



# Use of Reasonable Force and Physical Intervention Policy

**Approved by Governing Body**

**Date:**

**Last reviewed by SLT on:**

**June 2020**

**Next review due by:**

**June 2021**

**Dissemination of the Policy: All staff and Governors, School Website**

## History of policy changes

Date	Version	Change	Origin of change e.g. change in legislation, request by TU	Changed by
Sept 2021		Title of policy changed		EB

## **Purpose**

The purpose of this policy is to make clear the position of the school with regards to necessary physical interventions and to safeguard the well-being of students and staff when a situation or incident requires the use of physical intervention.

It is the objective of Pittville School to maintain consistent and safe practices in the use of handling, reasonable force & restraint.

## **Physical Intervention and the Law**

The law allows all adults who are authorised by the Headteacher to be responsible for students to use such force as is reasonable to prevent a student:

- a) Committing a criminal offence (or for younger children that which would be an offence).
- b) Causing personal injury, injury to others or damage to property.
- c) Engaging in any behaviour prejudicial to maintaining good order and discipline.

Staff should not hesitate to act in these situations provided they follow this policy and the attached guidance; however, they should always satisfy themselves that the action they take would be considered necessary and justifiable by a wider audience of their professional colleagues.

## **Definition of Terms:**

**Handling** – refers to any physical intervention applied by a member of staff where it necessary to make physical contact with a student in order to manage their conduct or ensure their own or others safety. Handling strategies may be restrictive or non-restrictive and include shepherding, guiding, supporting, blocking, confining, holding and, in the most extreme cases, restraining.

**Use of Reasonable Force** – is the application of appropriate, necessary and proportionate force required to achieve the required outcome from the handling strategy employed (see above) without further endangering the student, member of staff or others present at the time of physical intervention.

**Restraint** - is the positive application of force in order to actively prevent a child from causing significant injury\* to him/herself or others or seriously damaging property.

\*Significant Injury would include: actual or grievous bodily harm, physical or sexual abuse, risking the lives of, or injury to, themselves or others by wilful or reckless behaviour, and self-poisoning.

It must be shown that on any occasion where physical restraint is used there were strong indicators that if immediate action had not been taken, significant injury would have followed.

## **Aims**

The aims of this policy are to:

- explain the rights of staff to use handling, reasonable force or restraint when necessary;
- explain the circumstances in which handling, reasonable force or restraint may be justified;
- set out the recording and reporting system; and
- explain the various responsibilities.

### **Powers of members of staff**

a. *The Education and Inspections Act 2006* confirmed the right of staff to use 'such force as is reasonable' for the purpose of preventing a student from:

- committing an offence;
- causing personal injury to, or damage to the property of, any person (including themselves); and
- prejudicing the maintenance of good order and discipline.

b. The explanatory notes to the Act give an example of 'reasonable force' - leading a student by the arm to enforce an instruction to leave the class. However, nothing in the law concerning the use of reasonable force legitimises corporal punishment.

c. Where a school has students with known severe behavioural difficulties, only trained members of staff are allowed to use restraint techniques. No member of staff should physically restrain students exhibiting extremes of behaviour unless so trained.

### **Right to search students**

- a. *The Violent Crime Reduction Act 2006* gives the Head Teacher, and any member of the School staff authorised by the Head Teacher (HT), who has reasonable grounds for believing that a student may have with him/her or in his/her possession a knife or offensive weapon, the right to search that student.
- b. The HT must ensure that the person carrying out the search is of the same sex as the student and the search must be carried out in the presence of another adult also, if possible, of the same sex as the student. The student cannot be required to remove any clothing other than outer clothing and if the student's possessions are searched this must also be done in the presence of another adult. The person carrying out the search is able to use such force as is reasonable in the circumstances for exercising that power.
- c. The HT cannot normally 'require' the school staff to conduct the searches, only 'authorise' them to do so. But they may 'require' security staff to carry out searches.
- d. If undesirable items are discovered the school will use its power of confiscation to retain the offending item(s). Parents/carers, if not present, will be contacted to explain what has been found and any subsequent sanctions that have been applied. Where appropriate, parents/carers will be invited to retrieve the offending property and asked to ensure that they are not brought to school again.
- e. If a search reveals any 'offensive weapons' or knives, or 'evidence in relation to an offence' the school MUST inform the police immediately. The school has no discretion in this, not even if the school wishes to resort solely to internal discipline procedures.

### **Implementation of Physical Intervention:**

All members of staff working with students at the school are authorised to handle, use reasonable force or restrain students if/when such physical intervention is necessary.

No member of staff is required to employ any physical intervention strategy if they are not comfortable or confident to do so effectively.

No member of staff should intervene physically if they have reason to believe that to do so would worsen the situation/incident that is taking place.

In all circumstances where physical intervention is or may become required members of staff should ensure that adult assistance is requested before intervention, although it is understood that circumstances may lead to the need for intervention prior to the assistance arriving.

Staff considering handling, use of reasonable force or restraint must provide opportunity for the student to alter their behaviour/actions before employing a physical intervention strategy and should continue to make instructions to the student and details of their intended interventions clear.

The method of physical intervention employed must use the minimum reasonable force for the minimum length of time. Staff are discouraged from restraining students on the floor.

### **Circumstances where physical restraint may be justified**

a. Physical restraint should only be used as a last resort; other non-physical strategies for diffusing the situation must be tried first.

b. Whenever possible, the age, level of understanding and gender of the student should be considered. In addition, staff should be mindful of any student who is on the Child Protection Register.

c. If there is a need to restrain a student with known behavioural difficulties, only staff trained in appropriate restraint techniques should attempt to restrain such students.

d. The Governing Body appreciates that in some instances (such as stopping a student who is running down a corridor) staff may have to act quickly, and without having the time to consider all the circumstances.

e. Examples of behaviour likely to lead to restraint:

- Physical attack by a student on an adult/other student.
- Deliberate damage to school property.
- A student behaving in a way which places others at risk, e.g. pushing, tripping on a staircase, rough play or running in a corridor.
- Preventing a student running into a busy road.
- Refusal by a disruptive student to leave the classroom.

f. Restraint is NOT a punishment and must never be used as such:

- ASSISTANCE should be sought whenever possible.
- the student(s) should be told that this has been done.
- any other students who are at risk should be removed.
- the use of restraint in a one-to-one situation should be avoided, witnesses are important.

g. Restraint should not lead to injury: staff SHOULD NEVER:

- hold a student around the neck or collar, or in a way that might restrict breathing;
- slap, strike, punch or kick;
- twist or force limbs against a joint;
- trip;
- hold or pull by the hair or ear; or
- hold a student on the ground.

### **Physical contact with vulnerable students**

a. Normally all staff should avoid physical contact with students. It is accepted that some more vulnerable students, and particularly those with Special Educational Needs, require more physical contact than other students in order to assist with their everyday learning. This is entirely appropriate and proper for staff, but it is crucial that they only do so in ways appropriate to their professional role and in accordance with the school's policies on which restraint techniques may be used and by whom. Except in an emergency, only trained staff should use restraint techniques on vulnerable students with behavioural difficulties, and the techniques which may be used are only the ones that the member of staff is trained to use.

b. Specific arrangements should be:

- understood and agreed by all concerned;
- justified in terms of the student's needs;
- consistently applied;
- open to scrutiny; and
- reviewed regularly.

c. When physical contact is made with students 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.

d. If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be recorded as soon as possible on the School's Incident Log (see appendix A) and, if appropriate, a copy placed on the student's file.

