, the better things are likely to go.
- ✓ Settle the group to its task with as little delay as possible
- ✓ Clearly state the expected task, which must be relevant to the ability & interest levels of all the pupils.
- ✓ Check that you have been understood.
- ✓ Try to be clear & decisive.
- ✓ Address & resolve situations- don't let them drag on or escalate without attention.
- ✓ Be alert to what is going on & ensure that your attention is distributed across the whole group. Scan the group regularly.
- ✓ Relate to all the pupils by verbal exchanges & social reinforcers, such as eye contact, facial expressions & nods.
- ✓ Know the management system already in the school & how to make it work.

Don't

- X Be unclear & hurried in speech or actions.
- X Overreact.
- X Issue complicated instructions.
- X Show favouritism or be inconsistent
- X Use ridicule or sarcasm.
- X Have inappropriate expectations.
- X Belittle effort of endeavour
- X Send pupils off in numbers or a state, that would be problematic for someone else.
- X Try not to shout – young people get habituated to the volume, use it for effect.

ATTITUDE & APPROACH

Staff members' attitude & approach in all situations affects the quality of relationships with pupils. In situations of rising tension, staff attitude & approach is crucial. It can improve or complicate the chances of success.

Do

- ✓ Appear calm & collected if possible – you are communicating messages.
- ✓ Be clear & firm about boundaries of acceptability.
- ✓ Show a non- biased nature & be aware of self-fulfilling prophecies & labelling.
- ✓ Be prepared to listen.
- ✓ Know when the situation is in stalemate. Don't create a win – lose situation without it being a calculated decision.
- ✓ Be flexible in thought & reponse. Use tangential techniques
- ✓ Spontaneously provide a range of roles, from dominance to reflective support.
- ✓ Value people as individuals.
- ✓ Be a sensitive objective observer who can make valid diagnoses.
- ✓ Wherever possible, show trust & allow pupils to resolve their own problems.

Don't

- X Be fooled into thinking you should always be able to deal with any situation.
- X Expect colleagues to do without your support.
- X Be unfair or hostile.
- X Use high tariff intervention where low tariff will suffice.
- X Inflate the situation out of proportion.
- X Allow yourself to be wound up.
- X Carry on, if you know you are wrong.
- X Re-start the argument or incident once calm has been achieved.
- X Use unnecessary peer group pressure.

NON – VERBAL BEHAVIOUR

The primary reason for using & interpreting non- verbal signals is to reinforce positive behaviour quietly, but frequently; to de-escalate at a very early stage, or to signal low key staff involvement. Once sent, there will normally be a response. Similarly, acknowledging such signals from a pupil or the group, also enables low key responses from staff.

Do

- ✓ Make an attempt to look at an individual when you are making an important point; intermittent eye contact is very powerful.
- ✓ Be aware of the signals given out by your body position & posture.
- ✓ Try to sit down.
- ✓ Nod your head to indicate attentiveness.
- ✓ Smile – particularly to show agreement.
- ✓ Be aware of the physical distance between yourself & others & the message it conveys
- ✓ Raise your eyebrows to question.
- ✓ Use hand, shoulder & whole body gestures to support discussion.
- ✓ Use appropriate physical contact as reassurance.
- ✓ Seek signals that your message has been correctly received.

Don't

- X Invade personal space.
- X Use staring, threatening eye contact.
- X Stand over pupils in a threatening manner.
- X Appear to lack confidence.
- X Appear tense
- X Retaliate with physical gestures.
- X Use inappropriate physical contact with any pupil.
- X Be oblivious to signals within the environment.
- X Remain static.
- X Appear intimidated.

N.B. People on the autistic spectrum often have difficulties interpreting non-verbal communication.

VERBAL BEHAVIOUR

Verbal communication operates at many levels within the teaching, caring & therapeutic processes at school. It is probably, the most important tool staff have, in helping young people towards personal growth and, employed correctly, the most powerful de-escalation skill staff have in their possession.

