



# **Policy on the use of Restrictive Physical Intervention / Reasonable Force**

Updated:

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Chair of Governors:

Mrs H Anderson

Head Teacher:

Mrs L Rodham

## **Rationale**

It is our policy that all our stakeholders feel safe and secure in school, and no member of the school community should feel at risk from physical harm. This policy describes how we view the use of Restrictive Physical Intervention and is underpinned by the advice from the Local Authority

## **Purpose**

The school has adopted the LA's advice of Restrictive Physical Interventions. The school has some staff trained in Team Teach, a technique used to de-escalate situations and to restrain students if the trained staff feel the students may harm themselves or others, or cause damage to school resources etc. At the time of writing this policy the staff trained in Team Teach are Linda Rodham, Gary Potts, Pippa Dodd, Niqui McConnell, Ann-Marie Pitcairn, Sharon Forbes.

All members of school staff have a legal power to use reasonable force. This is a power, not a duty, and staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their pupils and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

Wellfield School recognises the need to ensure the safety and well-being of all its stakeholders. As such, the school does not promote the use of any physical intervention to restrain students in school except in exceptional circumstances.

Staff are clearly instructed during induction, and via regular reminders, not to unnecessarily place themselves or any given student in a vulnerable position by physically restraining them. Staff should generally avoid coming into physical contact with any student and should ensure that students have a clear exit available to them at all times unless it would pose a risk to anyone to allow their exit.

Staff should ensure they follow school systems as detailed in school policies including this policy and the Behaviour for Learning Policy. When a member of staff comes into contact with a student physically they should complete a Physical Contact referral sheet and forward it to the relevant person.

The school recognises that occasions arise when a teacher may feel they have to intervene, for example to prevent injury, to prevent damage to school property, or to maintain discipline in school. Staff are instructed to seek help from Senior Members of staff in such situations. However, if this assistance is not at hand and the member of staff feels they must intervene for safety reasons staff are instructed to adhere to the following guidelines.

## **Guidelines**

### ***1 What is reasonable force?***

- 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.
  - Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
  - 'Reasonable in the circumstances' means using no more force than is needed.
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- As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
- Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
- 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.

## ***2 Who can use reasonable force?***

- All members of school staff have a legal power to use reasonable force. 2 Section 93, Education and Inspections Act 2006
- This power applies to any member of staff at the school. It can also apply to people whom the head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

## ***3 When can reasonable force be used?***

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- 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.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

## ***4 Schools can 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; and
- restrain a pupil at risk of harming themselves through physical outbursts.

## ***5 Schools cannot:***

- use force as a punishment - **it is always unlawful to use force as a punishment.**

## ***6 Power to search pupils without consent***

In addition to the general power to use reasonable force described above, head teachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”:

- knives and weapons
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- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force cannot be used to search for items banned under the school rules. When using physical force staff should attempt to:

- Ensure the student(s) are aware of their presence.
- Give loud verbal instructions (preferably 3 times) to stop dangerous activity.
- Give a clear, calm indication of their intention to intervene, ensuring students are made aware it is for safety reasons.
- Explain calmly and clearly to the student(s) why and how they will intervene.
- To only use the minimum force required to ensure the safety of all concerned. During any intervention staff should use calming language to explain what they are doing, how long they will maintain the intervention and what they expect of the student(s) in order to help keep everyone safe.
- The member of staff should cease their intervention as soon as possible, once they have judged any potential danger has passed.
- The member of staff should ensure that all students (and themselves, if required) are seen by a member of First Aid to check do not require medical intervention.
- Staff must immediately inform the Head Teacher, Deputy Head Teacher or AHT (Lead Behaviour Professional) of their intervention and report the incident through the usual reporting systems (using a Physical Contact Sheet – see Appendix B) detailing the incident, the intervention used and the names of any witnesses.

The school will then process the students as laid out in our Behaviour for Learning Policy and follow up any issues relating to the intervention.

### ***7 What happens if a pupil complains when force is used on them?***

- 1) All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
  - 2) 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.
  - 3) 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.
  - 4) Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see Associated Resources section below) 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 thought.
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- 5) Schools must 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.
- 6) If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- 7) Governing bodies should 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.
- 8) As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

### ***8 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 how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.

### **The role of Governors**

The governing body supports the Head Teacher in implementing the Policy on the use of Restrictive Physical Intervention. It considers all representations from parents regarding this policy, and liaises with the head teacher to ensure that the policy is implemented fairly and with sensitivity.

It is the Governors' responsibility to ensure that the Policy on the use of Restrictive Physical Intervention meets all national regulations concerning equal opportunities, and that this policy is consistent with our policy on equal opportunities.

Governors ensure that the Policy on the use of Restrictive Physical Intervention helps all staff and children to remain safe in school.

### **Monitoring and Evaluation**

When monitoring this policy, through its committee work, the governing body will:

- seek the views of parents, to be sure that they agree with the policy, and support it;
  - consider with the Head Teacher any requests from parents for individual children to have special dispensations;
  - require the Head Teacher to report to the governors on the way the policy is being implemented.
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This policy will be reviewed by the governing body every two years, or earlier if considered necessary.

## **Appendix A**

### **Advice from the Local Authority (See Safeguarding Policy)**

#### **Safe Touch**

##### **Physical contact**

##### **other than to control or restrain**

*(Our school has a policy/guidelines on the use of touch, including an Intimate Care policy and this includes such points as:)*

- assisting in the washing of young children who have wet/soiled themselves
  - intimate care risk assessments for certain children with medical needs or disabilities.
  - using physical contact to demonstrate exercises or techniques, for example, in PE, sports coaching, CDT
  - administering First Aid
  - supporting younger children and children with special needs who may need physical prompts or help
  - giving appropriate comfort to a child who is distressed
  - recognising that physical contact is a sensitive issue for some cultural groups
  - acknowledging that physical contact becomes increasingly open to question as children reach and go through adolescence
  - ensuring a consistent approach where staff and pupils are of different genders
  - acknowledging that innocent and well-intentioned physical contact can sometimes be misconstrued
  - having a prescribed handling policy for children requiring complex or repeated physical handling, with specific training for staff who deal with them.
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## **8. Use of reasonable force**

Our school has a policy on the use of restrictive physical interventions covering the appropriate use of reasonable force.

Our school policy relates to the following pieces of legislation:

**Education Act 1996**

**Education and Inspections Act 2006**

**Violent Crime Reduction Act 2006**

**Apprenticeships, Skills, Children and Learners Act 2009**

**Guidance: The use of force to control or restrain pupils (2013)**

- Our school Policy on the Use of Restrictive Physical Interventions gives guidance on:
  - when staff may use physical control and restraint
  - who is allowed to use physical control and restraint
  - what forms physical control and restraint may take in particular circumstances
  - what forms of physical control and restraint are not acceptable
  - recording of incidents where physical handling has been used
  - The Policy also makes it clear that corporal punishment is NOT allowed.