### **Staff Code of Conduct**

a. Staff at Pittville School are expected to:

- Be aware that even well intentioned physical contact may be misconstrued by the student, an observer or by anyone to whom this action is described.
- Always be prepared to explain actions and accept that all physical contact will be open to scrutiny.
- Be aware of the Government guidance in respect of physical contact with students and meeting medical needs of students.
- Ensure that all incidents are reported and logged in the School's Incident Log.

b. Staff may legitimately intervene using physical restraint to maintain good order and discipline and prevent a student from:

- Committing a criminal offence.
- Injuring themselves or others.
- Causing damage to property.
- Engaging in behaviour prejudicial to good order.

c. Staff should have regard to the health and safety of themselves and others.

d. In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported.

e. Under no circumstances should physical force be used as a form of punishment.

f. The use of unwarranted physical force is likely to constitute a criminal offence.

g. Staff at this school must:

- Adhere to all associated Pittville School policies.
- Always seek to defuse situations.
- Always use minimum force for the shortest period necessary.

## **Recording Physical Intervention**

All incidents where staff feel that they have used force to modify behaviour or conduct should be recorded. It is not necessary to record every incident of contact with a child, but where a member of staff perceives that contact has been received at all negatively, they are advised to record the circumstances.

Intervention Recording Forms are available from the Assistant Head Teacher and should be submitted to the Assistant Head teacher responsible for pastoral. The Head teacher must be informed of the intervention that has taken place as soon as practicable.

It is the responsibility of the intervening member of staff to complete the record form on the day that the intervention took place. The head teacher or deputy will inform the Chair / Vice Chair of Governors immediately.

The circumstances and nature of the physical intervention will be held on the record of the student involved.

The Assistant Head teacher will inform any necessary agencies/authorities of the physical intervention in accordance with DFE and LA guidance. The Head teacher will ensure that parents/carers are appropriately informed.

For the safeguarding of both staff and student, any subsequent investigation of the situation/incident should be undertaken by a member of staff other than the one applying the physical intervention.

## **7 Equal Opportunities**

In implementing this policy all staff must take account of the school's Equality Policy. Only trained staff are authorised to use permitted restraint techniques on students with disabilities who may exhibit behavioural difficulties.

## **8 Responsibilities**

The Governing Body is responsible for preparing and reviewing this Policy. The Headteacher is responsible for the implementation and monitoring of this policy within Pittville School. All staff shall be made aware of this policy and have a duty to ensure that it is implemented.

### ***Appendix A:***

#### ***Guidance for Staff re: Handling, Use of Reasonable Force & Restraint***

##### **1. Purpose of this document**

- To provide for the safety and security of pupils in need of physical intervention.
- To clarify for staff the steps they are allowed to take if a situation requiring physical intervention arises.
- To enable staff to distinguish between what intervention is and is not acceptable.
- To ensure that staff have read the documentation from DfE and Gloucestershire County Council.
- To help ensure that any physical intervention is minimal, infrequent, recorded and that relevant authorities and parents are appropriately informed.

##### **2. The decision to employ a Physical Intervention Strategy**

You should be aware that all staff who have responsibility for a student or group of students are authorised to employ physical intervention strategies in the event they are necessary and that the law allows you to intervene in this manner.

You should however be aware that you have a choice whether or not to intervene physically in any given situation and that you should not do so if you are uncomfortable with the situation or not confident to deal with it effectively.

You should be aware that in the event that you employ a physical intervention strategy, the parents of the child will be informed of your actions, the record of the intervention will be kept on the student's file and where necessary relevant authorities (e.g. IRT) will be notified of the incident for your own future protection.

### **3. In what way can you Physically Intervene?**

Any application of physical intervention must only use the **minimum force** for the **minimum time**.

There are a number of ways in which you can physically intervene and you must choose the strategy appropriate to the situation and presenting least risk to yourself, the student and other persons.

#### ***Appropriate actions include;***

**Shepherding or Guiding;** using body positioning and positive gestures to move a student away from harm. This may include the placing of a hand on the back (between the shoulder blades) and using reasonable force to actively move them from one place to another.

**Blocking or Interposing;** placing yourself between the student and their objective (e.g. exit, another student) thereby preventing the potential injury damage or prejudice to good order.

