



GORING CE PRIMARY SCHOOL

Physical Intervention Policy

The Use of Reasonable Restraint for the Protection of Children and Staff

Policy Approved by the Safeguarding Governor on ...29 April 2019

Signed Chair of Governing Body

Review Date ...April 2021

To conform with the requirements of GDPR (General Data Protection Regulation) all data is handled according to the terms of our Privacy Notice. A copy of this is available on our school website.

Background

In July 2013 the Department for Education issued new guidance on the use of reasonable force in schools

(https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf). This provided clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of headteachers and governing bodies in respect of this power.

Corporal punishment is strictly forbidden. The law since 1987 forbids the use of any degree of physical contact which is intended to punish a pupil, or which is intended to cause pain or injury or humiliation.

Authorised Adults

- Any member of staff at the school
- People whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

Reasonable Force

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 circumstance of the case. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.

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 pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force. Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder;
- 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. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

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 pupil. Reasonable adjustments will be made for disabled children and children with special educational needs (SEN).

Practical Considerations

- Before intervening physically an authorised adult should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if he or she does not.
- The adult should continue attempting to communicate with the pupil 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 adults should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.
- Sometimes an authorised adult should not intervene in an incident without help (unless it is an emergency). For example, when dealing with a physically large pupil, or more than one pupil, or if the adult believes he or she may be at risk of injury.
- In those circumstances the adult should remove other pupils who might be at risk and summon assistance from a colleague or colleagues.
- The adult should inform the pupil(s) that he or she has sent for help.
- Until assistance arrives the adult should continue to attempt to defuse the situation orally and try to prevent the incident from escalating.

Application of Force

Adults should always try to deal with a situation through other strategies before using reasonable force. The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

Physical intervention can take several forms. It might involve:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- pushing;
- pulling;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back (not pushing roughly or violently);
- (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 pupil running off a pavement onto a busy road, or to prevent a pupil 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 pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;
- slapping, punching or kicking a pupil;
- twisting or forcing limbs against a joint;
- tripping up a pupil;
- holding or pulling a pupil by the hair or ear;
- holding a pupil face down on the ground.

Certain recognised restraint techniques present an **unacceptable risk** when used on children and young people and so should not be used. The techniques in question are:

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

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

Types of Incident

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

1. where action is necessary in self-defence or there is an imminent risk of injury;
2. where that is a developing risk of injury, or significant damage to property;
3. where a pupil is behaving in a way that is compromising good order and discipline.

Situations that fall within the three categories are:

- a pupil attacks a member of staff, or another pupil;
- pupils are fighting;
- a pupil is engaged in committing deliberate damage or vandalism to property;
- a pupil is causing, or at risk of causing, injury to themselves or others by rough play or by misuse of materials or objects;
- a pupil absconds from a class or tries to leave the school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school);
- a pupil is behaving in a way that is seriously disrupting a lesson or assembly.

Recording Incidents

- It is important that there is a detailed, contemporaneous, written report of any occasion where force is used. (It may help prevent any misunderstanding or misrepresentation of the incident).
- Immediately following an incident the adult concerned should tell the headteacher or a senior member of staff and provide a written report as soon as possible afterwards. That should include:
 - the name(s) of the pupil(s) involved;
 - when and where the incident took place;
 - the names of any adults or pupils who witnessed the incident;

- the reason that force was necessary;
 - how the incident began and progressed, including details of behaviour, what was said by each of the parties, steps taken to defuse or calm the situation, the degree of force used, how that was applied and for how long;
 - the pupil's response, and the outcome of the incident;
 - details of any injury suffered by the pupil, another pupil, or a member of staff and of any damage to property;
 - keep a copy of the report.
- the headteacher or senior member of staff will decide when to advise the parent(s) of the pupil and will arrange to meet with the parent(s).

Complaints

Any complaints about the use of force will be thoroughly, speedily and appropriately investigated.

Where a member of staff has acted within the law—that is, 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 will not be an automatic response when a member of staff has been accused of using excessive force. The document “Dealing with Allegations of Abuse against Teachers and Other Staff” (see Associated Resources section below) will be used where an allegation of using excessive force is made against a teacher. The school 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, the school will ensure that the teacher has access to a named contact who can provide support.

The governing body will always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher. The school will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

Staff Training

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

Associated Resources

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)

<http://media.education.gov.uk/assets/files/pdf/g/guidance%20on%20the%20use%20of%20restrictive%20physical%20interventions.pdf>

Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)

<http://www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies/f0077153/use-of-reasonable-force>

Link to Searching Guidance

<http://www.education.gov.uk/schools/pupilsupport/behaviour/f0076897/screening>

Link to Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, head teachers, school staff, governing bodies and proprietors of independent schools <http://www.education.gov.uk/aboutdfe/advice/f0076882/ensuring-good-behaviour-in-schools/allegations-of-abuse-against-staff>

Ministry of Justice advice on self defence (when published) and Home Office PACE codes <http://www.homeoffice.gov.uk/publications/police/operational-policing/pace-codes/?view=Standard&pubID=810826>

Legislative links

The Education Act 1996

<http://www.legislation.gov.uk/ukpga/1996/56/contents>

Education and Inspections Act 2006

<http://www.legislation.gov.uk/ukpga/2006/40/contents>