



Physical Restraint and Use of Reasonable Force Policy

Policy reviewed by: Daniel Orwin : November 2019
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'School' refers to Oaks International School; 'parents' refers to parents, guardians and carers. This is a whole school policy, which also applies to the Early Years Foundation Stage.

Physical Restraint and Use of Reasonable Force Policy

OIS aims to provide a supportive and controlled environment in which children are enabled to thrive as happy and secure individuals. OIS expects that all its staff will be alert to the needs of children and will put their interests first at all times. However, it is recognised that occasionally situations will arise where children place themselves or others in danger through deliberate or thoughtless behaviour, and where physical intervention may be necessary to control or restrain a child's behaviour.

This document sets out the policy to be followed regarding the management of unacceptable behaviour by children, and the use of physical restraint in response to unacceptable behaviour. All staff must be aware of its contents and have a clear understanding if they personally are authorised under the policy to exercise restraint in appropriate circumstances.

This policy will be reviewed annually in conjunction with the annual review of policies and its application in all nursery schools and nurseries will be regularly monitored.

Staff Responsibilities

This policy is to be followed closely in all regards. Any member of staff who acts outside its guidance may be subject to action under the school's disciplinary policies on the ground of gross misconduct, which can lead to instant dismissal. Anyone dismissed in these circumstances is likely to be barred from working with children in any other establishment or setting.

Holding and Carrying Children

As OIS cares for very young children, it is inescapable that there will be many occasions when it is completely appropriate for children to be picked up and carried by a member of staff. Children should not be carried unnecessarily or as a matter of course. Once they are able to walk unaided, they should always be encouraged to do so when moving around the nursery; if necessary they can be encouraged by an adult holding their hand in support.

When a child is picked up, this must always be done by placing the hands under the child's armpits, with the child facing towards the adult. When a child is being carried, he/she should be held so that the adult's forearm is supporting the child's thighs, so that the child may place his/her arms around the adult's neck for support.

If the child struggles, kicks or otherwise resists being carried, do not try to restrain them more tightly, but place them back on the ground and find another solution to the problem.

Physical Restraint

Authorised staff may use such physical restraint as is reasonable in all the circumstances to prevent a child from doing, or continuing to do, any of the following:

- injuring themselves or others;
- causing damage to property (including the child's own property);
- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its children, whether that behaviour occurs in a classroom or elsewhere.

A child may be restrained in an appropriate manner by an authorised person when on the nursery premises, or when the authorised person has lawful control or charge of the child concerned elsewhere e.g. on a trip or other authorised out of school activity.

Types of Incidents

There is a wide variety of situations in which reasonable force might be appropriate or necessary to control or restrain a child. They will fall into three broad categories:

- a) where action is necessary in self-defence or because there is an imminent risk of injury;
- b) where there is a developing risk of injury to the child or others in the vicinity, or significant damage to property;
- c) where a child is behaving in a way that is compromising good order and discipline, if this in turn might lead to them or another child being injured (I can't think of any other reason that force should be employed to maintain order and discipline)

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

- a child attacks a member of staff, or another child;
- children are fighting;
- a child is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- a child is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- a child is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure him or herself or others.

Reasonable Force

The decision on whether or not to use reasonable force to control or restrain a child is down to the professional judgement of the staff concerned and should always depend on individual circumstances.

The restraint should use the minimum amount of physical force as is reasonable in the circumstances to achieve the desired result. There is no legal definition of 'reasonable force', so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case. There are two relevant considerations:

- the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore, physical force could not be justified to prevent a child from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.

- the degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

All staff who work with children are automatically authorised, but as a matter of good practice each member of EYFS staff will be explicitly authorised. Authorisation may be on a permanent or long-term basis because of the nature of the person's job or a short term for a specific event such as a school trip. A register of staff authorised under this policy will be maintained in each establishment.

Practical considerations

Before intervening physically a member of staff should, wherever practicable, tell the child to stop, and what will happen if he or she does not. The staff member should continue attempting to communicate with the child throughout the incident, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the child.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, understanding, and sex of the child.

