

# Saltersgate Junior School

## PHYSICAL INTERVENTION POLICY

<b>PERSONS RESPONSIBLE FOR POLICY:</b>	<b>MRS M E OXER: HEADTEACHER</b> <b>Mrs A Webber: CHAIR OF GOVERNORS</b>
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Revision Date	Revision Version	Previous Revision Date	Previous Version	Summary of Changes
08/03/2010	First Edition			
04/04/2011	1	08/03/2010	First Edition	None
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Spring 2018	7	Spring 2017	6	Governor Change

**Designated Safeguarding Persons:**  
**Mrs M Oxer (Headteacher)**  
**Mrs A Webber (Chair of Governors)**

## **Rationale**

Staff at Saltersgate Junior School place the safety and care of students as the highest priority. This policy sets out the official DfES guidance. It also includes informal guidance for staff.

## **Purposes**

- To ensure students' well-being is paramount.
- To ensure our guidance on physical intervention is clear and that staff are regularly reminded of the advice.
- To support staff and to protect them from placing themselves in a position where they could be at risk of false allegations.

## **Official Guidelines**

1. DfES Circular 10/98 clarifies the position about the use of physical force by teachers, and others authorised by the head teacher of a school, to control or restrain students. Where necessary reasonable force can be used to control or restrain students and physical contact with students may also be appropriate or necessary in other circumstances. Nothing in the circular authorises the use of corporal punishment with students in maintained schools.
2. And the circular emphasises the importance that schools have a policy about the use of force to control or restrain students. All members of staff who may have to intervene physically with students must clearly understand the options and strategies open to them. They must know what is acceptable and what is not. The governing body, parents, and students also need to know that. The head teacher should draw up a policy setting out guidelines about the use of force to control or restrain students, and discuss these with the staff who may have to apply them, and with the governing body of the school. When drawing up such a policy head teachers of LEA schools should refer to any model policy about touching, holding, restraining students that the LEA has developed. A statement of the school's policy on this issue should be included with the information the school gives parents about the school policy on discipline and standards of behaviour.
3. If a school is aware that a student is likely to behave in a way that may require physical control or restraint, it will be sensible to plan how to respond if the situation arises.
4. The circular allows teachers, and other persons who are authorised by the headteacher to have control or charge of students (see below), to use force as is reasonable in all the circumstances to prevent a student from doing, or continuing to do, any of the following:
  - ≈ Committing a criminal offence
  - ≈ Injuring themselves or others
  - ≈ Causing damage to property (including the students own property)
  - ≈ Engaging in any behaviour prejudicial to maintaining good order and discipline at the
  - ≈ school or among any of its students, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

This provision applies when a teacher, or other authorised person, is on the school premises, and when he or she has lawful control or charge of the students concerned e.g. on a field trip or other authorised school activity.

5. The circular allows all teachers at the school to use reasonable force to control or restrain students. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the head teacher to have control or charge of students.
6. The circular does not cover all the possible situations in which it might be reasonable for someone to use a degree of force, for example in self-defence.
7. The situations in which reasonable force might be appropriate, or necessary, to control or restrain a student fall into three broad categories:
  - ≈ Where action is necessary in self-defence or because there is an imminent risk of injury.
  - ≈ Where there is a developing risk of injury, or significant damage to property;
  - ≈ Where a student is behaving in a way that is compromising good order and discipline.

Examples of situations which fall into these categories are:

- ≈ A student attacks a member of staff, or another student, or where students are fighting;
  - ≈ The student is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
  - ≈ The student is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
  - ≈ A student is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure him or herself or others;
  - ≈ The student absconds from a class or tries to leave school (NB this will only apply if the student could be at risk if not kept in the classroom or at school);
  - ≈ The student is behaving in a way that is seriously disrupting a lesson.
8. There is no legal definition of 'reasonable force'. So it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case. There are two relevant considerations:
    - ≈ The use of force can be regarded as reasonable only if the circumstance of the particular incident warrants it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a student from committing a trivial misdemeanour of, or in a situation that clearly could be resolved without force.
    - ≈ The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.
  9. Before intervening physically the teacher should, wherever practical, tell the student who is misbehaving to stop, and what will happen if he or she does not. Sometimes a teacher should not intervene in an incident without help (unless it is an emergency).

10. Physical intervention can take several forms. It might involve staff

- ≈ physically interposing between students
- ≈ blocking a student's path
- ≈ holding
- ≈ pushing
- ≈ pulling
- ≈ leading a student by the hand or arm
- ≈ shepherding a student away by placing a hand in the centre of the back

11. In other circumstance staff should not act in a way that might reasonably be expected to cause injury, for example by

- ≈ holding a student around the neck, or by the collar, or in any other way which might
- ≈ restrict the student's ability to breathe
- ≈ slapping, punching or kicking the student
- ≈ twisting or forcing limbs against a joint
- ≈ tripping up a student
- ≈ holding or pulling a student by the hair or ear
- ≈ holding a student face down on the ground

12. Staff should always avoid touching or holding a student in a way that might be considered indecent. Teachers should always try to deal with a situation through other strategies before using force. In a non-urgent situation force should only be used when other methods have failed. This is particularly appropriate in situations where the aim is to maintain the good order and discipline, and there is no direct risk to people or property. As the key issue is to establish good order, any action which could exacerbate the situation needs to be avoided.

13. It is important that there is a detailed written report of any occasion when force is used. Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association, and they should also keep a copy of the report. Parents will normally be informed of any incident involving their child.

14. There are occasions when physical contact with a student may be proper or necessary, e.g. because a member of staff has to give first aid, or where a child is in distress and needs comforting. Teachers will use their own professional judgment when they feel a student needs this kind of support. However, physical contact with students becomes increasingly open to question as students get older, and staff should always bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

15. A complaint 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 possibility that a complaint might result in disciplinary hearing, or a criminal prosecution, or in a civil action brought by the parents of students, cannot be ruled out. We would not want to see anyone put himself or herself into the unfortunate position described above.

And so, notwithstanding the contents of the circular, and any subsequent interpretation in the courts, the advice to all staff is to avoid any unnecessary physical contact with students at all costs.

### **Headteacher's Guidance to Staff**

The safety and well-being of students should be your first priority. However you also need to be aware of your own safety and avoid placing yourself in a situation where you could be vulnerable to an injury or allegation from a student.

- ≈ Whenever possible, do not touch a student. Even a friendly gesture such as a pat on the back can be misinterpreted
- ≈ Reasonable force may be used as an act of self-defence if there is an imminent risk of injury. Make sure you report any such incident immediately to a member of the SLT in person and in writing and include the names of witnesses.
- ≈ Minimal force only should be used to help avoid risk of injury to a child or to avoid a child causing injury to someone else.
- ≈ Minimal force may also be used to prevent damage to property.
- ≈ Where a student is behaving in a way that compromises good order and discipline only use physical intervention as a last resort. It may be better to seek the support of staff 'on call' than to attempt physical enforcement of an instruction.
- ≈ If you judge a physical intervention is necessary state this clearly telling the child what you are doing and why. This makes your intentions public so people nearby also understand and do not misinterpret your action.
- ≈ If you receive a complaint from a parent about a colleague using physical intervention please report this to a member of SLT so that appropriate follow up action can take place. It does not help someone's case if something appears to have been covered up.