

## **BISHOP HOGARTH CATHOLIC EDUCATION TRUST**

### **PHYSICAL INTERVENTIONS IN SCHOOLS POLICY**

**Document Management:**

Date Policy Approved:	8 January 2015
Date Policy Reviewed:	May 2022
Next Review Date:	May 2025
Version:	3.0
Approving Body:	Standards Committee

## Statement of intent

The Bishop Hogarth Catholic Education Trust believes of the importance to establishing a safe, secure and stable environment to enable pupils to grow, develop and learn. To achieve this, the Trust recognises that, in certain circumstances, physical intervention, including safe touch and the use of reasonable force, is necessary.

Our schools understand that behaviour is often a means of communication which may signal that a pupil is in need of support but does not know how to express this. Our schools will therefore take a proactive approach to anticipating, managing and minimising potential triggers of distressed behaviour that may cause harm.

This policy acknowledges that situations may arise in which staff members will be required to use physical intervention, and in some cases reasonable force, in order to handle pupils' emotions or aggressive behaviour when other measures have failed to do so.

The aim of this policy is to ensure that physical intervention is used in a correct and safe manner, which is in accordance with the relevant legislation and national guidance.

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 [Use of reasonable force advice Reviewed July 2015.pdf](#) It is intended to provide clarification on the use of physical restraint to help Bishop Hogarth Catholic 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.

This policy has due regard to the following guidance:

- DfE (2013) 'Use of reasonable force in schools'
- DfE (2018) 'Working Together to Safeguard Children'
- DfE (2021) 'Keeping children safe in education 2021'
- HM Government (2019) 'Reducing the Need for Restraint and Restrictive Intervention'

This policy operates in conjunction with the following school policies:

- Behaviour Policy
- Special Educational Needs and Disabilities Policy
- Staff Code of Conduct
- Child Protection and Safeguarding Policy

## 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.
- Bishop Hogarth Catholic 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.
- Bishop Hogarth Catholic 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.

## Definitions

For the purposes of this policy, '**physical intervention**' is used to refer to any situation in which physical contact with a pupil is necessary – this includes reasonable force, e.g. to defuse a situation in which a pupil is at risk of harming themselves or others, and safe touch, e.g. comforting a pupil in emotional distress.

For the purposes of this policy, '**positive handling**' is defined as the overall, graduated approach of responding to pupils' behaviour and emotions with the intention of protecting pupils and staff, and limiting damage to others and property. Positive handling adapts the least intrusive intervention techniques in response to situations, before using gentle physical intervention and reasonable force as a last resort.

For the purposes of this policy, '**reasonable force**' is considered to refer to a broad range of actions that may be used to control or restrain a pupil to prevent that pupil from hurting themselves or others, from damaging property, or from causing disorder. Reasonable force covers force that is necessary and proportionate to the circumstances.

There are two key types of reasonable force:

- '**Control**' – actions used in an attempt to direct a pupil's movements; this includes passive physical contact, e.g. standing between pupils or blocking a pupil's path, or active physical contact, e.g. leading a pupil out of a classroom by their arm.

- **'Restraint'** – actions used in an attempt to physically bring a pupil under control. This type of force is typically used in more extreme circumstances, e.g. where two pupils are fighting and refuse to separate, causing staff to intervene to hold them back from one another physically.

## Positive handling

The principle of positive handling means that the school expects staff to assess whether the incident requiring a response can be resolved without physical intervention.

Where possible, the school implements an approach of prevention, where staff will be trained in recognising warning signs of severe pain or distress and/or aggressive behaviour, communicating empathetically with pupils displaying such signs to aid them in regulating their emotions, and altering their environment to minimise distressing stimuli.

Teaching staff will be aware of the behavioural patterns, medical conditions and levels of need of pupils in their class, and will ensure that incidents of disruptive or aggressive behaviour in the classroom are handled in line with individual pupils' needs.

Staff will not generally resort to physical contact or reasonable force immediately without first questioning whether there is a need to use physical intervention. Staff will question whether:

- Verbal de-escalation can be attempted.
- There are actions that can be taken to remove triggers from pupils, e.g. dimming the lights and encouraging quiet where a pupil is having a meltdown in response to sensory overstimulation.
- The pupil can be removed from the situation without physical intervention, e.g. if they will follow a member of teaching staff out of the classroom.
- The pupil has a condition or support needs that mean physical intervention would be inherently more dangerous, e.g. asthma which may be made worse by restrictive holds or sensory issues where physical touch would contribute to sensory overload and may provoke aggressive behaviour.
- They have the ability, training and adequate support to physically intervene safely without causing unnecessary harm to the pupil or themselves.

Where there is no immediate risk of harm to themselves or others, destruction of property or serious disruption, reasonable force will not be used on the pupil. Any reasonable force used in situations that are non-urgent will only be used once all alternative options have been exhausted and where the staff member in charge deems that the situation is escalating.