Application of Force

Physical intervention can take several forms. It might involve staff:

- physically interposing between children;
- blocking a child's path;
- holding;
- shepherding a child away by placing a hand in the centre of the back; or,
- in extreme circumstances, using more restrictive holds.

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of "reasonable force": for example, to prevent a young child running off a pavement on to a busy road, or to prevent a child hitting someone, or throwing something.

In other circumstances staff should not act in a way that might reasonably be expected to cause injury, for example by:

- holding a child around the neck, or in any other way that might restrict the child's ability to breathe;
- slapping, punching or kicking a child;
- twisting or forcing limbs against a joint;
- tripping up a child;
- lifting a child by one or more limbs;
- holding or pulling a child by the hair or an ear;
- holding a child face down on the ground.
- 'Basket holds' where a child's arms are held tight against their chest by the person standing behind them

Staff should always avoid touching or holding a child in a way that might be considered indecent.

Where the risk is not so urgent the member of staff should consider carefully whether, and if so when, physical intervention is right. Staff should always try to deal with a situation through other strategies before using force. All staff need developed strategies and techniques for dealing with situations that they should use to defuse and calm a situation. In a non-urgent situation force should only be used when other methods have failed.

Consideration should be particularly appropriate in situations where the aim is to maintain good order and discipline, and there is no direct risk to people or property. As the key issue is establishing good order, any action,

which could exacerbate the situation, needs to be avoided. The age and level of understanding of the child are also very relevant in those circumstances. It should never be used as a substitute for good behavioural management.

Action in self-defence or in an emergency

There may be incidents in which action to restrain a child may be taken outside this policy, by someone who has not been explicitly authorised under the policy. Everyone has the right to defend themselves against a physical attack provided they do not use a disproportionate degree of force to do so. It is recognised that a person defending themselves cannot weight to a nicety the exact measure of a necessary defensive action; however they are entitled to take measures based on an instinctive and honestly felt belief that a particular action was necessary to avoid injury to themselves or to others.

Similarly, in an emergency, for example if a child was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene. Any incident of this kind should be recorded in the restraints incident record described above.

Risk Assessment

Staff are advised to assess the frequency and severity of incidents requiring the use of force that are likely to occur. The Principal may also need to make individual risk assessments where it is known that force is more likely to be necessary to restrain a particular child, such as a child with SEN and / or disability, i.e. communication impairments, physical disability, conditions which make them fragile and dependence on equipment.

Recording and reporting incidents

The school keeps record of every significant incident in which force has been used, in accordance with policies. The purpose of recording is to ensure policy guild lines are followed, to inform parents, to inform future planning, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future Safeguarding enquiry.

Corporal Punishment

Any form of physical restraint or physical contact which is intended as a punishment is expressly forbidden. This includes such obvious actions as shaking, slapping, punching or otherwise striking a child with the intention of causing pain or discomfort. It will also include less obvious forms of physical actions, such as gripping parts of a child's body or limbs tightly or twisting limbs etc. It can be a matter of degree between acceptable actions to restrain a child and the same physical actions becoming unacceptable and unreasonable force intended to inflict pain or discomfort as a sanction. Staff must ensure that, in the heat of the moment, they do not stray over that divide. Any act of corporal punishment by a member of staff will be considered gross misconduct.

Also unacceptable is any action by a member of staff which, although stopping short of physical contact, is intended to be intimidatory, or has that effect. Such actions would include throwing objects at children, using abusive or threatening language, making threatening gestures or adopting an aggressive manner towards a child. The latter would include shouting at a child or using a raised voice in a threatening manner.

Interpretation

In this policy the term "senior manager" means the school Principal and her designated deputies.

This policy applies in all Schools and other work environments within the Partnership.

This policy applies within all companies, which are wholly owned subsidiaries of International Schools Partnership Services Limited, a company registered in England, registered number 08652527, and the terms "Partnership" and "Company" should be interpreted accordingly, dependent on the employing company.