



Wychwood School
OXFORD

PHYSICAL INTERVENTION AND RESTRAINT POLICY

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Introduction

The Education Act 1996 forbids corporal punishment or the threat of corporal punishment but allows all teachers to use reasonable force to prevent a pupil from:

- Committing a criminal offence
- Injuring themselves or others
- Damaging property
- Acting in a way that is counter to maintaining good order and discipline at the school

The Act does not cover more extreme cases, such as action in self-defence or in an emergency, when it might be reasonable for teaching staff, employing their professional judgement, to use a degree of force. Staff other than teachers and volunteer helpers are also able to use force if necessary, provided they have been authorised by the Head to have control or charge of pupils. At Wychwood we aim to follow the guidance offered in the 'Use of reasonable force' Guidance for school leaders, staff and governing bodies, July 2013

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At Wychwood we hope that it will never be necessary to use physical intervention or restraint, but in the event that it is necessary, the following procedures and considerations will apply:

Records

Detailed and up-to-date records should be kept of any incidents where physical intervention or restraint is used. It is always advisable to inform parents of such an incident and to allow an opportunity to discuss it.

Records of incidents should include the following information:

- The name(s) of the pupil(s) involved
- When and where the incident took place
- Why the use of physical intervention or restraint was deemed necessary
- Details of the incident, including all steps taken to diffuse the situation and resolve it without physical intervention or restraint and the nature of the physical intervention or restraint used
- The pupil's response
- The outcome of the incident

- A description of any injuries suffered by the pupil and others and/or any property damaged during the incident.

What is 'reasonable force'?

There is no legal definition of 'reasonable force' so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case. However, reasonable in the circumstances means using no more force than is needed.

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; 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.
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.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age and understanding of the pupil.

There are a wide variety of situations. For example, where

- A pupil attacks a member of staff, or another pupil
- Pupils are fighting
- A pupil is vandalising property
- A pupil is causing, or at risk of causing, injury or damage, by rough play, or by misuse of dangerous materials or objects
- A pupil is running in a corridor or stairway and might have, or cause, an accident
- A pupil absconds from a class, or tries to leave school - but this will only apply if a pupil could be at risk if not kept in the classroom or at school
- A pupil persistently refuses to obey an order to leave a classroom
- A pupil seriously disrupts a lesson
- A pupil is behaving in such a way that disrupts a school event or a school trip or visit.

Acceptable Forms of Force

The following examples of acceptable force are taken from DfE guidance:

- Physically interposing between pupils
- Blocking a pupil's path
- Holding
- Pushing
- Pulling
- Leading a pupil by the hand or arm
- Shepherding a pupil away by placing a hand in the centre of back; or (in extreme circumstances) using more restrictive holds.

Unacceptable Forms of Force

The following are likely to be unacceptable:

- Holding a pupil around the neck, by the collar, or in any way that might restrict breathing
- Slapping, punching or kicking

- Twisting or forcing limbs against a joint
- Tripping up a pupil
- Holding or pulling by the hair or ear
- Holding a pupil face down on the ground
- Holding a pupil in a way that might be considered indecent
- The 'seated double embrace' where two members of staff force a person into the sitting position and lean them forward while a third monitors breathing
- The 'double basket hold' which involves holding a person's arms across their chest
- The 'nose distraction technique' which involves a sharp upwards jab under the nose.

Avoid Physical Intervention Wherever Possible

Always try to avoid physical intervention and the use of force - particularly where the risk is not so urgent.

Encourage teachers to use strategies other than force to diffuse difficult situations:

- Tell pupils to stop the inappropriate behaviour
- Try to calm the situation.

Physical intervention can increase disruption or actually provoke attack.

- If force is necessary, the teacher should continue trying to communicate with the pupil throughout the incident, making clear that physical contact or restraint will stop as soon as it is no longer necessary
- It is crucial that the teacher take a calm and measured approach. S/he must never appear to lose his or her temper, or to act out of anger or frustration simply to punish the pupil concerned.

Legal Implications

Teachers faced with a situation where a pupil needs to be restrained or where force is necessary are particularly vulnerable to accusations by pupils or parents of assault.

Allegations may be made in the heat of the moment; as a result of misrepresentations and misunderstandings - or they may be false, malicious or misplaced.

School staff must bear in mind that it is a criminal offence to use or threaten to use physical force (for example by raising a fist or making a verbal threat) - unless there is lawful excuse, or justification, for the use of force. A court that sees staff have acted within the guidelines on using force is likely to conclude that there was lawful excuse for that force to have been used.

Similarly, it is an offence to lock an adult or child in a room without a court order (even if they are not aware that they are locked in) except in an emergency when, for example, locking someone in while seeking help would be justified.

Physical intervention may also lead to a civil negligence action if it results in injury, including psychological trauma, to the person concerned.

Other physical contact with pupils

The revised Guidance for School Leaders Staff and Governors gives the following non-statutory guidance

- (i) 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.
- (ii) Examples where touching a pupil might be proper or necessary:

- a. Holding the hand of child at the front/back of the line when going to assembly or walking together around the school
- b. When comforting a distressed pupil
- c. When a pupil is being congratulated or praised
- d. To demonstrate how to use a musical instrument
- e. To demonstrate exercises or techniques during PE lessons or sports coaching; and
- f. To give first aid.