DO

- ✓ Acknowledge the existence of a problem – check for anxiety (however it is manifested)
- ✓ Give reassurance & offer support
- ✓ Be aware of voice quality, pitch & power; make good use of pauses, allow take-up time
- ✓ Paraphrase what has been said & check back with the pupil that it is accurate.
- ✓ Present facts or issues which may not be known to the pupil.
- ✓ Draw upon personalisation & former relationship factors. Invoke the norm of reciprocity
- ✓ Put the onus on the pupil to resolve the situation wherever possible; pointing out consequences, offering choices & alternatives. Always provide an “escape route”.
- ✓ Use the word “we” in discussion & explain that the solution can be a “together” one.
- ✓ If you can, offer “If I were you, but it’s up to you “, programming leads.
- ✓ Identify the options – give three , with the preferred choice always last.

DON'T

- X Ever place the young person in a position of no escape.
- X Use destructive criticism, sarcasm, belittling methods to humiliate.
- X Remind the pupil of previous incidents.
- X Use personal details in front of a group.
- X Make unrealistic threats.
- X Make insensitive remarks
- X Lose your temper
- X Make, “YOU WILL” statements
- X Allow the, “You can’t make me - I won’t”, type situations to develop.
- X Get involved in “You did – no I didn’t”, type arguments.
- X Argue with adults present.

WSCB Policy and Guidance Statement on Physical Intervention and Restraint

Purpose of Statement:

- To provide a set of unifying principles governing the use of physical intervention and restraint by staff in partner agencies, coming into contact with children and young people who exhibit challenging behaviour, aggression or violence that could jeopardise their own or another's safety.
- It is intended that the 10 principles identified in this Statement should all feature in policies and procedures drafted by agencies in respect of physical intervention and restraint. They will also apply in situations where children are in foster care.
- These principles should be seen as providing the "benchmark" against which the agency or institution concerned, and WSCB, should appraise policies and guidance provided to staff, and the practice demonstrated in the setting.
- The Statement may also be used by children, young people, parents, carers, staff and managers to undertake such an appraisal.

The 10 Principles:

- **Compliance with the Law**
- **Prevention, Risk Analysis and Management Strategy**
- **Disability, Special Needs and Mental Disorder**
- **"De-escalation"**
- **Appropriate Use of Force**
- **Post Incident Management**
- **Complaints and Allegations**
- **Staff Training**
- **Physical Contact in Other Circumstances**
- **Overview and Monitoring**

In identifying these principles, this document has drawn upon three sources, which are listed in *Appendix 1a*:

- **The Law**
- **Other Relevant Legislation**
- **Guidance**

Each of the 10 Principles are set out below with an accompanying guidance note.

Principle 1 - Compliance with the Law:

- The use of physical intervention and restraint in any setting must comply with the law and government guidance (See Appendix 1).
- There is also general criminal and civil law to consider as liability might be said to apply in situations of restraint. For example, where it is considered that unreasonable or excessive force was used or where it is considered improper techniques were used which resulted in injury. However, where reasonable force was used to prevent a crime and this can be evidenced, a person would be covered by the Criminal Law Act 1967 (s3) which states that a person may “use such force as is reasonable in the circumstances of the prevention of crime”.
- The assessment of what is reasonable and when it is reasonable to use force is a matter of judgment and depends upon the precise circumstances of individual cases. There is no legal definition. This underlines the need for policies and procedures that are developed by partner agencies to be scrutinised by their legal advisors before being put into operation, and for staff training to incorporate awareness of the following legal dimensions:
 - To be judged lawful, the force used would need to be proportionate to the consequences it is intended to prevent;
 - The degree of force used should be the minimum required to achieve the desired result;
 - Use of force could not be justified to prevent trivial behaviour (though determining trivial also depends on circumstances).

