



'Learning for a Fuller Life....'

Policy on Physical Handling/Use of Force

As a Church of England school, we see it as our duty to give children and members of the school community the skills to maximise their engagement with the world around them, enable them to grow spiritually, emotionally and personally, and develop the character and values which will serve them well in future life and support success.

Introduction

This policy follows the advice given in the DfE document 'Use of reasonable force'

Objectives

- To ensure the health, safety and well-being of all staff and pupils
- To ensure that staff understand where physical contact is both appropriate and necessary
- To prevent serious breaches of school discipline
- To prevent serious damage to property

Physical contact with pupils (See also Appendix 1, featuring extract from 'Guidance for Safe Working Practice for the Protection of Children and Staff in Education Settings'):

We believe that *appropriate* physical contact with children is both necessary and desirable. On a daily basis, there are situations where a child is upset, might need reassurance or encouragement or a celebratory hug or handshake. The following, as outlined in the DfE Use of force document' are entirely appropriate:

- Holding the hand of a child for reassurance (never to restrain or move a child)
- Comforting a distressed pupil (sideways hugging is appropriate with hands on shoulders – children attempting a 'face on' hug should be shown the sideways hug)
- When a pupil is being congratulated or praised (usually handshakes)
- Demonstrating how to use a musical instrument
- Demonstrating exercises or techniques in PE
- Giving first aid

Please note:

- Children should *not* sit on the lap of any member of staff

Minimising the need to use force

This policy should be regarded as an appendix of the school's behaviour policy. This outlines the school's positive approach to behaviour management, the system of rewards and appropriate sanctions, including recommended scripts. The main aim of the behaviour policy is to create a calm, positive and supportive environment that minimises the risk of incidents arising that might require the use of any force. In addition:

- The school's PSHE curriculum incorporates approaches to teach pupils how to manage conflict and strong feelings.
- Some individual pupils have their own risk assessments, agreed with parents and drawn up using the agreed County framework
- De-escalation techniques are used if an incident arises
- Force should only be used when the risks involved in doing so are outweighed by the risks involved in not using force.

Reasonable force

No legal definition of 'reasonable force' exists. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force should be the minimum needed to achieve the desired result. Particular care and consideration should be given when dealing with SEN pupils or those with a disability.

For the purpose of this policy and the implementation of it at TJS, the clarification provided in the DfE guidance document 'Use of reasonable force' is used:

1. 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.
2. 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
3. Reasonable in the circumstances means using no more force than is needed
4. As mentioned above, schools generally use force to control pupils and to restrain them. Control either means 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
5. 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.
6. 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

There is no legal definition of when it is reasonable to use force; it will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force should be the minimum needed to achieve the desired result. Particular care and consideration should be given when dealing with SEN pupils or those with a disability.

Section 93 of the Education and Inspections Act 2006 enables school staff to use force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- a. Committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b. Causing personal injury to, or damage to the property of, any person (including the pupil him/herself); 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.

Staff authorised to use force

All members of staff have the legal power to use reasonable force (see Education and Inspections Act above). It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying pupils on a school organised visit.

In most situations that may require the use of force, the Headteacher (or in his absence, Deputy Headteacher or SENCO) should be involved at an early stage.

Examples of situations where use of force may be necessary (Refer also to DfE Use of Reasonable force):

- To restrain a child at risk of harming themselves through physical outbursts
- A pupil attacks a member of staff, or another pupil
- Pupils are fighting, causing risk of injury to themselves or others
- A pupil is committing, or on the verge of committing, deliberate damage to property
- A pupil is causing, or at risk of causing, injury or damage by accident, rough play or misuse of materials or objects

In the following situations, it would usually be appropriate to summon the Headteacher, or a senior member of staff:

- A pupil absconds from class or tries to leave school other than at an authorised time (Refusal of a pupil to remain in a particular place is not enough on its own to justify use of force)
- A pupil persistently refuses to follow an instruction to leave the classroom
- A pupil is behaving in a way that seriously disrupts a lesson, school trip/visit or sporting event

Staff cannot use force as a punishment – this is always unlawful.

