

## **Fairisle Junior School**

### **Physical Intervention Policy and Guidelines**

#### **Use of Reasonable Force**

Fairisle Junior School is a mainstream primary school for pupils aged 7-11 years. Some pupils have Special Educational Needs or an Education Health Care Plan (EHCP). Some pupils have a Risk Assessment & Handling Plan. These are regularly reviewed and shared with parents/carers.

#### **Aims**

- To ensure that Fairisle Junior School provides a safe and secure environment where all pupils can achieve their full potential.
- To ensure that staff remain safe and feel confident to effectively support the needs of every pupil, both academically and behaviourally.

#### **Key Points**

- School staff 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.
- Schools do not require parental consent to use force on a student.
- Fairisle Junior School should not and does 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.
- In exercising this policy we may make reasonable adjustments for disabled children and children with special educational needs (SEN).

#### **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. The schools may 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 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?**

- All members of school staff have a legal power to use reasonable force.
- The Headteacher, Deputy Headteacher and both Assistant Headteachers have completed 'TeamTeach' training. Through the Team-Teach approach these staff have received training in de-escalation skills and positive handling techniques.
- 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.
- Teachers have a duty of care to maintain good order and safeguard young people's health and safety. However, teachers are not under a duty to run risk of serious personal injury by intervening when it is not safe to do so. If they are injured an online incident form will be completed and for the local authority.

## **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.
- 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 be used.

Reasonable force can be used 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.

Reasonable force cannot be used to 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.

### **Telling parents when force has been used on their child**

Where there is a serious incident the school will inform the parents/carers. 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.

Contact may be by telephone, direct contact or by letter on the day the incident occurred.

Where appropriate, a Risk Assessment & Handling Plan will be written for the child and shared with parents/carers.

### **What records will be kept?**

The school will keep records of any incident and physical intervention in a bound and numbered book.

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

- All complaints about the use of force are 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. We will refer to the "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance (see [Dealing with allegations of abuse against teachers and other staff](#)) 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.
- We will 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, we will ensure that the teacher has access to a named contact, who can provide support.
- The governing body will 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, schools and local authorities have a duty of care towards their employees. We will 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.

[DfE Guidance](#) – Use of Reasonable Force in Schools (Advice for Headteachers, Staff & Governing Bodies) – July 2013

Policy reviewed: Autumn 2017

Next Review: Autumn 2019