It needs also to be kept in mind that the “duty of care” that applies to all those working with children means that “doing nothing” may be construed as “negligence” in terms of this duty.

Principle 2 – Prevention/Risk Analysis and Management Strategy:

- Prevention of violence or aggression should be the primary aim thus avoiding the need to use any force wherever possible.

- The majority of incidents of violence and aggression are triggered (usually unwittingly) by the behaviour of others.
- Stressing to staff the importance of recognition and awareness of behaviours or circumstances which can trigger or indicate a heightened risk of challenging behaviour, violence and aggression should be a key component of an agency's policies and procedures.
- These aspects should be addressed in staff training, with the aim of enabling staff to recognise that challenging behaviours are often foreseeable, and to develop skills associated with positive behaviour management and managing conflict.
- Risk assessments; risk management plans and/or individual behaviour plans should be set in place in circumstances where a heightened risk of challenging behaviour, violence and aggression has been identified in respect of a particular child or young person.

Principle 3 – Disability, Special Needs and Children/Young People with a Mental Disorder:

- In cases involving children who are disabled and/or may have special needs and/or a mental health disorder, a risk assessment should be undertaken as a matter of course to address the specific issues involving the child and any foreseeable issues that may arise, likely to warrant the use of force to restrain them.
- This would include risk assessments and behaviour management plans. An example where this may be necessary is where a child whose Special Education Needs (SEN) and/or disability (whether physical or a learning disability) is associated with extreme behaviour.
- An individual risk assessment and management plan will be essential for children or young people whose SEN and/or disabilities are associated with:
 - Communication impairments that make them less responsive to verbal communication;
 - Physical disabilities and/or sensory impairments;
 - Conditions that make them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
 - Dependence on equipment such as wheelchairs, breathing or feeding tubes. In the case of a young person (16 years and under) admitted to an adult hospital ward in circumstances where their immediate admission to specialist units is impossible, the risk assessment will also need to identify potential risks from other patients or others who may pose a risk to the young person. Appropriate observation levels should be considered and acted upon accordingly.

- Those involved in the care and management of these children should ensure they are as well informed as possible about the child’s behavioural characteristics or patterns stemming from their special needs, disability or mental disorder, and make use of the knowledge and insight that the child, their parents and other professionals involved with the family can provide.
- Any risk assessment should take into account the skills and abilities required of staff in dealing with the child and address any training required. This is relevant in terms of ensuring that suitably qualified and trained staff are available to deal with the child and ensure that the staff member is prepared to deal with the situation; thus meeting our duty of care in respect of the individual and for the employee.

Principle 4 - “De-escalation”:

- Policies and procedures should underline the importance of employing de-escalation strategies as a first-line strategy whenever there is a threat of violence or aggression towards an individual or property.
- Communicating calmly with the child, using non-threatening verbal and body language and helping them to see a way out of a situation are examples of this approach.
- Helping children to recognise their own “triggers” will be an important component of a “de-escalation” strategy developed in respect of a particular child.

Principle 5 - Appropriate Use of Force:

- Having emphasised the importance of attempting to de-escalate situations, policies and procedures should provide staff with clear guidance on the types of force and techniques that may be used to physically intervene or restrain the child or young person.
- Some agencies (such as the Coventry and Warwickshire Partnership Trust) will use recognised and approved “breakaway” or physical intervention strategies in which staff are properly trained. Examples of the types of force that may be used are also given in the government’s non-statutory guidance to schools (the term “pupil” is replaced with “child” for the purposes of this document):
 - *passive physical contact resulting from standing between children or blocking a child’s path;*
 - *active physical contact such as:*
 - *leading a child by the hand or arm;*

- *ushering a child away by placing a hand in the centre of the back;*
 - *in more extreme circumstances, using appropriate restrictive holds, which may require specific expertise or training (our emphasis).*
- In all settings, the decision to intervene using physical restraint should be a professional judgment taken calmly and in full knowledge of the desired outcome. Though likely to be a last resort it should not be an act of desperation but a conscious decision to act in the child or other's best interest.
- In extreme circumstances, where there is a high and immediate risk of death or serious injury such as a child running off a pavement onto a busy road or preventing a young person from hitting someone with a dangerous object such as a glass bottle or hammer, a member of staff would be justified in taking any necessary action. However, even in these more extreme circumstances, the principle of minimum force to achieve the desired result should be applied.
- Every effort should be made by staff to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a child. Staff should always avoid touching or restraining a child in a way that could be interpreted as sexually inappropriate conduct.