Using Force

Before using force staff should, where practicable, follow the principles below:

- Speak to the child respectfully and calmly
- Make every attempt to de-escalate according to the school's Behaviour protocol
- Give a clear warning to the child that physical force may have to be used
- Reassure the child that you are doing it to keep everyone safe

- Make it clear that any physical contact/restraint will stop as soon as it ceases to be necessary

The types of force used could include:

- a. Passive physical contact resulting from standing between pupils or blocking a pupil's path
- b. Active physical contact such as:
 - Use of 'Open Mittens' technique
 - Removing a disruptive pupil from a classroom by holding their arms above the elbow (using a team approach where necessary)

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action. (e.g. preventing a pupil running off the pavement into a busy road or preventing a pupil from hitting someone with a dangerous object).

Certain restraint techniques present an unacceptable risk when used on children and young people. These are outlined in the DfE document 'Use of reasonable force'

Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate.

School staff can search pupils with their consent for any item that is banned by the school rules. The Headteacher, or staff authorised by the Headteacher, has the power to search pupils or their possessions, without consent, where it is suspected that the pupil has weapons, alcohol, illegal drugs and stolen items.

Recording and reporting incidents

Schools do not require parental consent to use force on a student, although this policy will be made available to inform parents of the circumstances when force might be used. Records should be kept of any significant incident where force has been used. Such records should be passed to and kept by the Headteacher. (A form is available for this-see appendix)

After any recordable incident, parents should be informed.

Dealing with complaints and allegations

Any complaints will be dealt with using the school's agreed complaints procedure.

If an allegation of abuse is made against a member of staff, senior Children's Services staff should be informed (LADO-Local Area Designated Officer: 01603 223473) and the school needs to follow the guidance set out in 'Safeguarding Children and Safer Recruitment'.

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APPENDIX 1

(From Guidance for Safe Working Practice for the Protection of Children and Staff in Education Settings):

Physical Contact

There are occasions when it is entirely appropriate and proper for staff to have physical contact with pupils, but it is crucial that they only do so in ways appropriate to their professional role.

A 'no touch' approach is impractical for most staff and may in some circumstances be inappropriate. When physical contact is made with pupils this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity and background. Appropriate physical contact in schools may occur most often with younger pupils.

It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child in one set of circumstances may be inappropriate in another, or with a different child. Staff should therefore, use their professional judgement at all times.

Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be recorded as soon as possible in the school's incident book and, if appropriate, a copy placed on the child's file.

Physical contact, which occurs regularly with an individual child or young person, is likely to raise questions unless the justification for this is part of a formally agreed plan (for example in relation to pupils with SEN or physical disabilities). Any such contact should be the subject of an agreed and open school policy and subject to review. Where feasible, staff should seek the child's permission before initiating contact. Staff should listen, observe and take note of the child's reaction or

This means that adults should:

- *be aware that even well intentioned physical contact may be misconstrued by the child, an observer or by anyone to whom this action is described*
- *never touch a child in a way which may be considered indecent*
- *always be prepared to explain actions and accept that all physical contact be open to scrutiny*
- *never indulge in horseplay, tickling or fun fights.*

This means that schools should:

- *ensure they have a system in place for recording serious incidents and the means by which information about incidents and outcomes can be easily accessed by senior management.*
- *Provide staff, on a "need to know" basis, with relevant information about vulnerable pupils in their care*
- *Make staff aware of the DCSF guidance in respect of physical contact with pupils¹ and meeting medical needs of children and young people in school.²*

¹ DfEE Circular 10/98 Section 550A Education 1996 The Use of Force to Control or Restrain Pupils

² DfEE Circular 14/96 Supporting Children with Medical Needs in School

feelings and – so far as is possible - use a level of contact which is acceptable to the child for the minimum time necessary.

Extra caution may be required where it is known that a child has suffered previous abuse or neglect. In the child's view, physical contact might be associated with such experiences and lead to staff being vulnerable to allegations of abuse. It is recognised that many such children are extremely needy and seek out inappropriate physical contact. In such circumstances staff should deter the child sensitively by helping them to understand the importance of personal boundaries.

