



St Mary's Hampton

Church of England Primary School

Positive handling of pupils / physical restraint and intervention policy

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Committee: Personnel & Pastoral (P&P)
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Signed:

(Headteacher)

(Chair of Personnel & Pastoral Committee)

INTRODUCTION

The policy should be read in conjunction with our Behaviour policy and our Special Educational Needs policy.

The use of corporal punishment is not allowed under any circumstances. The law forbids a teacher to use any degree of physical contact, which is intended to deliberately punish a pupil, or which is primarily intended to cause pain or injury or humiliation (sections 548 to 550 of the 1996 Act). The ban applies in all circumstances, and has applied since 1987. Neither is this document intended to encourage the use of any inappropriate physical intervention. It does, however:

- give examples of circumstances in which physical intervention might be appropriate, and factors that teachers should bear in mind when deciding whether to intervene
- discuss the meaning of 'reasonable physical intervention'.

Teachers and other persons who are authorised by the Headteacher to have control or charge of pupils should only use such intervention as is reasonable to prevent a pupil from doing, or continuing to do, any of the following:

- 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)
- injuring themselves or others

- causing damage to property (including the pupils own property)
- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

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

AUTHORISED STAFF

The Act allows all teachers at a school to use a reasonable physical intervention to control or restrain pupils. It allows other people to do so in the same way as teachers, provided they have been authorised by the Headteacher to have control or charge of pupils. Those might include classroom assistance, care workers, midday supervisors, specialist support assistants, educational welfare officers, escorts, caretakers, or voluntary helpers including people accompanying pupils on visits, exchanges or holidays organised by the school. In normal practice, only staff who have undergone specific training in the use of physical intervention will restrain pupils.

ACTION IN SELF-DEFENCE OR EMERGENCY

Section 550A does not cover all the situations in which might be reasonable for someone to use a degree of physical intervention. For example, everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of physical intervention to do so. Similarly, in an emergency, for example if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene. The purpose of Section 550A is to make it clear that teachers, and other authorised staff, are also entitled to intervene in other, less extreme, situations.

TYPES OF INCIDENTS

There are a wide variety of situations in which reasonable physical intervention might be appropriate, or necessary, to control or restrain a pupil. They will 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 pupil is behaving in a way that is compromising good order and discipline

Examples of situations that fall within one of the first two categories:

- a pupil attacks a member of staff, or another pupil
- pupils are fighting
- a pupil is engaged in, or is on the verge of committing deliberate damage or vandalism to property
- a pupil is causing, or at risk of causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects
- a pupil is running in school in a way in which he or she might have or cause an accident likely to injure him or herself or others
- a pupil absconds from a class or tries to leave school.

Examples of situations that fall into the third category are:

- a pupil persistently refuses to obey an order to leave a classroom
- a pupil is behaving in a way that is seriously disrupting a lesson.

REASONABLE PHYSICAL INTERVENTION

Reasonable or restrictive Physical Intervention refers to a situation where a member of staff uses force intentionally to restrict a child's movements against his or her will. The use of physical intervention will always depend on the circumstances of the case. There are two relevant considerations:

- The use of physical intervention can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of physical intervention is unlawful if the particular circumstances do not warrant the use of physical intervention. Therefore, physical intervention could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without physical intervention.
- The degree of physical intervention 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 physical intervention used should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use physical intervention, and the degree of physical intervention that could reasonably be employed, might also depend on the age, understanding and gender of the pupil. A pupil's Special Educational Needs should also be considered.

PRACTICAL CONSIDERATIONS

Before intervening physically, a teacher should, wherever practical, tell the pupil who is misbehaving to stop, and what will happen if he or she does not. The teacher should continue attempting to communicate with the pupil throughout the incident, and should make it clear that physical contact or restraining will stop as soon as it ceases to be necessary. A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

APPLICATION OF PHYSICAL INTERVENTION

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

- physically interposing between pupils or blocking a pupil's path
- leading a pupil by the hand or arm
- shepherding a pupil away by placing a hand in the centre of the back
- (In extreme circumstances) using more restrictive holds (only by trained staff).

Staff should not act in a way that might be expected to cause injury, for example by:

- holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe

- slapping, punching or kicking a pupil
- twisting or forcing limbs against a joint
- tripping up a pupil
- holding or pulling a pupil by the hair or ear
- holding a pupil face down on the ground.

Staff should always avoid touching or holding a pupil in a way that might be considered indecent. They should always try to deal with a situation through other strategies before using physical intervention. All teachers need developed strategies and techniques for dealing with difficult pupils and situations, which they should use to defuse and calm a situation. As the key issue is establishing good order, any action, which could exacerbate the situation, needs to be avoided. The use of physical intervention should never be used as a substitute for good behaviour management.

RECORDING INCIDENTS

It is important that there is a detailed written report of any occasion where physical intervention is used, which should be held in the child's safeguarding file, kept in the Headteacher's office. It may help prevent any misunderstanding or misrepresentation of the incident, and where it will be helpful should there be a complaint. Immediately following any incident, the member of staff concerned should tell the Headteacher or a senior member of staff and provide a written report as soon as possible afterwards. This should include:

- the name(s) of the pupil(s) involved, and when and where the incident took place
- the names of any other staff or pupils who witnessed the incident
- the reason that physical intervention was necessary (e.g. to prevent injury to the pupil, another pupil or member of staff)
- how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of physical intervention used, how that was applied, and for how long
- the pupil's response and the outcome of the incident
- details of any injury suffered by the pupil, another pupil or a member of staff and of any damage to property.

For a critical incident, support for the young person and member of staff is available from the Education Psychology Service. It should be noted that the monitoring process will inform risk assessment and risk management.

Incidents involving the use of physical intervention can cause the parents of the pupil involved great concern. It is always advisable to inform parents of an incident involving their child, and give them an opportunity to discuss it. The Headteacher, or member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing.

COMPLAINTS

A dispute about the use of physical intervention by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and social services department under the child

protection procedures. The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a pupil or parent, cannot be ruled out.

In those circumstances, it would be for the disciplinary panel or the court to decide whether the use and degree of physical intervention was reasonable in all the circumstances. In that event, however the panel, or court, would have regard to the provisions of section 550A.

PHYSICAL CONTACT WITH PUPILS IN OTHER CIRCUMSTANCES

There may be some children for whom touching is particularly unwelcome. For example, some pupils may be particularly sensitive to physical contact because of their cultural background, or because they have been abused. Staff should bear in mind that even innocent and well-intentioned physical contact could sometimes be misconstrued.

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by Section 550A of the 1996 Act. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, or if a member of staff has to give first aid. Young children and children with special educational needs may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. Professionals will use their own professional judgement when they feel a pupil needs this kind of support, as guided by their training.