Principle 6 - Post Incident Management:

- The first consideration needs to be whether medical attention is required for the child or anyone else involved.
- Policies and procedures should then specify the requirements for recording and reporting incidents. Schools for example, have been strongly advised in government guidance to keep full and systematic records of every significant incident in which force has been used. The purpose of recording is to ensure policy guidelines are followed; to inform parents; to inform future planning as part of school improvement processes; to prevent misunderstanding or misinterpretation of the incident, and to provide a record for any future enquiry.
- The government guidance lists a number of questions to assist agencies and institutions to assess whether an incident is significant or not. The guidance also states that where an incident is deemed as recordable, the parent or carer should be informed as soon as possible after the incident, and that the details are confirmed in writing later.
- In schools and other settings this recording will be essential in helping to initiate or update the risk assessment concerning the child and whether changes need to be made to their individual care plan.

- There will be a need for post incident debrief for staff or carers, and an incident review led by designated staff within set timescales. Time and space will also be needed to talk through the incident with the child or young person to allow for the expression of feelings and decide upon next steps, and identify any post incident support which may be necessary.
- Policies should recognise that any restraint is a restriction of liberty and an invasion of personal space which may have a lasting impact on the well-being of the child or young person. Consideration needs to be given as to who is best placed to undertake this work. There may be a need to involve services provided by other WSCB partners (e.g. Child and Adolescent Mental Health Services [CAMHS]).
- Support for other service-users witnessing or otherwise involved in the incident will need to be considered. This may involve giving the child who has been restrained the opportunity to recognise and help repair the damage or harm that has resulted from their behaviour, and enable them to develop their emotional and social skills.

Principle 7 - Complaints and Allegations:

- Children, young people and parents have the right to complain about actions taken by staff. This might include the use of force. Agencies need to ensure that their complaints procedures are able to deal with such allegations and that their policies on physical intervention and restraint signpost this route.
- Any complaints or allegations should be dealt with in line with the agency's or institution's complaints procedure, and the guidance set out in *Safeguarding Children and Safer Recruitment in Education*.

Principle 8 - Staff Training:

- Policies and procedures will need to underscore a commitment by the agency or institution to ensure that staff identified as requiring training are appropriately trained and regularly updated not only in the safe and effective use of the type of force sanctioned by the agency, but also in all other aspects of physical intervention and restraint - from prevention and de-escalation through to post incident management. It may be appropriate to develop a training matrix to indicate the type and frequency of training for individual staff members according to their role and responsibility.
- It should be noted that the DfES (now DCSF) and the DoH charged BILD (British Institute of Learning Difficulties) with the task of accrediting all training for physical intervention. A pre-requisite of any training approach therefore, is that it should be accredited by BILD. Services seeking training need to be aware that BILD is a resource for finding accredited programmes.

- Any training approach to physical intervention must be clear about the dangers of positional asphyxia, which has resulted in various settings in situations where an individual's breathing has been compromised.

