



# Physical Intervention and Restrictions of liberty. Physical Restraint.

A handwritten signature in black ink, appearing to read 'Parneet Kang'.

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Parneet Kang  
Principal

A handwritten signature in black ink, appearing to read 'William Holland'.

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William Holland  
Chair of Trustees

Written: September 2019  
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Reviewed: 2<sup>nd</sup> September 2020 - CGH

This guidance stresses the importance of creating a positive environment for students to live and learn in and where staff interact positively with all individuals. All Emscote school staff should work positively and confidently with all students and find the least intrusive way possible to support, empower and keep them safe and secure. The foundation of good practice in working with students should be:

- Building relationships of trust and understanding.
- Understanding triggers and finding solutions to improve students behaviour and well-being.
- If incidents do occur, defusing the situation and/or distracting the individual(s) wherever possible.

This guidance is informed by guide to the law on deprivation of liberty of children and Ofsted's guidance 'Positive environments where children can flourish (March 2018).

There will be times when staff feel that they need to intervene physically to keep students safe (or to keep staff safe). Nothing in this document is intended to undermine actions of staff that we would expect from any reasonable parent to keep their child safe.. We expect our staff to be skilled and confident in finding the best ways to keep students safe; ways that promote their rights, respect their dignity and help equip them for their future life.

In practice, this means that we can legitimately set out to question and understand any type of physical intervention or restriction on children's lives, including the use of isolation/seclusion in school. When evaluating a restraint or a restriction of liberty, the legislation requires us to consider:

- Was this action legal and necessary – for example, was this action taken to prevent a child injuring themselves or someone else or causing serious harm to property or in a school to maintain good order and discipline?
- Could this action be considered as 'reasonable' in this particular circumstance? Was it the minimum force necessary? Was it proportionate?
- Restraint that deliberately inflicts pain should not be used.
- It is always unlawful to use force as a punishment.

At Emscotewe expect that all staff will build effective relationships with the children who they are responsible for. We must not forget that, as well as through their general duty of care, the same situation. Corporal punishment is unlawful.

Staff working with students need to use their professional judgement about how best to respond to a situation and each circumstance can only be viewed on a case-by-case basis. Staff will need to report and log their understanding of what happened and why any of these were the right intervention.

The Emscote School allows disruptive pupils to be placed in isolation away from other pupils for a limited period as a disciplinary penalty. Such a course of action is made clear in the school's behaviour policy. As with other disciplinary measures, we must act lawfully, reasonably, and proportionately in all cases.

The isolation should only be used when it is in the best interests of the individual and other pupils. We must also ensure the health and safety of students and any requirements in relation to safeguarding their safety and welfare is paramount. Isolation can also be used as a means of giving an individual a place of safety and a withdrawal from normal school activity to address concerns and deal with issues and priorities to resolve matters so the individual can resume normal activities as soon as possible.

Reasonable adjustments should be made to ensure that expectations of individuals who have special educational needs and/or disabilities are developmentally appropriate and fair. It would not be fair, for example, to isolate an individual who has attention deficit hyperactive disorder (ADHD) or other special needs because they were not able to sit still when required to do so.

## **Physical Intervention**

All staff will undergo physical intervention training from No Fear LMT, an external accredited trainer. Training will be updated regularly This will ensure that staff use the agreed protocols and recording system when physical restraint is used as a method of last resort to keep individuals and others safe from harm.

### **Duty of Care: A professional duty to do the right thing**

*“As a professional, you are personally accountable for actions and omissions in your practice and must always be able to justify your decisions”; and, “You must always act lawfully, whether those laws relate to your professional practice or personal life.”* Accountability is integral to professional practice.

### **Defining restrictive physical intervention**

There are several definitions of the term ‘restraint’.

Physical restraint (or physical intervention) in the context of this guidance is defined as:

**“the positive application of force for the purpose of overcoming a subject’s resistance with the aim of: - preventing the actual or imminent physical assault of self or others; effecting a lawful arrest; and / or preventing a person who is lawfully detained from escaping or absconding (if safe in the circumstances to do so). Stopping and / or preventing serious damage to property.”**

- The force must be reasonable and proportionate to the threat being offered.
- The person must also have an honest held belief that they, or another, are in imminent danger.
- The person’s use of force is reasonable in the circumstances.
- The level of force was proportionate to the amount of harm likely to occur.

The school will only use physical intervention techniques in a matter of last resort.

## **Incident Procedure**

1. Incident occurs.
2. Staff ensure that they fully complete an incident form. (Held in the reporting book)

### **For major incidents;**

3. Management to clarify statement with the individual restrained and gather further reports, whenever possible, from witnesses.
4. Statements to be passed to relevant member of senior leadership team (SLT) – these will then be sent on to parents/carers, schools/social services (where appropriate) and other agencies, where relevant.
5. Any physical restraint used, must be reported in the Use of Force Book (held in the office). The staff members incident report should be logged as soon as possible and the student's incident report. A physical restraint debriefing should take place with parents and carers and recorded in the book.
6. Copies of the incident form will be sent to parents/carers, schools/LA/social services (where appropriate) and other agencies that might apply. Original copies of incident reports are kept in a bound book for reference purposes.

## **Review and monitoring arrangements**

This policy is monitored by the Board of Trustees and will be reviewed annually.

Principal will monitor termly the incidents for frequency and patterns so lessons are learned. A written outcome of the monitoring will be presented to the Board of Trustees annually.