

SAFEGUARDING 4: PHYSICAL CONTACT AND THE USE OF REASONABLE FORCE POLICY

Issued by:	Deputy Head Boarding and Pastoral
Last review:	May 2020
Next review due:	May 2021
Most recent edit:	May 2020
Circulation:	Staff Governing Council Website Parents Students

SAFEGUARDING 4: PHYSICAL CONTACT AND THE USE OF REASONABLE FORCE



This policy should be read in conjunction with the [Safeguarding and Child Protection](#) and [Anti-Bullying](#) Policies.

Physical Contact

Whilst there are occasions when it is entirely appropriate and proper for staff to have physical contact with students, staff should not make the assumption that it is acceptable practice to use touch as a means of communication.

Examples of appropriate circumstances **might** be:

- When comforting a distressed pupil
- When a pupil is being congratulated
- To demonstrate how to use a musical instrument or how to act in a play
- To demonstrate exercises of techniques during sports lessons or coaching
- To give first aid
- To respond to a situation where the pupil might be in danger- see below

Permission should be sought from a pupil before physical contact is made and it must always be for appropriate reasons and only in ways that are appropriate to their professional role and in response to the pupil's needs at the time. This should be of limited duration and appropriate to the age, stage of development, gender and background of the student. Staff should always be able to explain why they have made physical contact with a student.

Logging Incidents

Whenever physical contact has been necessary or was inadvertent, and it is clear the pupil was uncomfortable, the DSL or another member of the Safeguarding Team should be informed. Each incident is added to a log, which is maintained for staff protection.

Pupils are encouraged to report any physical contact from staff which made them feel uncomfortable.

Physical contact which is inappropriate – unsolicited by the pupil and unnecessary and unappreciated in the context it was used – will be investigated as a potential disciplinary and/or safeguarding issue.

Use of Reasonable Force

Exceptional circumstances could arise where it is necessary to use 'reasonable force' to safeguard pupils. **Such force may only be used to prevent harm** to a person or property and therefore forms part of the School's safeguarding strategy.

Background and Definitions

1. Whilst the [Education and Inspections Act 2006](#) does permit members of staff to use 'reasonable force' to control or restrain a pupil, such actions should be viewed as a last resort. The type of reasonable force allowable can range from putting an arm out to prevent a pupil hurting herself to the more extreme circumstances grabbing a pupil who is running into danger.
 - a. **'Reasonable' means using no more force than is necessary to keep a pupil safe. This does not mean that using force is a reasonable activity. Staff should be clear that such an activity is an exception.**

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- b. Control means 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 a room.
 - c. Restraint means to hold back physically or to bring a pupil under control. It is used in more extreme circumstances, for example if two pupils are fighting and refusing to separate.
2. **Corporal Punishment must never be given to a pupil: this would constitute battery in the eyes of the law. However, anything done to avert an immediate danger of personal injury to any person, or an immediate danger to the property, would not constitute corporal punishment.**
 3. Physical force must never be used as a punishment.

What are Exceptional Circumstances?

In exceptional circumstances only, staff supervising pupils are authorised to use reasonable force to prevent pupils from hurting themselves or others, or damaging property or from causing disorder.

If there is time, staff should consider whether it is possible to ask another pupil to carry out the necessary physical contact safely before doing so themselves.

Situations in which the use of force **might** be considered are those such as preventing a pupil from:

- Running in front of a moving vehicle
- Behaving in disruptive manner and not responding to verbal instructions and hand signals alone
- Leaving a room when to do so would risk their safety (for example during a lockdown)
- Harming someone
- Harming herself

When using force, the member of staff must make reasonable adjustments for disabled children and children with special educational needs.

Where there is an immediate and high risk of death or serious injury, a member of staff would be justified in taking any necessary action consistent with the principle of seeking to use the minimum amount of force required to achieve the desired result. Even in such an emergency, staff should make every effort to avoid acting in a way that might cause injury. Where possible, staff should summon help immediately. A pupil can be sent to get another adult.

Whilst it is legally possible for the Headmistress to authorise staff to use force to search pupils for prohibited items such as drugs, weapons and stolen items, this is not a current part of school practice.

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Reporting and Recording Incidents

Any use of force should be reported to the Deputy Head Boarding and Pastoral (or in her absence, the Headmistress). A record should be made by the person who used force and this should include the following information:

- The name(s) of the pupil(s) involved
- When and where the incident took place
- Why the use of force was deemed necessary
- Details of the incident, including all steps taken to defuse the situation and resolve it without force and the nature of the force used
- The pupil's response
- The outcome of the incident
- A description of any injuries suffered by the pupil or others and/or any property damaged during the incident.

The Headmistress or Deputy Head Boarding and Pastoral should inform the pupil's parents and give them an opportunity to discuss the incident. It may also be necessary to report the incident to authorities outside school and the Headmistress or Deputy Head Boarding and Pastoral in consultation with the Safeguarding Team or other members of SMT will make this decision.

The school will seek to offer continuing support to all staff and pupils involved in the incident.

Staff, Pupil and Parent Awareness

Staff will be made aware of this policy as part of their induction programme and reminded annually through a Staff Meeting briefing. It will form part of regular safeguarding training.

An adapted version of this policy is included in the Student Handbook.

The policy is included on the portal and external website.

Complaints

If a pupil complains about force having been used, the Department for Education guidance, [Use of Reasonable Force](#) (reviewed July 2015), suggests that the onus is on the person making the complaint to prove that her allegations are true, not on the member of staff to prove that he/she has acted reasonably. Where the member of staff has acted within the law - that is, they have used reasonable force in order to prevent injury, damage to property or to prevent disorder – this will provide a defence to any criminal prosecution or other civil or public law action. Suspension of the member of staff will not be an automatic response and the school will use the advice contained in part four of *Keeping Children Safe in Education* (September 2018) to investigate the matter.

Nevertheless, **staff are reminded that the use of force must be exceptional and justifiable**, in line with the duty of care we owe to young people. Any excessive use of force will be investigated to determine whether it is a disciplinary issue.

Monitoring and Review

This policy is reviewed each time an incident of force is reported and/or annually and by the Council Safeguarding and Pastoral Care Committee annually.

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The school will provide and review annually any risk assessment for use of force needed in the case of a particular pupil, should such circumstances arise.

Failure to follow this policy will be treated as a disciplinary issue.

This policy is based on the DfE guidance in *Use of Reasonable Force: Advice for head teachers, staff and governing bodies* (July 2013; reviewed July 2015) and *Keeping children safe in education* (Sept 2018)