

Physical Intervention Policy

Physically intervening or using even minimal force is a fraught and potentially stressful situation for all concerned. It is important that tutors and classroom assistants fully understand what is acceptable and what is not. There is a common misconception that any physical contact with a child is in some way unlawful. That is not true. Where necessary reasonable force can be used to control pupils, this policy seeks to clarify when it is acceptable and when it is not.

Purpose

- To identify when staff should intervene using minimal force.
- To understand and clarify the term 'minimal force'.
- Ensure staff follow the procedure in recording the need to intervene, action taken and outcomes.
- To communicate to Governors, Parents and Pupils that the provision has a procedure for dealing with such incidents.
- To reassure staff that they are not committing an offence if they act within the accepted policy.
- Accept and appreciate that such situations occasionally occur and have an established procedure for dealing with them.

GUIDELINES

AUTHORISED STAFF

This policy covers all Tutors, Session Leaders and Assistants employed by the provision. Wherever possible, staff who have undertaken 'Team Teach' training should be deployed to make a physical intervention if required. It is understood that this may not always be possible.

TYPES OF INCIDENTS

Section 550A of the Education Act 1996 came into force on 1 September 1998. It clarified the powers of teachers and other staff with lawful control or charge of pupils to use reasonable force in various situations. They fall into three broad categories: -

1. Where the action is necessary for self-defence or because of an imminent risk of injury.
2. Where there is a developing risk of injury or significant property damage.
3. Where a pupil is behaving in a way that compromises good order and discipline.

Examples of situations that fall within one of the first two categories are:

- a pupil attacks a member of staff or another pupil.
- pupils are fighting.
- a pupil is engaged in or is on the verge of committing deliberate damage or vandalism.
- a pupil is causing or at risk of causing injury or damage by accident, rough play, or misuse of dangerous materials or objects.
- a pupil is running in a corridor or on a stairway in a way that may cause an accident likely to injure themselves or others.
- a pupil absconds from a class or tries to leave provision (N.B. This will only apply if a pupil could be at risk if not kept in the classroom or at provision).

Examples of situations that fall into the third category are:

- a pupil persistently refuses to obey an order to leave a classroom.
- a pupil is behaving in a way that is seriously disrupting a lesson.

REASONABLE FORCE

There is no legal definition of reasonable force, so it is impossible to set out when it is reasonable or the degree of force that may be used. Staff will need to act in a professional and appropriate manner, dependent upon the circumstances of the incident.

There are two relevant considerations: -

1. The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. Using any degree of force is unlawful if the particular circumstances do not warrant using physical force. Therefore, physical force could not be justified to prevent a pupil from committing a trivial misdemeanour or in a situation that clearly could be resolved without force. **STAFF WHO ACT OUTSIDE THE CIRCUMSTANCES OF THIS POLICY WILL FACE DISCIPLINARY ACTION.**
2. The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result and the last resort after all other methods have been exhausted.

Practical Considerations

Before intervening physically, a teacher should, wherever practicable, tell the pupil who is misbehaving to stop and what will happen if he or she does not. The teacher 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. A calm and measured approach to a situation is needed, and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

Sometimes a teacher should not intervene in an incident without help (unless it is an emergency). For example, when dealing with an older pupil, or a physically large pupil, or more than one pupil, or if the teacher believes he or she may be at risk of injury. In those circumstances, the teacher should remove other pupils who might be at risk and summon assistance from a colleague or colleagues, or where necessary, phone the Police. The teacher should inform the pupil(s) that he or she has sent for help. Until assistance arrives, the teacher should continue to attempt to defuse the situation orally and try to prevent the incident from escalating.

Physical intervention can take several forms: -

Physical interposing between pupils, blocking a pupil's path; holding; pulling; leading a pupil by the hand or arm; shepherding a pupil away by placing a hand in the centre of the back; or (in extreme circumstances) more restrictive holds.

Staff **SHOULD NOT** act in a way which might cause injury.

For example by:

- holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe.
- slapping, punching or kicking a pupil.
- twisting or forcing limbs against a joint.
- tripping up a pupil.
- holding or pulling a pupil by the hair or ear.
- holding a pupil face down on the ground.

Staff should always avoid touching or holding a pupil in a way that might be considered indecent.

RECORDING INCIDENTS

It is important that there is a detailed written report of any occasion (except minor or trivial incidents) where force is used. It may help prevent any misunderstanding or misrepresentation of the incident and will be helpful should there be a complaint.

Incidents must be recorded in the Incident Log, located within the Safeguarding SharePoint channel. CCTV footage of the incident should be obtained as soon as possible, and the time index of the physical intervention should be noted in the incident log. Immediately following any such incident, the staff member should inform the Senior Leadership Team (SLT) or the Designated Safeguarding Officer (DSO) and provide a written report as soon as possible afterwards.

The report should include:

- the name(s) of the pupil(s) involved, and when and where the incident occurred, including CCTV time index where possible.
- the names of any other staff for pupils who witnessed the incident.
- the reason that force was necessary (e.g., to prevent injury to the pupil, another pupil or a staff member).
- how the incident began and progressed, including details of the pupil's behaviour, what was said by each party, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and how long.
- the pupil's response and the outcome of the incident.
- details of any injury suffered by the pupil, another pupil, or a staff member and of any property damage.

Staff may find it helpful to seek advice from a senior colleague when compiling a report. They should also keep a copy of the report.

An SLT member will inform the parents of the incident by the end of the provision day and record that it has been done.

COMPLAINTS

Involving parents when an incident occurs with their child, plus a clear policy about physical contact with pupils that staff adhere to, should help to avoid complaints from parents. It will not prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and Social Services Department under child protection procedures.

The possibility that a complaint might result in a disciplinary hearing, criminal prosecution, or civil action brought by a pupil or parent cannot be ruled out. In those circumstances, it would be for the disciplinary panel or the court to decide whether the use and degree of force were reasonable in all the circumstances. In that event, however, the panel, or court, would have regard to the provisions of section 550A. Considering all the case circumstances, it would also be likely to consider the provision's policy on physical intervention, whether that had been followed, and the need to prevent injury, damage, or disruption.

Approved by Directors: 20th April 2020

Reviewed 21st April 2023

Reviewed by TPM