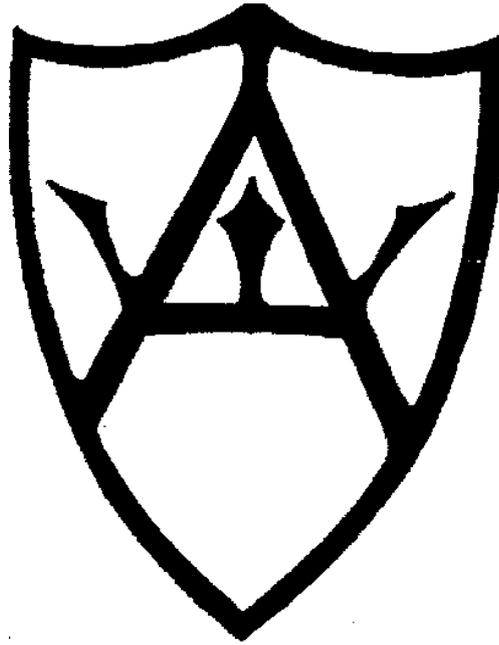


# **Alfriston School**



## **Physical Intervention (Positive Handling & Use of Reasonable Force) Policy**

Agreed with staff: Sept 2018

## **General Policy Aims**

Staff at Alfriston Primary School recognise that the use of reasonable force is only one of the last in a range of strategies available to secure pupil safety/well-being and also to maintain good order and discipline. Our policy on Physical Intervention should therefore be read in conjunction with our Behaviour and Anti-Bullying, Health & Safety and Safeguarding/Child Protection policies.

## **The Legal Framework**

Physical intervention should be limited to emergency situations and used only in the last resort. Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

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

The Act enables teachers and other members of staff in the school, authorised by the Headteacher, to use such force as is reasonable in the circumstances.

Other physical interventions, e.g. guiding a child away from a situation may be employed in order to avoid emergency situations occurring.

## **Definition of Legal Force**

The Department of Education (July 2013) defines reasonable force and when and how it may be justifiably be used:

### **What is Reasonable Force?**

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 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.
5. Restraint means to hold back physically, or to bring a pupil under control. 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.

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

- All members of school staff have a legal power to use 'reasonable force' (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 headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

### **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.
- We acknowledge our legal duty regarding the use of reasonable force and make reasonable adjustments for disabled children and children with special educational needs (SEN). The judgement on whether to use force will not only depend on the circumstances of the case but also on information and understanding of the needs of the pupil concerned.

*See DfE Use of Reasonable Force guidance*

### **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 a 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

This is not an exhaustive list.

### **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 might be proper and necessary.
- Examples of where touching a pupil might be proper or necessary;
  - Holding the hand of a 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; and
  - To give first aid.

### **Why Use Physical Intervention?**

Physical intervention should avert danger by preventing or deflecting a child's action or perhaps by removing a physical object, which could be used to harm him/herself or others. It is only likely to be needed if a child appears to be unable to exercise self-control of emotions or behaviour.

It is not possible to define every circumstance in which physical intervention restraint would be necessary or appropriate and staff will have to exercise their own judgement in situations which arise within the above categories. Staff should always act with the School's Policy on behaviour and discipline, particularly in dealing with disruptive behaviour.

Staff should be aware that when they are in charge of children during the school day, or during other supervised activities, they are acting in *loco parentis* and should, therefore, take reasonable action to ensure pupils' safety and well-being.

Failure to physically intervene with a pupil who is subsequently injured or injures another, could, in certain circumstances, lead to an accusation of negligence. At the same time staff are not expected to place themselves in situations where they are likely to suffer injury or leave themselves open to accusations of misconduct.

### **Alternative Strategies**

There are some situations in which the need for physical intervention is immediate and where there are no equally effective alternatives (e.g. if a pupil is about to run across a road). However, in many circumstances there are alternatives, e.g. use of assertiveness skills such as:

- The *broken record* in which an instruction is repeated until the pupil complies
- Use of a distracter, such as a loud whistle, to interrupt the behaviour (such as a fight) long enough for other methods of verbal control to be effective
- Withdrawal of attention (audience) e.g. if an action such as damage to property is threatened
- Other techniques designed to defuse the situation, such as the avoidance of confrontation, or use of humour (in these cases the incident can be dealt with later when emotions are no longer running high)
- The employment of other sanctions consistent with the School's policy on behaviour.

