

The Bourne Partnership



Hadlow Primary and Shipbourne Primary Physical Intervention Policy

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Introduction

'Good behaviour in schools is central to a good education. Schools need to manage behaviour well so they can provide calm, safe and supportive environments which children and young people want to attend and where they can learn and thrive. Being taught how to behave well and appropriately within the context they're in is vital for all pupils to succeed personally.' (DfE Behaviour in Schools February 2024)

At Hadlow and Shipbourne Primary Schools, we are committed to a positive relationship 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 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.

Key Points of the DfE Behaviour in schools - advice for headteachers and staff February 2024 states:

- Teachers can sanction pupils whose conduct falls below the standard which could reasonably be expected of them.
- Staff can issue sanctions any time pupils are in school or elsewhere under the charge of a member of staff, including on school visits. This also applies in certain circumstances when a pupil's misbehaviour occurs outside of school.

- A sanction will be lawful if it satisfies the following three conditions:
 - a. The decision to sanction a pupil is made by a paid member of school staff (but not one who the headteacher has decided should not do so) or an unpaid member of staff authorised by the headteacher;
 - b. The decision to sanction the pupil and the sanction itself are made on the school premises or while the pupil is under the lawful charge of the member of staff; and
 - c. It does not breach any other legislation (for example in respect of equality, special educational needs and human rights) and it is reasonable in all the circumstances.
- In considering whether a sanction is reasonable in all circumstances, one must consider whether it is proportionate in the circumstances of the case and consider any special circumstances relevant to its imposition including the pupil's age, any special educational needs or disability they may have, and any religious requirements affecting them.
- The headteacher may limit the power to apply particular sanctions, or to sanction particular pupils or types of pupils, to certain staff and/or extend the power to discipline to adult volunteers, for example to parents who have volunteered to help on a school trip.
- Corporal punishment by school staff is illegal in all circumstances.
- There are circumstances when it is appropriate for staff in schools to use reasonable force to safeguard children.
- The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. 'Reasonable' in these circumstances means 'using no more force than is needed'.
- Members of staff have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property and to maintain good order and discipline at the school or among pupils.
- Headteachers and authorised school staff may also use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco, fireworks, pornographic images or articles that they reasonably suspect have been or are likely to be used to commit an offence or cause harm.
- Force may not be used to search for other items banned under the school rules.
- When considering using reasonable force staff should, in considering the risks, carefully recognise any specific vulnerabilities of the pupil, including SEND, mental health needs or medical conditions.

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 to be used 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 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 oversee 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 in their care. 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 because of their intervention.

3. Use of physical intervention

Physical intervention should be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing 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 situation and the pupil to whom it is being applied. Staff should apply the positive handling training they receive to de-escalate where possible, then use the appropriate holds as practised in the training. However, generally, 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.
5. 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.

School staff 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 and proportionate 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 headteacher or senior member of staff should be informed of any incident as soon as possible and will take responsibility for planning 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 senior 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

This 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 Use of reasonable force for Headteachers and school staff July 2013
- DfE Behaviour in schools – advice for headteachers and staff February 2024

Monitoring and review

This policy was written by the headteachers with approval by the full governing body. It will be reviewed at least annually, and amendments made when necessary or in light of changes to legislation.

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