



Physical Contact & Reasonable Force Policy

This policy is the responsibility of the Deputy Head and will be reviewed biennially.

Scope

This is a non-statutory policy intended to provide clarification on the use of physical contact, restraint and force within School and is applicable to all pupils. It should be read in conjunction with the Rewards and Sanctions Policy; the Code of Conduct; the Safeguarding Policy as well as the Health and Safety Policy aspects which deal with Risk Assessments and Manual Handling.

This policy takes into account the legislation concerning:

1. The Education and Inspections Act 2006 section 93, which states that ***all members of school staff have a legal power to use reasonable force:***

“A person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of preventing a pupil from doing (or continuing to do) any of the following, namely—

- a) committing any offence,*
- b) causing personal injury to, or damage to the property of, any person (including the pupil himself), or*
- c) prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.”¹*

2. **The Management of Health and Safety at work Regulations 1999:** Risk Assessment. (Regs 3.1)² whereby every employer shall make a suitable and sufficient assessment of:

- The risks to the health and safety of his employees to which they are exposed whilst they are at work; and
- The risks to the health and safety of persons not in his employment arising out of or in connection with the conduct by him of his undertaking.

3. **Guidance for safer working practice for those working with children and young people in education settings 2015** section 13³ which states that

¹ Section 93, Education and Inspections Act 2006

² **Management of Health and Safety at work Regulations 1999:** <http://www.legislation.gov.uk/uksi/1999/3242/contents/made>

³ Section 13 Guidance for safer working practices <https://www.saferrecruitmentconsortium.org/GSWP%20Oct%202015.pdf>



“There are occasions when it is entirely appropriate and proper for staff to have physical contact with children, however, it is crucial that they only do so in ways appropriate to their professional role and in relation to the pupil’s individual needs and any agreed care plan.”

This policy does not endorse a procedure of ‘no contact’ with pupils at the School. There are occasions when physical contact other than reasonable force with a pupil is proper and necessary. The School believes that to deny pupils all physical contact with adults is to deny a basic human need and expression of care and concern for all pupils.

Aims

To provide clarification on the legal powers staff have, alongside the School expectations regarding the use of physical restraints, when enacting their duty of care for pupils.

Who can use reasonable force?

All members of School staff have a legal power to use reasonable force

- This power applies to any member of staff at the School
- It also applies to people whom the Headmistress has authorised to have control or charge of pupils within the School for any duration of time or elsewhere where any member of staff has lawful control of the pupil at that time
- This includes (but is not limited to) unpaid volunteers or parents accompanying students on a School organised visit.

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 the degree of force used should be no more than is needed to achieve the desired result. ***The use of force is reasonable if it is proportionate to the consequences it is intended to prevent.*** The standard of proportionality is best defined in terms of “what is reasonably proportionate to the amount of harm likely to be suffered by the defendant or likely to result if the forcible intervention is not made.”³

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.

³ **Gerard O’Dea:** National Federation for Personal Safety; Accredited NFPS Restraint & Breakaway Instructor; Accredited NFPS Violence at Work Risk Assessor



Definition of terms:

In a school, force is used for two main purposes – to control pupils or 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.

When can reasonable force be used?

Schools do not require parental consent to use force on a student. The use of force by a staff member on a pupil is a power, not a duty; members of staff have discretion whether or not to use it. However, staff should be aware that failing to take action (including a failure to use reasonable force) may in some circumstances breach their duty of care. School staff can expect the full backing of the Executive Team when they have used reasonable force.

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder
- The power may be used where the member of staff is lawfully in charge of the pupils, and this includes while on School trips
- Any person not on the School register may be classified as a pupil of the School and so fall under the procedures of this policy if they are on School premises for the benefit of educational purposes
- 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. Staff can use reasonable force to:

- remove disruptive children from the classroom or learning environment 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 or learning environment, 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



- In addition to the general power to use reasonable force described above, the Headmistress, and staff under her authorisation, can use such force as is reasonable given the circumstances to conduct a search for prohibited items⁴.

Schools cannot use force as a punishment, as it would fall within the definition of corporal punishment – it is always unlawful to use force as a punishment.

Risk Assessment

For children with special needs (EBD, Aspergers, Autism etc) special procedures may be needed as appropriate to their condition. Details will be noted on their Health Care and Pastoral Care Plans as to what these measures are.