The school understands that, in some cases, action may be required very quickly, e.g. in the event that a pupil attempts to run out into a busy road, or where pupils begin a violent fight with one another and staff are forced to pull the pupils apart. Staff will not be penalised for resorting to the use of physical intervention or reasonable force in such situations where it is justified and perceived necessary to prevent harm to others or property in the circumstances.

Positive handling will be applied with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing the pupil to regain self-control. Reasonable force is not used as a method of behaviour management or discipline – only as a last resort in situations that require de-escalation to prevent harm.

## **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.

## **Duty of care**

When considering the use of physical restraint, staff members must take adequate measures to protect all pupils in their care from risk of harm or injury where there is a foreseeable risk. Staff members have a duty to provide the same standard of care as is expected of a parent. A staff member should decide at the time of the incident whether they should physically intervene.

## **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.
- to enforce the school's own rules.
- to search for prohibited items, such as weapons and knives, drugs etc unless there is good reason to assume the pupil is carrying such items.
- to prevent a pupil from leaving the classroom if they are not at risk by doing so.

## **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 will also be aware that, in some instances, it will cause more distress to a pupil, and may increase the risk of harm to their peers, if they are prevented from leaving an area, e.g. their classroom, using physical intervention. Where it is not dangerous to allow them to leave, the staff member in charge of the situation should use their judgement in allowing a pupil to remove themselves from the area, as environmental factors in the area specifically may be provoking their behaviour.

Following the incidents where reasonable force is used, the pupil involved may be subject to separate disciplinary procedures, in which strategies should be formed to help avoid reoccurrence of such incidents.

## **Pupils with SEND**

The school will have due consideration to the risks posed by the additional vulnerability of pupils with SEND in terms of physical intervention and reasonable force.

The school is aware that pupils with SEND may sometimes experience meltdowns, which can sometimes manifest in behaviour which may be aggressive or seem uncontrollable. Where it is known that a pupil is prone to meltdowns, the SENCO and headteacher will draft a risk

assessment to determine planned strategies for managing the pupil's meltdowns that are tailored to the pupil's specific needs, to avoid the use of reasonable force. These risk assessments will be conducted in collaboration with the pupil and their parents, where appropriate.

## **Staff training and Skills**

Bishop Hogarth Catholic Education Trust is committed to the highest standards of staff training. **Where an academy chooses to use physical interventions** then staff will be regularly trained in its safe legal use, and will communicate the key messages from this training to their colleagues after each update. As a minimum, primary schools will train two members of staff and secondary schools will train four members of staff. Where possible both male and female staff will be trained. At least one trained member of staff will be available.

## **Recording Incidents and informing parents when physical restraint has been used on their child**

A detailed written report will be kept of **all** incidents where reasonable force is used, distinguishing between planned interventions, i.e. those in line with approved strategies for the behaviour of specific pupils, and unplanned or emergency interventions.

Immediately following an incident, the member(s) of staff involved will verbally report the incident to the headteacher and provide a comprehensive written record of the situation as soon as possible, using the **Physical Intervention Report Form attached at Annex 1**. The written report of the incident must be thorough, including as much detail as possible as to what had happened before, during and after the incident, the reasons why specific interventions were employed, and any injuries incurred due to the incident.

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 Bishop Hogarth Catholic Education Trust's Policy for academies to speak to parents about serious incidents involving the use of force.

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

Schools should not have a ‘no contact’ policy, as this would put staff members at a high risk of breaching their duty of care to pupils.

## 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.

**Physical Intervention Report Form**

<b>Name of staff member:</b>	
<b>Name of pupil:</b>	
<b>Date:</b>	
<b>Time:</b>	
<b>Location:</b>	
<b>Name(s) of staff member(s) who witnessed the incident:</b>	
<b>Informed parties (parents, social workers, police, etc.):</b>	
<b>Circumstances prior to the incident:</b>	
<b>Details of the incident:</b>	
<b>Details of any negative impact on other pupils:</b>	
<b>Reason(s) for physical intervention (please tick):</b>	

Danger to self	<input type="checkbox"/>
Danger to others	<input checked="" type="checkbox"/>
Significant damage to property	<input type="checkbox"/>
<b>Was it a planned intervention, e.g. in line with approved strategies for the behaviour of specific pupils? Please circle.</b>	Yes/No
<b>Details of the intervention:</b>	
<b>Any disciplinary additional action taken:</b>	
<b>Injuries (if any) to staff members, the pupil concerned or other pupils:</b>	
<b>Damage (if any) to property:</b>	
<b>Recommendation(s) to avoid future incidents:</b>	
<b>Headteacher's signature:</b>	<b>Date:</b>
<b>Signature of staff member concerned:</b>	<b>Date:</b>