



Nourishing the fitrah of each unique child

Physical Restraints Policy

The Prophet (peace and blessings be upon him) said:
***“Verily, Allaah is gentle and he loves gentleness.
He gives for it what is not given for harshness.”***
(Sunan Abī Daʿwūd)

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Physical Restraint Policy

The Education Act, 1997, added a section to the 1996 Act to clarify when teachers may use physical force to restrain a pupil. Restraint occurs when a member of staff uses physical force to restrict a pupil's movement if they are about to cause harm to themselves or others. At Unique Academy, it may be used only in exceptional circumstances, to protect others and prevent harm.

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. At Unique Academy, physical restraint will be used:

- Rarely
- As a last resort
- Where another course of action would be likely to fail

When staff have good grounds for believing that immediate action is necessary Physical Restraint must not be used to:

- Punish
- Gain pupil compliance with staff instructions
- Cause or threaten hurt
- Oppress, threaten, intimidate or bully

When May Pupils Be Restrained?

The main reason for the use of restraint is to keep people safe. Restraint is unlikely to be appropriate in the case of some older children and it may also increase the risk of injury to both staff and pupils. The main grounds for restraint (Criminal Law Act, 1967; The Children Act 1989) are:-

- Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility).
- Injuring themselves or others.
- Causing damage to property (including the pupil's own property).
- Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

When it is known in advance that restraint may be necessary, an individual strategy will be devised following consultation with parents. Where it is known that a pupil is particularly sensitive about physical contact, staff will be informed in advance through the Special Needs Register.

How Pupils Are Restrained

Restraint may be used reasonably and in proportion to the circumstances. Warning of intended restraint should be given, when practicable, in a non-threatening manner. Restraint should never be used as a substitute for normal disciplinary measures. Normal disciplinary measures do not include physical contact. Restraint however, might involve holding, separating, pushing or pulling individuals. It should not involve the more restrictive or percussive forms of force.

Types Of Physical Restraints

Obstructing is when a staff member may use their physical presence to obstruct a situation. Obstructing must be used in the general context of trying to engage the pupil in distraction about his/her behaviour, its implications and discontinued if the pupil physically challenges it (when a decision needs to be made as to whether some other form of permitted intervention is still justified).

Holding is to be used to discourage unwanted behaviour. This should involve no more than a hand placed on an arm or shoulder of a pupil by one or both hands and/or possibly the flat of the hand against a pupil's back in order to guide him/her to some other place. This may be necessary to avoid external danger e.g. holding a pupils hand when crossing a road, to divert a pupil from destructive or disruptive behaviour or to discourage destructive or disruptive behaviour. *"Holding" is distinguished from "physical restraint" largely by the manageable degree of force applied. Holding is intended to discourage. Physical restraint is intended to prevent.*

Actions To Be Taken After Incident

A member of the SLT will be informed verbally and a written report will be drawn up immediately after a use of force incident has taken place. The pupil is given the opportunity to discuss the incident and have their input recorded. Incident Reports will be monitored and evaluated to identify incident patterns or trends developing.

The Headteacher will decide when and how to inform parents. Further action should be considered in accordance with school policies on positive behaviour and health and safety. All incidents will be reviewed to try to establish:-

- Cause
- Appropriateness of action taken
- Whether and how procedures need amending

Using Reasonable Force

Unique Academy will use reasonable force to:-

- Remove disruptive children from the classroom where they have refused to follow an instruction to do so
- Prevent a pupil behaving in a way that disrupts a school event or a school trip or visit
- Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground
- Restrain a pupil at risk of harming themselves through physical outbursts.

The school will never use force as a punishment.

Staff Training

The Headteacher will consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so.

Telling Parents When Force Has Been Used On Their Child

After reporting to the relevant SLT, class teachers will speak to parents about serious incidents involving the use of force, whilst taking the following into consideration:

- Pupil's behaviour and level of risk presented at the time of the incident
- degree of force used
- effect on the pupil or member of staff
- the child's age

What Happens If A Pupil Complains When Force Is Used On Them?

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated, by a member of the Senior Leadership Team.
- Where a member of staff has acted within the law and they have used reasonable force in order to prevent injury, damage to property or disorder, this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.
- Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Unique Academy will refer to the “Allegations of Abuse against staff” policy where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful investigation.
- Unique Academy will consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is taken to suspend a teacher, Unique Academy will ensure that the teacher has access to a named contact who can provide support.
- Unique Academy Trustees will consider whether a teacher has acted within the law when reaching a decision on whether to take disciplinary action against the teacher.
- As employers, schools have a duty of care towards their employees. Therefore, we will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

What About Other Physical Contact With Pupils

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. Examples of where touching a pupil might be proper or necessary:-

- When comforting a distressed pupil
- When a pupil is being congratulated or praised
- To demonstrate exercises or techniques during PE lessons or sports coaching
- To give first aid.

Further Sources Of Information

Other departmental advice and guidance you may be interested in is detailed below:-

- Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002)
- Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)
- Screening, searching and confiscation – advice for headteachers, staff and governing bodies.
- Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools.



Appendix 1

Physical Intervention Record

Pupil's Name:	Class:
Date, time and place the physical intervention occurred:	
What led up to the incident?	
The strategy used to defuse the situation:	
What exactly happened? (a brief factual account)	
Was the pupil warned before any physical intervention?	
Why was physical intervention necessary?	
How was physical intervention carried out?	
Who physically intervened?	
How long did the physical intervention last?	
Who was present during the period of physical intervention?	
Please note any marks or injuries noted on the child or member of staff as a result of the incident and how they occurred:	
Please note action taken such as treatment in relation to any marks or injuries occurring as a result of the incident to either of the child/ren or member/s of staff concerned. reported and recorded in accordance with school procedures.	
Please state the Child's response and the outcome of the incident.	
Please state the details of the debrief with the pupil and parent/guardians	

Please state the details of any damage to property and how it occurred.

Name of member of Staff completing this form:

Date this form was completed:

Signed:

On completion please immediately hand this form to the Head for the phase that the child is in. This must be completed before the end of the school day.