- All staff including teachers, teaching assistants and other colleagues in School must be informed about pupils and families who are vulnerable or volatile
- Vulnerable or volatile pupils and families should be clearly identified in documentation and kept on file
- A risk assessment based on knowledge and previous experience will be carried out and a plan of action for individuals written by a delegated member of staff.

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

Staff must always consider whether a risk is urgent and whether there is any alternative to physical intervention.

Staff should always try to deal with the situation using other agreed strategies to calm a situation before using force.

The School has a disciplinary approach based on positive reinforcement of acceptable behaviour. All Staff are familiar with the School's policy and have a clear understanding about when physical restraint is appropriate and how it should be done. Appropriate training regarding this policy is provided on a regular basis to all staff and specifically to new staff as part of their induction process.

Procedure

- Staff must use minimum force for maximum effect over the shortest time and use only the agreed restraint methods as demonstrated in regular Whole School inset training⁵
- Pupil safety is paramount. Staff must be aware of signs of distress such as vomiting, changes in colour, breathlessness
- After an incident staff must complete the *'Report of Incident Involving Physical Restraint.'* (**See Appendix 1**) and arrange for it to be placed on CPOMS.

⁴ Prohibited items to be defined as those listed in Section 550ZB(5) of the Education Act 1996. ***Force cannot be used to search for items banned under the School rules.***

⁵ Training Provider: **Gerard O'Dea**, Director of Training at Dynamis: www.dynamis.training



- Parents must be informed on the same day as the incident, of the circumstances which led up to the incident and the outcome. Parents must also be informed of any future action the School intends to take
- The Headmistress, Senior Leadership Team and Staff will evaluate any incident of physical restraint to inform future management of pupils in similar situations
- Staff involved will be debriefed following an incident and kept informed of any future action which relates to it
- Where incidences of Reasonable Force have been used, the Headmistress will make a report to the School Council
- At the judgement of the Headmistress, the Chair of School Council will be informed on the day of any serious incident.

Essential points to remember

Whenever possible, staff are advised to seek the support of another adult when they need to use reasonable force to resolve a situation they cannot deal with in any other way. The other adult will be a witness to the incident and will complete a witness report for the record. Staff should use their professional judgement and also consider the following:

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

Complaints

In the event of complaints to the School or to the Social Services in connection with the use of force by a member of Staff, the Headmistress will seek advice and support on how to respond to the complaint with particular regard to Concerns and Complaints Policy.

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.

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.



*The general approach of the law is that it allows such force to be used as is reasonable in the circumstances as the defendant believes them to be, even if his belief was a mistaken one.*⁶

Other forms of Physical Contact

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:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the School
- 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
- When a pupil needs encouragement to attempt a new challenge e.g. to climb on to a piece of apparatus
- When there is a need to take urgent action to avoid an accident or injury
- To give first aid.

All staff should take extreme care when offering physical comfort to pupils, particularly as they approach puberty, as physical contact can be misconstrued and this can cause distress to all concerned. Not all children feel comfortable with physical contact and, wherever possible, staff should seek the pupil's permission before initiating contact. Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority.

Staff supervising, talking with or teaching small groups or individual pupils should only do so in rooms with visual panels in the doors.

In all aspects of physical contact, staff must be sensitive to:

- cultural backgrounds;
- the need to maintain pupils' personal space;
- any concerns that a pupil may have been abused and will either seek physical contact or positively avoid it.

⁶ (Williams (1987) 3 All ER 411, CA; Beckford v R (1987) 3 All ER PC; cf. A-G for Northern Ireland's Reference (No.1 of 1975) (1976) 2 All ER 937, HL).



Authorised by	Resolution of the School Council
Signature	
Date	February 2019

Effective date of the Policy	February 2019
Review date	February 2021
Circulation	Members of School Council / teaching staff / all staff / parents / pupils [on request]



REPORT OF INCIDENT INVOLVING PHYSICAL RESTRAINT

Once completed save on CPOMS and send email to Headmistress, Deputy Head and Health Centre notifying them of the incident

Pupil Name:	
Date:	Time:
Details of Incident <i>(Record the who/what/where/when factually)</i>	
Methods of restraint(s) if used:	
Incident managed by:	
Witnesses/other staff/pupils involved:	
Follow up <i>(including notes on any debriefing session or evaluation and defined actions.)</i>	

Parent/Guardian informed by:

Date:

Time:

Via: *email/phone/face to face*

Please check to ensure the report is clear and will make sense to someone from outside the School reading it at some point in the future.

Signed:

Date:

Other witnesses/staff involved should sign and date below:

Signature(s)

Names(s)

Date:

