

# **THE PHYSICAL INTERVENTION POLICY FOR** **KING HENRY VIII PREPARATORY SCHOOL** **INCLUDING THE EYFS**

The law forbids a teacher to use any degree of physical contact which is deliberately intended to punish a pupil, or which is intended to cause pain or injury or humiliation. King Henry VIII Preparatory School (KHPS) aims to create and maintain harmony and positive relationships through out the School.

This Policy on the use of restrictive physical intervention supports the School's Anti Bullying and Behaviour Policies as well as the Child Protection Policy.

The use of corporal punishment is not permitted at KHPS. However, physical touch may take place in activities such as PE/Games or to reassure a child. In such circumstances, touch may not be abusive and must be in the best interest of the child and age appropriate.

## **Planning for incidents**

If the school is aware that a pupil is likely to behave in a way that may require physical contact or restraint, it needs to plan how to respond if the situation arises. Such planning needs to address:

- managing the pupil (e.g. reactive strategies to de-escalate a conflict)
- involving the parents to ensure they are clear about what specific action the school might need to take;
- briefing the staff to ensure they know exactly what action they should be taking;
- ensuring that additional support can be summoned if appropriate.

## **DfEE Circular 10/98 - Section 550A**

This section allows teachers, and other persons authorised by the Head to have control or charge of pupils, to use such force as is reasonable in all circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- committing a criminal offence;
- injuring themselves or others;
- causing damage to property (including the pupil's own property);
- engaging in behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

The provision applies when a teacher, or other authorised person, is on the school premises, and when he or she has lawful control or charge of the pupil concerned elsewhere e.g. on a field trip or other authorised out of school activity.

### **Authorised staff**

All members of staff are allowed to use reasonable force to control or restrain pupils. Other support staff may be given permission to restrain a pupil if it is deemed necessary. These might include teaching assistants, dinner supervisors, maintenance staff or voluntary helpers including people accompanying pupils on visits, exchanges or holidays organised by the school. This may be on a long term or short term basis as identified by the Headteacher.

### **Action in self defence or an emergency**

Section 550A does not cover all situations in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to protect themselves against attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene. The purpose of the Section 550A is to make it clear that teachers, and other authorised staff, are also entitled to intervene in other, less extreme, situations.

### **Types of incidents**

Situations where reasonable force might be appropriate, or necessary, fall into three categories:

- a. where action is necessary in self-defence or because there is an imminent risk of injury;
- b. where there is a developing risk of injury, or significant damage to property;
- c. where a pupil is behaving in a way that is compromising 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 to property;
- a pupil is causing, or is at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;

- a pupil is running in a corridor or stairway in a way in which he or she might have or cause an accident likely to injure him or herself or others;
- a pupil absconds from a class or tries to leave the school (N.B. this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations in the third category are:

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

The most likely need for physical intervention at KHPS is when a child refuses to leave its mother/father/adult when dropped off at School and a member of staff is required to intervene. In such a case, Year group heads, Pastoral Heads and the Deputy Head should be informed and a conversation should have taken place between the member of staff and parent/adult concerned.

### **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.

There are two relevant considerations:

- the use of force can be regarded as reasonable only if the circumstances warrant it. Physical force could not be justified to prevent a pupil committing a trivial misdemeanour, or in a situation that could clearly be resolved without force.
- 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.

The degree of force might also depend on the age and understanding of the pupil.

### **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. Communication should continue 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 an incident 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.

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 may 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 they have sent for help. Until assistance arrives the teacher should continue to attempt to diffuse the situation orally, and try to prevent the situation from escalating.

### **Application of force**

Physical intervention can take several forms. It might involve staff:

- 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 the back; or,
- (in extreme circumstances) using more restrictive holds.

In exceptional circumstances, where there is immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force': For example to prevent a young pupil running off a pavement into a busy road, or to prevent a pupil hitting someone or throwing something.

In other circumstances staff should not act in a way that might reasonably be expected to cause injury, for example by:

- holding a pupil around the neck, or by the collar, or in any 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 the 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.

Force should only be used when other methods have failed.

The age and understanding of the pupil is also very relevant in these circumstances. Physical intervention should never be used as a substitute for good behavioural management.

The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated. The key issue should be to establish good order.

### **Recording Incidents**

It is important that there is a detailed, written report of any occasion where force is used without exception. It may help prevent any misunderstanding or misrepresentation of the incident, and will be helpful should there be a complaint.

Schools should keep an up-to-date record of all such incidents. Immediately after an incident, the member of staff should inform the Head or Deputy and provide a written report as soon as possible afterwards. This should include:

- the name(s) of the pupils involved, and when and where the incident took place;
- the names of any other staff or pupils who witnessed the incident;
- the reasonable force necessary (e.g. to prevent injury to the pupil, another pupil, or a member of staff);
- how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to diffuse or calm the situation, the degree of force used, how that 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, or a member of staff and any damage to property.

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

Incidents involving the use of force can cause the parents of the pupil involved great concern. It is vital that a member of staff informs the parents of an incident involving their child, and give them the opportunity to discuss it. Parents must be informed on the same day or as soon as reasonably practicable.

### **Physical Contact with Pupils in Other Circumstances**

There are occasions when physical contact with a pupil may be proper or necessary other. Some physical contact may be necessary to demonstrate exercises or techniques during PE and Music/Instrumental lessons, sports coaching, or DT, or if a member of staff has to give first aid. Some younger children may need help to change for Sports

lessons but any contact should be kept to a minimum and in the company of another adult. Young children and children with special educational needs may need staff to provide physical prompts or help. Contact may also be appropriate where a pupil is in distress and needs comforting. Teachers will use their own professional judgement when they feel a pupil needs this kind of support.

There may be some children for whom physical contact is particularly unwelcome. For example, some pupils may be particularly sensitive to physical contact because of their cultural background, or because they have been abused. It is important that all staff receive information on these children. In addition, the school will need to develop clear common practice towards particular groups of children and events. There should be a common approach where staff and pupils are of different sexes. Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

Reviewed October 2015 Caroline Soan

Next review date: October 2016 or as necessary