The general culture of 'limited touch' should be adapted, where appropriate, to the individual requirements of each child. Children with special needs may require more physical contact to assist their everyday learning. The arrangements should be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

PUPIL INCIDENT REPORT FORM

PART A (to be completed for all incidents involving unruly or unacceptable behaviour by pupils)

| | |
|----------------------------------|--|
| NAME OF SCHOOL: | |
| PUPIL NAME: | |
| STAFF NAME AND STATUS: | |
| INCIDENT DATE/TIME/PLACE: | |

| | | | | |
|---------------------|------------------|--------------------------|-----------------------------|--------------------------|
| ent: ppropriate) | Vandalism | <input type="checkbox"/> | Physical Control | <input type="checkbox"/> |
| | Bullying | <input type="checkbox"/> | Absconding | <input type="checkbox"/> |
| | Assault | <input type="checkbox"/> | Substance Abuse | <input type="checkbox"/> |
| | Diversion | <input type="checkbox"/> | Non-compliance | <input type="checkbox"/> |
| | Isolation | <input type="checkbox"/> | Serious Disruption | <input type="checkbox"/> |
| | Time out | <input type="checkbox"/> | Other (please state) | <input type="checkbox"/> |

ANTECEDENTS: (events leading up to incident)

BEHAVIOUR: (how did the pupil respond, describe what actually happened)

CONSEQUENCES: (how did the staff intervene, how did the child respond, and how was the situation resolved)

NAMES OF THOSE INVOLVED: (staff and pupils)

NAMES OF WITNESSES: (staff and pupils)

SIGNATURE OF REPORT COMPILER:

PART B (to be completed if the use of "restraining" physical controls has occurred)

WHAT DE-ESCALATION TECHNIQUES WERE USED PRIOR TO PHYSICAL CONTROLS:

(tick the appropriate box below)

| | | | |
|---------------------------------|--------------------------|--------------------------------|--------------------------|
| Defusing | <input type="checkbox"/> | Time out | <input type="checkbox"/> |
| Deflection | <input type="checkbox"/> | Changes of task | <input type="checkbox"/> |
| Distraction take up time | <input type="checkbox"/> | Choices | <input type="checkbox"/> |
| Humour | <input type="checkbox"/> | Limits | <input type="checkbox"/> |
| Proximity control | <input type="checkbox"/> | Consequences | <input type="checkbox"/> |
| Hurdle help | <input type="checkbox"/> | Another member of staff | <input type="checkbox"/> |
| Planned ignoring | <input type="checkbox"/> | Other (please state) | <input type="text"/> |

JUSTIFICATION FOR USE OF PHYSICAL CONTROLS:

(tick the appropriate box below)

| | | | |
|------------------------------|--------------------------|-------------------------------------|--------------------------|
| To prevent/interrupt; | <input type="checkbox"/> | A criminal offence | <input type="checkbox"/> |
| | <input type="checkbox"/> | Injury to pupil/staff/others | <input type="checkbox"/> |
| | <input type="checkbox"/> | Serious damage to property | <input type="checkbox"/> |
| | <input type="checkbox"/> | Disruptive behaviour | <input type="checkbox"/> |
| | <input type="checkbox"/> | Pupil absconding | <input type="checkbox"/> |
| | <input type="checkbox"/> | Other (please state) | <input type="text"/> |

NATURE OF PHYSICAL CONTROLS USED: (include estimate of duration of use of physical controls)

(please tick appropriate box)

Standing Sitting Kneeling Prone Duration

RESPONSE AND VIEW OF THE PUPIL: (this field must be completed)

DETAILS OF ANY RESULTING INJURY:
(injury to whom and action taken as a result, e.g. first aid, medical treatment)

ANY OTHER RELEVANT INFORMATION:

| | | | |
|--|----------------------|------------------|----------------------|
| NAME OF SENIOR PERSON NOTIFIED: | <input type="text"/> | TIME/DATE | <input type="text"/> |
|--|----------------------|------------------|----------------------|

HEADTEACHERS COMMENTS:

SIGNATURE OF HEADTEACHER:

DATE: