

Norwich Steiner School

Physical Handling & Use of Reasonable Force Policy

Revised Aug 2018

The Law governing Use of Reasonable force & Physical Restraint

The Education and Inspections Act 2006 provides the legal basis for policies on use of reasonable force and physical restraint in schools. This policy has been written using guidance issued by the Department for Education in August 2011 for governing bodies, head teachers and school staff in all schools and also takes into account the reviewed advice document issued in July 2013 and Keeping Children Safe in Education, Sept 2018.

Schools are advised that they should NOT have a "No contact" policy. This is because 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.

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 the school, it is possible that force may need to be used for two main purposes – to control pupils or to restrain them.

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. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury. 'Reasonable' in these circumstances means 'using no more force than is needed'. The use of force may involve 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 the classroom.

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. At all times staff will 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.

Children with Special Educational Needs or Disabilities

When using reasonable force in response to risks presented by incidents involving children with SEN or disabilities or with medical conditions, staff should in considering the risks, carefully recognise the additional vulnerability of these groups. They should also consider their duties under the Equality Act 2010 in relation to making reasonable adjustments and non-discrimination

Staff could need to use reasonable force to (for example):

- 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.

Staff must never use force as a form of punishment.

Who may use reasonable force?

All members of school staff have a legal power to use reasonable force. This power applies to any member of staff at the school. It can also apply to people whom the school management team has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

Power to Search pupils without consent

In addition to the general power to use reasonable force described above, 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.

After an incident where reasonable force has been used

After an incident where reasonable force has been used, the school will make a written record of the incident, noting the details of the incident, the time and date, any actions taken and any witnesses. If possible, all staff and where appropriate, the children involved will undertake a de-briefing meeting with an appropriate member of staff within 24 hours.

Informing parents

A member of staff will speak to the parents about incidents involving the use of force. The parents will be provided with the incident report, a copy of which will be kept on the child's file. Where possible, such an incident record will be provided to the parent on the same day; however, this is not always possible, if the incident happens at the end of the day, or if the relevant member of staff is teaching all day, it may simply not be practicable.

There may also be occasions where it is better for the member of staff to tell the parents over the phone later; for example, in the instance of inadequate privacy or sensitive surroundings (e.g. siblings or other parents present).

On occasion, it may not be necessary to make a written account; for example, a teacher who intervenes by stepping between 2 pupils who appear about to strike on another, but who has minimal physical contact with either pupil and from which the situation is quickly diffused.

Equally, if for example, a child refuses to come off the small climbing wall to go inside (e.g. in kindergarten) and staff members are able to gently reinforce their request by physically helping the child down, this could be considered as appropriate physical handling rather than use of force (see physical handling section below).

Other possible actions following an incident

If physical restraint is necessary to manage the behaviour of an individual, the school may enforce a temporary exclusion, whilst an individual risk assessment is compiled, in discussion with all staff, parents and any relevant outside agencies.

In the case of a child with a **statement** of educational needs, there will be opportunities to address issues of challenging behaviour at annual review meetings and an interim review organised in exceptional circumstances.

Looked-After Children will have a **Personal Education Plan** which features planning and strategies to address challenging behaviour, where appropriate.

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

The school will follow DfE advice in this situation which is as follows:

- Any complaint about the use of force will 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 – there will be no disciplinary action from the school;
- If there are allegations against a member of staff that excessive force was used, the school will follow its child protection procedures. The teacher will not necessarily be suspended.

Other Physical contact with pupils

It is not illegal for staff 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 or handling a pupil might be proper or necessary:

- Holding the hand of a child at the front/back of the line when going to assembly or when walking together around the school or kindergarten;
- When comforting a distressed pupil;
- Greeting, congratulating or praising a pupil;
- Guiding a pupil, for example in demonstrating how to use a musical instrument or in the use of a paintbrush or woodwork tool;
- Supporting a child in safely performing an exercise (e.g. forward rolls, handstands, vaults) in games;
- Tagging in chasing or territorial games where the teacher may be the chaser/tagger;
- Administering of first aid.
- A child distressed by the fire alarm, may need to be carried or supported out of the building

Some children, especially younger ones or those with Special Educational Needs may also need help with their personal care, for example:

- In changing clothes for games lessons;
- Changing wet or soiled clothing after outdoor play;
- Toileting support

The need for such support in school age pupils will generally, but not necessarily always, be identified in a child's Individual Educational Plan or Statement of Special Educational Need.

Physical Handling in Games

As stated in the examples above, games teachers may often have to help children with gymnastic activities in order to support them so that the children do not hurt themselves and to allow them to develop competence and skill. Where possible, the teacher will forewarn the child of how they will hold them. For example, if attempting a handstand, the teacher may advise the pupil that "when you kick up your left leg, I will hold your leg so that you can experience an upright position and to stop you overbalancing".

For activities such as a forward roll, the teacher may need to support the pupil with one hand on the head and one arm behind the knees as the pupil rolls over.

For a pupil attempting to vault or leap frog over an obstacle, the games teacher may need to grab a pupils arm to help hold them upright on landing; it may often not be possible in these situations to forewarn a pupil of how they will be helped, but the pupil needs to feel confident that the teacher will step in to help them when required.

In some activities, for example, pupils learning to do more complex movements such as a handspring or somersault, the teacher will have a plan to support the pupil in a particular way according to their training, for example by using a forearm under the back of a child as they emerge from a handspring, but in practice, the unexpected can happen. Pupils learning such movements can do unexpected things and the teacher will have to decide in the moment where best to place his or her hands or limbs in order to ensure the pupils safety.

At all times, teachers will be respectful of the child's wishes; on occasion this may mean that a child will not be allowed to attempt a movement if they are not willing to accept help, if in the teacher's judgment they could hurt themselves without that support.

Other relevant policies

Safeguarding & Child protection policy
Special Educational Needs & Disability Policy

Behaviour and discipline policy
Exclusion policy