

The Bourne Partnership



Physical Intervention Policy 2022-23

Signed	Date 14 th September 2022
Executive Headteacher	
Signed	Date for Review 20 th September 2023
Head of School	

At Hadlow and Shipbourne Primary School, we are committed to a positive behaviour policy which encourages children to make positive behaviour choices. On rare occasions, circumstances may result in a situation that requires some form of physical intervention by staff. Our policy for physical intervention is based upon the following principles:-

- Physical intervention should be used only as a last resort when other appropriate strategies have failed.
- Any physical contact should be only the minimum required.
- Physical intervention must be used in ways that maintain the safety and dignity of all concerned.
- Incidents must be recorded and reported to a member of the Senior Leadership Team as soon as possible.
- Parents will be informed of each incident.

1. The Legal Framework

Section 93 of the Education & Inspections Act 2006 states:

Power of members of staff to use force

(1) 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.

Key Points of the DfE Behaviour and discipline in schools Advice for headteachers and school staff, January 2016 state:

- Teachers have power to discipline pupils for misbehaviour which occurs in school and, in some circumstances, outside of school.
- The power to discipline also applies to all paid staff (unless the headteacher says otherwise) with responsibility for pupils, such as teaching assistants.
- Headteachers, proprietors and governing bodies must ensure they have a strong behaviour policy to support staff in managing behaviour, including the use of rewards and sanctions.

Key points of the DfE Use of reasonable force Advice for headteachers, staff and governing bodies, July 2013 state:

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

2. Our approach

At Hadlow and Shipbourne Primary Schools, we aim to avoid the need for physical intervention and regard this as a last resort in a minority of situations. We always aim to deal with behaviour using a positive approach and therefore this policy should be read in connection with our Behaviour/Positive Relationships Policy. It is not possible to define every circumstance in which physical intervention would be necessary or appropriate and staff will have to exercise their own judgement in situations which arise. Staff should always act within the School's policy on behaviour and physical intervention, 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 have a 'Duty of Care' to all children they are in charge of. They must, therefore, take reasonable action to ensure all pupils' safety and wellbeing. Staff members are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention.

3. Use of physical intervention

Physical intervention should be applied as an act of care and control with the intention or re-establishing verbal control as soon as possible and, at the same time, allows the pupil to regain self-control. It should never take a form which could be seen as punishment. Staff are only authorised to use reasonable force in applying physical restraint, although there is no absolute definition of this. What constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied. Staff should apply the positive handling training they received to de-escalate where possible then use the appropriate holds as practised in the training. However, as a general rule, only the force necessary to stop or prevent danger should be used, in accordance with the guidelines below. In all circumstances, alternative methods should be used as appropriate with physical intervention or restraint, a last resort.

Ideally, intervention will be carried out by a permanent member of staff who has received the training. However, anybody has the lawful power to use force under Common Law and Section 3(1)(a) Criminal Law Act 1967.

DfE Use of reasonable force Advice for headteachers, staff and governing bodies July 2013 states:

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. 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.

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 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.

Schools cannot:

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

Power to search pupils without consent:

In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following "prohibited items":

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force cannot be used to search for items banned under the school rules.

4. When physical intervention becomes necessary:

DO

- Tell the pupil what you are doing and why
- Use reasonable force
- Involve another member of staff if possible
- Tell the pupil what they must do for you to remove the restraint (this may need frequent repetition)
- Use simple and clear language
- 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
- Involve other pupils in the restraint
- Touch or hold the pupil in a way that could be viewed as sexually inappropriate conduct
- Use physical restraint or intervention as a punishment

5. Actions after an incident

Physical intervention 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. The head teacher or senior member of staff 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 ongoing pattern it may be necessary to address the situation through the development of a behavioural support plan, a personal risk assessment or other strategies agreed by the Senior Leadership Team.

It is also helpful to consider the circumstances precipitating the incident to explore ways in which future incidents can be avoided. All incidents should be recorded immediately. All sections of this report should be completed so that any patterns of behaviour can be identified and addressed. In the event of any future complaint or allegation this record will provide essential and accurate information.

A member of staff 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.

6. 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:

- Strategies to be used prior to intervention
- Ways of avoiding 'triggers' if these are known
- Involvement of parents/carers to ensure that they are clear about the specific action school might need to take
- Briefing 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
- The school's duty of care to all pupils and staff

7. Complaints and Allegations

A clear 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.

It is our intention to inform all stakeholders about this policy and these procedures. All stakeholders must also understand that in some circumstances appropriate physical contact is a perfectly normal part of the relationship between a member of staff and a pupil. Eg. To offer comfort, reassurance or support in PE.

The positive ethos, good behaviour and excellent relationships in this school mean that restrictive physical intervention will be rarely needed. This policy will ensure that in those rare circumstances the care and well being of all pupils will be paramount.

References

- Education & Inspections Act 2006
- DfE Behaviour and discipline in schools advice for headteachers and school staff January 2016
- DfE Use of reasonable force for headteachers and school staff July 2013

We will review this policy every year and make amendments when necessary.

This policy should be read alongside the Behaviour, Safeguarding & Child protection, SEN and Health & Safety policies.