



## Lymington Junior School Physical Intervention Policy

### **Purpose of Policy:**

- To establish clarity amongst Governors, staff, parents and pupils as to the circumstances in which physical intervention may be appropriate
- To describe what actions staff may take when incidents occur that may require the physical restraint of a pupil.
- To define the procedures that must be taken immediately after any such incident.

### **Key points:**

1. School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
2. Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
3. Senior school leaders should support their staff when they use this power

### **Reasonable Force:**

In the context of this policy, physical intervention is the application of '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 means in the circumstances using no more force than is needed or the minimum needed to achieve the desired result. 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

### **Types of Force:**

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.

### **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 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.

### **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.

Any use of reasonable force should acknowledge a legal duty to make reasonable adjustments for disabled children and children with special educational needs. In all cases colleagues should make a Team Teach trained member of staff aware as soon as possible who will come immediately to support any restraints made. There are 4 members of staff available for this:

- Nikki Moossun
- Danielle Renouf
- Jo Pink
- Michaela Staines

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

- 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
- restrain a pupil at risk of harming themselves through physical outbursts
- Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
- Causing damage to property (including the pupil's own property);

### **Staff cannot:**

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

### **Preventative Strategies:**

All staff should have a sound knowledge of the school's strategies for dealing with pupils who are distressed, angry or potentially violent. Techniques for calming pupils or re-directing their outbursts should always be used prior to the use of any physical contact.

### **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:

- 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
- To give first aid

#### **What actions staff may take:**

Staff faced with a situation where physical intervention may be required immediately should adhere to the following sequence wherever possible:

1. Send for help immediately (if not to help with the incident itself then to ensure that there are adult witnesses).
2. If the situation can be contained in the short term send for a senior member of staff
3. Appraise the situation quickly and honestly and decide whether or not it is controllable by oneself – especially in terms of physical strength.
4. Send away any other pupils who may be at risk or who may be exacerbating the situation
5. Intervene non-physically as quickly as possible, using a calm voice and displaying a calm and authoritative demeanour.
6. Try to interpose oneself between the protagonists (or between the protagonist and the object at risk) without using physical contact, and without putting oneself at risk.
7. Advise the pupil/s clearly that physical force may have to be used.
8. Use physical contact to restrain the pupil(s), bearing in mind the constraints listed below, whilst explaining in a calm and measured way why the action is being taken.
9. Continue to talk calmly and *non-judgementally* to the protagonist(s) while they regain their composure and become able to follow normal verbal instructions.

#### **Physical intervention Techniques**

The school does *not* follow a policy of training staff in particular physical intervention techniques, unless for a specified child with identified needs. It is considered better to identify types of physical intervention that should *not* be used on children.

Do **not** use any of the following types of physical contact:

- Holding a pupil around the neck or by the collar or in any other way that might restrict the pupil's ability to breathe (this includes double arm locks)
- Twisting or forcing limbs against joints
- Tripping up a pupil
- Holding or pulling a pupil by the hair or ear
- Holding a pupil a pupil face down on the ground
- Holding a pupil in any way that may be considered to be indecent
- 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
- The 'nose distraction technique' which involves a sharp upward jab under the nose.

### **School Procedures following an incident**

If any incident takes place which requires physical intervention or the physical restraint of a pupil, the following actions should be taken:

1. The Headteacher or most senior member of staff present on site should be informed immediately
2. The staff involved should complete a written report for the Headteacher – this can be found in the office.
3. The Headteacher should make a decision as to the following issues:
  - Whether or not medical help is required
  - Whether or not the incident should be reported as a Child Protection issue
  - Whether or not to contact the LEA
  - Whether or not to contact the police
  - When and how to contact parents
4. A record of the incident and a copy of any reports must be retained for future reference

### **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. ***Advice from the Local Authority Designated Officer should always be sort where appropriate.***
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 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.
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

### **Role of Governing Body**

The Governing Body have the responsibility of reviewing and monitoring this policy **every two years**. They must consider the impact this policy has on both pupils and staff within the school, taking into account our School Equality & Diversity Scheme and behaviour policy.

### **Policy Guidance:**

Restrictive Physical Intervention in Schools:

Hampshire County Council policy for schools, July 2012  
DfE Guidance 26<sup>th</sup> April 2012  
Education & inspections Act 2006  
Education Act 1996

**This policy is reviewed every 2 years**

**Date Adopted: January 2019**

**Date of next review: January 2021**

## **Appendix 2 Staff Hand Out**

### **Frequently Asked Questions**

#### **I'm worried that if I use force a pupil or parent could make a complaint against me. Am I protected?**

Yes, if you have acted lawfully. If the force used is reasonable all staff will have a robust defence against any accusations.

#### **How do I know whether using a physical intervention is 'reasonable'?**

The decision on whether to physically intervene is down to the professional judgement of the teacher concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. School staff should expect the full backing of their senior leadership team when they have used force.

#### **What about school trips?**

The power may be used where the member of staff is lawfully in charge of the pupils, and this includes while on school trips.

#### **Can force be used on pupils with SEN or disabilities?**

Yes, but the judgement on whether to use force should not only depend on the circumstances of the case but also on information and understanding of the needs of the pupil concerned.

#### **I'm a female teacher with a Year 10 class - there's no way I'd want to restrain or try to control my pupils. Am I expected to do so?**

There is a power, not a duty, to use force so members of 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.

#### **Are there any circumstances in which a teacher can use physical force to punish a pupil?**

No. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.