**Holding and Leading;** gripping the student appropriately (e.g. by the upper arm) to prevent them from injury, damage, etc. In cases of resistance from a student, it may be necessary to employ holding to effectively achieve shepherding and, hence you are actively leading them away.

**Restraining;** used only in the most extreme cases, restraining may require a significant amount of force in order to prevent significant injury (as described in the policy). Essentially, restraining is a more extreme version of holding, may require more than one adult and may last significantly longer than other strategies. However, the same care must be taken to restrain a student appropriately.

### **4. In what ways must you NOT Physically Intervene?**

The purpose of physical intervention is essentially to maintain good order and ensure the safety of all individuals, therefore it is never appropriate to employ a physical intervention strategy if you are not in control of your own emotions. Physical interventions must never be employed in anger or frustration. If you find yourself angry or frustrated by the situation at hand you must step back and allow someone else to manage the issue.

It is never appropriate to use physical intervention strategies as a punishment.

Just as there are a number of acceptable intervention strategies, there are also a number of actions it is completely inappropriate to take.

#### ***Inappropriate actions include;***

**Hitting or Striking;** while it is entirely possible that in the course of an intervention (e.g. breaking up a fight) you may be hit yourself, you must not strike a student.

**Deliberately inflicting pain;** it is not okay to twist limbs or put pressure on joints (eg. arm up a student's back), pull or hold hair, pinch or hold a student in a pain inducing way (eg. by the ear).

**Making contact with sexually sensitive areas of the body;** where at all possible contact should be restricted to arms, shoulders and the back as previously described.

**Restricting breathing;** by holding round the throat or for a prolonged period around the chest. It is also never appropriate to sit on/straddle a student or hold them face down to the floor.

## **5. Guidance for managing your intervention**

a) Always give a student an opportunity to resolve the situation without use of physical intervention first.

b) Always send for assistance from colleagues or another authorised adult; other students should never be involved in physical intervention. You may have to intervene before help arrives, but not managing this entirely on your own is safer for all concerned.

c) Be aware of your emotions. Are you comfortable and confident to deal with this scenario without anger? If not – don't intervene.

d) Continue to communicate with the student (and witnesses) throughout the incident even if the student doesn't respond. Be clear about what you are doing and inform the student that the intervention will cease when it is no longer necessary.

e) Apply only appropriate strategies and the minimum required force to achieve the required outcome (prevention of injury/harm, student/staff safety, restoration of good order). Release the student once this has been achieved.

f) Manage the situation calmly – even if the student responds negatively.

g) Complete a 'Physical Intervention Record Form' as soon as possible after the event.

## **6. Minimising the need for Physical Intervention**

In most circumstances Physical Intervention really should be a last resort or an emergency action. Therefore, all staff should:

- Endeavour to create a calm environment which will minimise the risk of incidents where the use of physical intervention may be required.
- Endeavour to teach pupils how to manage strong emotions and conflict through opportunities for SMSC and wider aspects of the school curriculum.
- Quickly seek to de-escalate incidents if they do arise.
- Only use reasonable force when the risks involved in doing so are outweighed by the risks involved in not using force.
- Be aware of risk assessments and positive handling plans for specific individual pupils.
- Seek support from the Senior Leadership Team



## **9 Monitoring and Review**

a. The Headteacher of Pittville School will:

- ensure that a recording and reporting system is in place and is maintained;
- ensure that a senior member of staff is in charge of the Incident Log (see Appendix 1) and reports regularly to the Leadership Team.
- report incidents and the outcome to the Governing Body.

### **ASSOCIATED RESOURCES**

<http://www.education.gov.uk/schools/pupilsupport/behaviour/behaviourpolicies/f0077153/use-of-reasonable-force>

<http://www.education.gov.uk/schools/pupilsupport/behaviour/f0076897/screening>

### **Linked Policies**

- Behaviour
- Child Protection and Safeguarding
- Code of Conduct