

Carmel Education Trust Physical Interventions in Schools Policy

THIS POLICY APPLIES TO ALL TRUST SCHOOLS, THE CARMEL TEACHER TRAINING PARTNERSHIP AND CARMEL TEACHING SCHOOL ALLIANCE

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About this Policy

This policy is based on 'Use of Reasonable Force Advice for headteachers, staff and governing bodies', which is non-statutory advice from the Department for Education, issued in July 2013. It is intended to provide clarification on the use of physical restraint to help Carmel Education Trust meet its duties to keep children safe while also assisting staff to feel more confident about using this power when they feel it is necessary, and to make clear the responsibilities of headteachers/heads of school, directors and governing bodies in respect of this power.

Key points

- This policy is intended to augment individual academies' behaviour policies which are aimed at managing pupil behaviour so that pupils can learn well and feel safe at all times in our schools.
- Headteachers/heads of school and Governing Bodies must implement this policy as part of their individual Behaviour policies.
- Carmel Education Trust neither encourages nor discourages the use of force or physical restraint on students and pupils because it recognises that in some circumstances that it may be necessary as a last resort to use physical restraint to protect pupils from harm.
- Carmel Education Trust recognises its duty to make reasonable adjustments to this policy to support pupils with Special Educational Needs and disabilities may have different needs from other pupils in terms of physical restraint and care.
- Key staff will be trained in each school in the legal use of physical restraint.
- All school staff have a legal power to use 'reasonable force' to physically restrain pupils in certain circumstances and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Senior school leaders will support their staff when they use this power appropriately.

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.

Who can use reasonable force?

Under Section 93, Education and Inspections Act 2006, all members of school staff have a legal power (but not a duty) to use reasonable force. This power applies to any member of staff at the school. It can also apply to people whom the headteacher 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. The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

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; and
- 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”. This is provided for under Section 550ZB(5) of the Education Act 1996:

- 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. Separate guidance is available on the power to search without consent – see the ‘Further sources of information’ section for details of this document.

Communicating the school's approach to the use of force

Every school is required to have a behaviour policy and to make this policy known to staff, parents and pupils. The governing body should notify the headteacher that it expects the school behaviour policy to include the power to use reasonable force.

There is no requirement to have a policy on the use of force but it is good practice to set out, in the behaviour policy, the circumstances in which force might be used. For example, it could say that teachers will physically separate pupils found fighting or that if a pupil refuses to leave a room when instructed to do so, they will be physically removed.

Any policy on the use of reasonable force should acknowledge their legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN). Schools do not require parental consent to use force on a student. Schools should not have a 'no contact' policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm. By taking steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

Using force

It must be noted that a panel of experts (Physical Control in Care Medical Panel – 2008) identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:

- 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; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

Staff training and Skills

Carmel Education Trust is committed to the highest standards of staff training. Staff from each academy will be regularly trained in the safe, legal use of physical restraint, and will communicate the key messages from this training to their colleagues after each update. At least one trained member of staff will be available.

Telling parents when physical restraint has been used on their child

- If physical restraint is used on a child in the Early Years, the event must be recorded and reported to parents and/or carers 'the same day, or as soon as reasonably practicable'.
- If the pupil or student is of compulsory school age or above, it is Carmel Education Trust Policy for academies to speak to parents about serious incidents involving the use of force where appropriate and to record such serious incidents on the Trust Recording form.
- In deciding what is a serious incident, teachers should use their professional judgement and consider the:
 - pupil's behaviour and level of risk presented at the time of the incident;
 - degree of force used;
 - effect on the pupil or member of staff; and

- the child's age (children in the early years of education may be more likely to need minor physical intervention to keep them safe than older pupils)

What happens if a pupil complains when force is used on them?

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- 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.
- 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.
- 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 (see the ‘Further sources of information’ section below) 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.
- 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.
- 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.
- 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.
- As employers, academy trusts, 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.

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 coaching; and
- To give first aid.
- In accordance with the school's Intimate Care Policy

Frequently Asked Questions

Q: I'm worried that if I use force a pupil or parent could make a complaint against me.

Am I protected? A: Yes, if you have acted lawfully. If the force used is reasonable all staff will have a robust defence against any accusations.

Q: How do I know whether using a physical intervention is 'reasonable'? **A:** 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.

Q: What about school trips? **A:** The power may be used where the member of staff is lawfully in charge of the pupils, and this includes while on school trips.

Q: Can force be used on pupils with SEN or disabilities? **A:** 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.

Q: 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? **A:** 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.

Q: Are there any circumstances in which a teacher can use physical force to punish a pupil? **A:** 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.

Further sources of information

Other departmental advice and guidance you may be interested in

- Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002)
- Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)
- Screening, searching and confiscation – advice for headteachers, staff and governing bodies.
- Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools

Associated resources (external links)

- Police and Criminal Evidence Act 1984 (PACE) Code G: Revised Code of Practice for the Statutory Power of Arrest by Police Officers

Date	Name of pupil/student		Age
Name(s) of staff involved			
What Happened? Include pupil's behaviour, the risk involved and details of the extent of the physical intervention			
Effect on pupil/student			
Effect on staff member(s)			
Parents informed/date			
Parents response			
Head informed/date		Record completed by/date	