Principle 9 - Physical Contact in Other Circumstances:

- Policies and procedures need to reflect that there may be some children and young people for whom touching of any description is particularly unwelcome.
- Some children may be particularly sensitive to physical contact because of their cultural background or because they have been abused.
- Experiences of abuse may be an important factor behind their demonstration of challenging, violent and aggressive behaviour.
- It is important that staff who may come into contact with these children or groups of children have the relevant information about them. In addition, the agency will need to develop a clear common practice towards them.
- There should be a common approach where staff and children are of different sexes.
- Physical contact with children and young people becomes increasingly open to question as they go through adolescence.
- Staff should be encouraged to bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

Principle 10 - Overview and Monitoring:

Agencies and institutions need to have processes in place for monitoring incidents of violence and aggression, the use of restraint and commissioning reviews and investigations where appropriate. It should be possible to demonstrate the action that has been taken to reduce the frequency and severity of incidents.

Warwickshire Safeguarding Children Board

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Common Law

The common law recognizes that there may be circumstances in which one person may inflict violence on another without committing crime. It recognises as one of these circumstances the right of a person to protect him/herself from attack and to act in defence of others and if necessary to inflict violence on another in doing so. If no more force is used than is reasonable to repel the attack such force is not unlawful.

Section 3 of the Criminal Law Act 1967

Use of force in making arrest, etc

(1) A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.

(2) Subsection (1) above shall replace the rules of the common law on the question when force used for a purpose mentioned in the subsection is justified by that purpose.

Section 3 Children Act 1989

Section 3 of the Children Act 1989

Parental Responsibility

A person who—

(a) does not have parental responsibility for a particular child; but

(b) has care of the child,

may (subject to the provisions of this Act) do what is reasonable in all the circumstances of the case for the purpose of safeguarding or promoting the child's welfare.

Sections 88-95 of the Education and Inspections Act 2006 93 Power of members of staff to use force

(1) A person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of preventing a pupil from doing (or continuing to do) any of the following, namely—

(a) committing any offence,

(b) causing personal injury to, or damage to the property of, any person (including the pupil himself), or

(c) prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

Section 45-47 of the Violent Crime Reduction Act 2006 45 Power of members of staff to search school pupils for weapons

After section 550A of the Education Act 1996 (c 56) insert—

“550AA Power of members of staff to search pupils for weapons

- (1) A member of the staff of a school who has reasonable grounds for suspecting that a pupil at the school may have with him or in his possessions—
- (a) an article to which section 139 of the Criminal Justice Act 1988 applies (knives and blades etc), or
 - (b) an offensive weapon (within the meaning of the Prevention of Crime Act 1953),
- may search that pupil or his possessions for such articles and weapons.

Human Rights Act 1998, schedule 1 Part 1, Article 2 Right to life

1 Everyone’s right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2 Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:

- (a) in defence of any person from unlawful violence;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) in action lawfully taken for the purpose of quelling a riot or insurrection.

Section 17 Children’s Home Regulations 2001

Other relevant legislation

Criminal Law

- Common Law – Common Assault
- Offences Against the Person Act - Assault / Battery
- Common Law - False Imprisonment

Civil Law – Law of Tort

Negligence

The breach of a legal duty to take care, resulting in damage to the claimant which was not desired by the defendant

“Negligence is the omission to do something which a reasonable man, guided upon those considerations which ordinarily regulate the conduct of human affairs, would do, or doing something which a prudent and reasonable man would not do.” Blyth v Birmingham Waterworks Co. (1865)

Health and Safety

- Duty of care owed to employees
- Duty of care owed to children in your care

Guidance

- The Use of Force to Control or Restrain Pupils: Non Statutory guidance for schools in England (Department for Children, Schools and Families);
- Interim Management of Violence and Aggression Policy (Coventry and Warwickshire NHS Partnership Trust);
- Physical Intervention for Children (Warwickshire Directorate for Children, Young People and Families);
- Joint DfES/DoH Guidance on Physical Interventions (2002);
- Admitting a Young Person to an Adult Ward Policy (Coventry and Warwickshire NHS Partnership Trust (2008);
- The Legal Aspects of the Care and Treatment of Children and Young People with Mental Disorder: A Guide for Professionals. National Institute for Mental Health in England (2009).

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