



# Physical Contact and Use of Reasonable Force Policy

Whole school	WEBSITE
Statutory?	Yes
Reviewed	January 2023
Next review	January 2025

## **INTRODUCTION**

King's Ely recognises that, on some occasions, it may be necessary to physically restrain a pupil who, for example, is in danger of hurting themselves or others. The school has, therefore, developed this policy on the 'Use of Reasonable Force to Control or Restrain Pupils' which is in line with Government guidelines.<sup>1</sup>

The right of school staff to use reasonable force is laid down in the Education and Inspections Act<sup>2</sup>, whereby staff are enabled to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- Committing any offence; or
- Causing personal injury to, or damage to the property of, any person (including the pupil himself/herself); or
- Prejudicing the maintenance of good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise.

This policy is applicable to all pupils, including those in the EYFS, and should be read in conjunction with the following other school policies:

- Behaviour Policy;
- Safeguarding (including Child Protection) Policy;
- Intimate Care Procedure (EYFS);
- Touch and Physical Contact Procedure (EYFS).

The aims of this policy are to:

- inform Governors, staff, parents and pupils of the powers of staff in circumstances where a pupil may need to be restrained and to describe other circumstances in which physical contact with a pupil may be required;
- ensure that King's Ely has regard to Department for Education guidance on the Use of Reasonable Force;
- comply with ISSR para 430 (September 2022) and ISSR EYFS para 70 and with Standard 15 of the National Minimum Standards for Boarding Schools (September 2022).

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<sup>1</sup> 'Use of Reasonable Force – advice for school leaders, staff and governing bodies' (Department for Education, July 2013 reviewed July 2015); 'Behaviour in Schools – advice for headteachers and school staff' (Department for Education, September 2022).

<sup>2</sup> Section 93 Education and Inspections Act 2006.

## **USE OF REASONABLE FORCE**

### **Who may use force to restrain pupils?**

All members of school staff have a legal power to use reasonable force to control or restrain pupils. This power can also apply to other people whom the Principal has temporarily put in charge of pupils (for example, unpaid volunteers or parents accompanying students on a school excursion).

### **Under what circumstances may reasonable force be used?**

In a school, reasonable force is used for two main purposes – to control pupils or to restrain them. The following list is not exhaustive but provides some examples of situations where reasonable force can be used. In order to:

- defend oneself against an attack;
- prevent a pupil committing a criminal offence, including deliberate damage or vandalism;
- prevent a pupil injuring him/herself or others, including by fighting, rough play or by misuse of dangerous materials or objects;
- to prevent a pupil from leaving or entering the classroom where allowing the pupil to do so would risk their safety or lead to behaviour that disrupts the behaviour of others.

Reasonable force should only be a last resort and staff should delay if at all possible. Before intervening physically you should, wherever practicable, tell the pupil to stop and what will happen if he or she does not. You should continue attempting to communicate with the pupil throughout the incident and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. The law allows anyone to defend themselves against an attack provided they do not use more force than is necessary.

However, in some circumstances, for example where a pupil is at immediate risk of injury or on the point of inflicting injury on someone else, it might be deemed negligent if staff do not intervene, as staff have a duty of care to do all that they reasonably can to protect the welfare of pupils. In general, staff should have tried all other means to de-escalate a situation before using reasonable force. If force is necessary, then staff should send for support straight away and should keep talking all the time, in a calm voice, explaining what they are doing and why (that way it is clear to everyone present that the member of staff concerned is in control of their emotions). The incident must be recorded immediately afterwards.

You should always avoid touching or holding a pupil in a way that might be considered indecent. You should also avoid any form of aggressive contact such as holding, pushing, pulling or hitting which could amount to a criminal assault, nor act in a way that might reasonably be expected to cause injury.

## **What is reasonable force?**

There is no legal definition of reasonable force. The use of any degree of force is unlawful if the circumstances do not warrant it. Any force should be the minimum needed to achieve the desired result. The following kinds of physical intervention are reasonable; interposing between pupils or blocking a pupil's path, holding, pushing, pulling, leading a pupil by the arm or shepherding a pupil away by placing a hand in the centre of the back. The following would be deemed unreasonable; holding a pupil by the neck or collar, slapping, punching, twisting limbs or holding or pulling by the hair. The use of force could result in complaint from parents and criminal prosecution or a civil action cannot be ruled out.

What is reasonable force will always depend on the circumstances. Please remember:

- any use of force should be proportionate to the behaviour of the pupil involved and the seriousness of the harm prevented;
- physical force could not be justified to prevent a pupil from committing a trivial misdemeanour;
- any force should always be the minimum needed to achieve the desired result; and
- whether it is reasonable to use force and the degree of force that could be reasonably employed might also depend on the age, understanding and sex of the pupil.