### **Use of Physical Interventions**

**Physical restraint should be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing the pupil to regain self-control. It should never take a form which could be seen as a punishment.**

Staff are only authorised to use reasonable force in applying physical restraint, although there is no absolute definition of this, as what constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied. However, as a general rule, only the force necessary to stop or prevent the behaviour should be used, in accordance with the guidelines below.

There are some forms of physical intervention, which may involve minimal physical contact, such as blocking a pupil's path or the staff member physically interposing him or herself between the pupil and another pupil or object. However, in some circumstances, direct physical contact may then be necessary.

In all circumstances other methods should be used if appropriate or effective. Physical restraint should be a last resort. Parental consent is not required for the use of reasonable force on a pupil.

When physical restraint becomes necessary:

**DO:**

- Tell the pupil what you are doing and why
- If a parent is with the pupil, if possible and appropriate, confirm with the parent whether they require help (if the child causes an injury to their parent SPOA should be contacted)
- Use the minimum force necessary
- Involve another member of staff if possible
- Tell the pupil what she/he must do for you to remove the restraint (this may need frequent repetition)
- Use simple and clear language
- Hold limbs above a major joint if possible, e.g. above the elbow
- Relax your restraint in response to the pupil's compliance

**DON'T**

- Act in temper (involve another staff member if you fear loss of control)
- Involve yourself in a prolonged verbal exchange with the pupil
- Attempt to reason with the pupil
- Involve other pupils in the restraint
- Touch or hold the pupil in sexual areas
- Twist or force limbs back against a joint
- Bend fingers or pull hair
- Hold the pupil in a way which will restrict blood flow or breathing e.g. around the neck
- Slap, punch, kick or trip up the pupil

**Actions after an Incident**

Physical restraint often occurs in response to highly charged emotional situations and there is a clear need for debriefing after the incident, both for the staff involved and the pupil. **A member of the leadership team should be informed of any incident as soon as possible** and will take responsibility for making arrangements for debriefing once the situation has stabilised. An appropriate member of the teaching staff should always be involved in debriefing the pupil involved and any victims of the incident should be offered support and their parents informed.

If the behaviour is part of an on-going pattern it may be necessary to address the situation through the development of a support plan which may include an anger management programme (possibly with external support), or other strategies agreed by the headteacher and SENCo.

It is also helpful to consider the circumstances preceding the incident to explore ways in which future incidents can be avoided.

All incidents where physical restraint is employed should be recorded immediately. All sections of the report should be completed so that in the event of any future complaint a full record is available. A member of the leadership team will contact parents as

soon as possible after an incident, normally, on the same day, to inform them of the actions that were taken and why and to provide them with an opportunity to discuss it.

### **Risk Assessments**

If we become aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, we will plan how to respond if the situation arises. Such planning will address:

- Management of the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used if necessary)
- Involvement of parents to ensure that they are clear about the specific action the school might need to take
- Briefing of staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance)
- Identification of additional support that can be summoned if appropriate (eg. ESBAS)

### **Complaints**

A clear physical intervention policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and social services department under Child Protection procedures.

The following points are taken from the DfE guidance on the Use of Reasonable Force:

- All complaints about the use of force should 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 his/her allegations are true – it is not for the member of staff to show he/she has acted reasonably.
- 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 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.
- 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.

- 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.
- 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.
- 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.

### **Training**

All staff receive regular reminders of their responsibilities regarding physical intervention. In addition to this the SENCo is trained in 'Positive Handling' techniques.

The headteacher identifies ongoing training needs for staff to ensure that they have the necessary skills to respond to pupils and also makes arrangements for such advice training and support to be made available to staff. Advice and guidance is also sought from the local authority, as appropriate (the East Sussex Behaviour & Attendance Service).

### **Linked policies and procedures**

- Safeguarding & Child Protection
- Keeping Children Safe in Education
- SEND Policy
- Behaviour & Anti-Bullying Policy
- Health & Safety Policy
- Staff Code of Conduct Policy
- Attendance Policy
- Whistleblowing Policy
- Complaints procedure
- Equality Information & Objectives
- Offsite Activities and Educational Visits Policy and risk assessments
- Physical Education and Sports Guidance
- Recruitment and Selection Policy and procedures
- Supervision of Children Policy
- Supporting Pupils with Medical Conditions Policy

**This policy has been written in accordance with the Department for Education 'Use of Reasonable Force – advice for headteachers, staff and governing bodies' (July 2013) and the 'East Sussex Positive Handling/Use of Reasonable Force Guidance' (Spring 2016).**

### **Review of this Policy**

This policy will be reviewed at least once a year and updated as necessary in line with local and national guidance.