

Positive Handling and Restraint Policy

The Children's Homes Regulations 2001 forbid all forms of physical sanction. However, the use of physical restraint is permissible under very specific circumstances.

These are covered in Regulation 7(6)(b) which states:

(Nothing in this regulation shall prohibit)

the taking of any action immediately necessary to prevent injury to any person or serious damage to property.

This is further expanded in the Department of Health's Guidance on *Permissible Forms of Control in Children's Residential Care*, which defines physical restraint as "the positive application of force with the intention of overpowering the child or young person in order to protect the child or young person from harming him/herself, others or seriously damaging property".

Halliwell Homes trains its staff in an approved method of physical restraint that they must use unless circumstances make it impossible. Staff members who are not trained in the use of physical restraint should not get involved in physical restraint. The exception to this is when there is no other means of preventing injury to someone and they should only assist a trained person.

In all situations staff members must use the minimum of force necessary to prevent injury or damage.

Physical restraint is never a punishment. It is for protecting people or property. Multi agency meeting will take place to discuss the appropriateness and risk of restraint to child and staff member before this course of action will be used as part of a care plan.

Procedural Guidance

What is physical restraint

The definition given in the panel above, taken from the department of Health Guidance, is quite clear. Physical restraint is intended to “overpower” the young person. Its function is to prevent actions from being taken. Its intention is not to hurt, harm, frighten or otherwise produce a negative impact on the child.

Whilst the intention might not be to have a negative effect

When to use restraint

The purpose of physical restraint is to protect either a person from injury or property from serious damage.

Additionally the action must be “immediately necessary”. That means that the injury or damage would occur if intervention were delayed.

Examples of when it would be permissible to use physical restraint are where a young person is;

- attacking another person in such a way that injury is likely,
- self-harming in a way that could cause him or herself significant injury,
- about to run away into a situation where they are likely to be harmed by third parties, e.g. to someone who may abuse or exploit them,
- about to run away and they have a history of attempting suicide when unsupervised, or
- Engaged in an incident of damage to property is escalating to an extent where the consequences could be serious.

Deciding to intervene

In some circumstances, the decision must rest solely with the adults present. The individual member of staff must be able to demonstrate they had good cause to believe that without the intervention injury or serious damage would have resulted.

In other situations, the decision may be more appropriately made in a case review or staff meeting. This might be appropriate where the young person might pose a danger of injury to himself or others when they run away. Examples of this are where a young person who might be sexually exploited or prostituted, or who gets dangerously involved with drugs or alcohol. In order to avoid the situation where staff members can make different and inconsistent decisions, a corporate view can be taken about when to prevent running away

Definitions

The Guidance refers to potential “injury” or “serious damage” as reasons for using physical restraint.

- Injury

This refers to injury either to the young person concerned or to another person. Injury in these circumstances would mean significant injury.

The Department of Health Guidance lists these examples; actual or grievous bodily harm, physical or sexual abuse, risking lives or injury to self or others by wilful or reckless behaviour, and self-poisoning.

- Serious damage to property

Serious damage to property cannot be defined solely in terms of monetary value. Breaking a piece of furniture within the home has less serious consequences than breaking another young person’s treasured possession. The latter may have little financial value, but great emotional or sentimental value.

Protecting the property of third parties, the seriousness is to some extent determined by the owner. However, destruction of items that are easily or cheaply replaced would not be classed as serious damage.

Personal safety

Members of staff are not expected unreasonably to expose themselves to the risk of injury in carrying out their duties.

The protection of people must always take precedence over the protection of property.

Policy review

This policy document will be reviewed by the Executive Headteacher on an annual basis to ensure it is up to date with current legislation and best practice.

Date approved: April 2014

Date last reviewed: September 2022

Next review (or before): September 2023

Signed: 

Position: Education Director

Staff Acknowledgement

In signing this document I am confirming I have read the information and have an understanding of the procedures outlined within the information provided.

I have had the opportunity to discuss this document with a Senior Leadership member of staff to gain further clarity.

I also know that if I feel I need further guidance I know I can access through the Executive Headteacher.

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