**It remains unlawful for a member of Staff to use or threaten any degree of physical contact that is deliberately intended to punish a pupil or that is primarily intended to cause pain or injury or humiliation.**

## **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 “prohibited items”<sup>3</sup>.

Force **cannot** be used to search for items banned under the school rules (see Behaviour Policy – Appendix 1 Section F)

## **If a member of Staff has had to use reasonable force in the circumstances outlined above what should happen next?**

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<sup>3</sup> Prohibited items are: knives and weapons; alcohol; illegal drugs; stolen items; any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence or to cause personal injury to, or damage to the property of, any person (including the pupil); an article specified in regulations: tobacco and cigarette papers, fireworks, and pornographic images. (DfE “*Searching, Screening and Confiscation – Advice for headteachers, school staff and governing bodies*” July 2022); Section 550ZB (5) of the Education Act 1996; and ‘Searching, Screening and Confiscation: Advice for headteachers, school staff and governing bodies’ (Department for Education, July 2022).

Any incident where force has been used would be considered to be very serious. Any member of Staff who has had to use force in whatsoever circumstances must immediately make an oral report to their Head of section or the Principal and complete a Physical Intervention Report (see Annex A) by the beginning of the next working day. This Report is available on SharePoint in the Policies area in Whole School Folder in the School Procedures File. This Report should include:

- the name(s) of pupil(s) involved;
- the names of other witnesses to the incident;
- the reason that force was necessary;
- how the incident began and progressed, including details of the pupil's behaviour, any words said, the steps taken to defuse/calm the situation, the degree of force used, how this 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, a member of staff or anyone else and any damage to property.

The member of staff should retain a copy of the Physical Intervention Report, a copy should be given to the Principal of King's Ely and a further copy lodged in a central 'serious incidents' file. When the situation has been resolved, the Principal will review the reasons for the event happening and will make any necessary amendments to school procedures.

In addition, there should be follow-up and support for pupils who witnessed the incident and the parents of the pupil(s) concerned should be informed by an appropriate senior member of staff the same day or as soon as is reasonably practicable.

### **Is physical contact with pupils acceptable in other circumstances?**

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. A degree of contact is obviously appropriate when issuing first aid or when demonstrating techniques e.g. in P.E. . Staff are advised to comfort a pupil who is hurt or distressed in a manner appropriate to the age of the pupil. Holding a pupil's hand is generally appropriate in Key Stage One. However, staff should not initiate any physical contact unnecessarily, and there should be clear boundaries. Any physical contact within teaching, for example music, sports or dance coaching, should be done in a whole class scenario (see Staff Code of Conduct).

A member of staff may use the Physical Intervention Report to record any incident of physical contact with a pupil whether or not force was involved, for example when the member of staff believes that the physical contact may be open to misinterpretation by others or when the member of staff wishes to record the physical contact even though he/she believes that the contact was proper and necessary.

## **QUERIES**

If you have any queries about this Policy, you should contact the Designated Safeguarding Lead or the Principal.

## **Annex A**

### **Physical Intervention Report**

There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. A degree of contact is obviously appropriate when issuing first aid or when demonstrating techniques e.g. in P.E. Some physical contact may also be appropriate where a pupil is in distress and needs comforting. Members of Staff will need to use professional judgment in such circumstances. The Physical Intervention Report may be used to record such physical contact where no force was used if the Member of Staff involved wishes to do so.

Reasonable force should only be a last resort. Any incident where force has been used would be considered to be very serious. A member of staff who has had to use force or physical restraint with a child/pupil in whatever circumstances must immediately make an oral report to their Head of section or to the Principal. Any use of reasonable force or potentially inappropriate physical contact must be reported immediately to the Principal

**A member of staff involved in any physical intervention involving use of force or restraint with a child/pupil must immediately make an oral report to the Head of Section or Principal and by completing, signing and dating a Physical Intervention Report by the beginning of the next working day.**

Date of Incident:	Time of Incident:
Name of child/pupil Involved:	Member of Staff who dealt with the incident:
Name of Witnesses (eg. staff, KE pupils or other persons present – if known):	

Describe the circumstances leading up to the incident:
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Describe all attempts to de-escalate the situation and avoid physical handling
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Reasons for using Physical Intervention

Was the child/pupil at risk of harming or injuring themselves?	Yes	No
Was the child/pupil at risk of harming or injuring another child?	Yes	No
Was the child/pupil at risk of harming or injuring a member of staff/parent?	Yes	No
Was the child/pupil damaging property?	Yes	No

Describe the type of physical intervention used. If a child/pupil was restrained by being held, state approximate duration.
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If more than one member of staff was involved, each should record their actions separately and attach such records to this form.

Are there other records attached? Yes No

If yes, how many?

Names of those who have completed the witness statement attached:

Injuries to child/pupil involved (including any first aid administered and by whom):

Injuries to staff member/s or other persons involved (including any first aid administered and by whom):

Member of Staff's Signature:	Date:
Print Name:	
Head of Section Signature:	Date:
Print Name:	
Principal's Signature:	Date:
Original retained in central file held by Executive Officer: Yes/No	Copy retained for - Pupil file: Yes No
Form copied to:	

***Please Note:***

***Physical intervention, including restraint and use of force, should only be used with a pupil in accordance with the King's Ely Policy on the Use of Reasonable Force to Control or Restrain Pupils and which applies throughout the School, including the EYFS setting.***

January 2023