



Olveston CEVC Primary School Policy for Physical Contact

The guidance was developed by a working party of head teachers, education support assistants and LA officers.

It is designed to be used by staff in every sort of school who may at sometime have to deal with pupils exhibiting disturbed, distressed and distressing behaviour. In these circumstances, staff need to know what is acceptable and what is not.

Particular reference has been made in writing this guidance to DfEE Circular 10/98 (The Use of Force to Control or Restrain Pupils) and guidance on restraint issued to Social Services employees within the LA.

This guidance applies to all staff. It does not differentiate between teacher and support staff.

School Ethos

The school seeks to foster an ethos where all pupils, including those with emotional and behavioural difficulties, feel valued, affirmed and positively encouraged to behave appropriately.

Expectations about positive relationships should be a central principle in The Whole School Behaviour Policy which should be regularly reviewed and endorsed by the whole staff.

An integral part of the whole school Behaviour Policy is developing positive relationships with parents where both achievements and concerns can be openly shared.

Some pupils with emotional and behavioural difficulties may not respond readily to teachers' efforts to develop good relationships and more persistence will be required.

However even with pupils whose emotional and behavioural difficulties are quite extreme teachers will be much more able to de-escalate aggressive or threatening behaviour if good relationships have been previously established.

Corporal punishment was banned in 1986 after a ruling in the Court of European Rights. Physical restraint of pupils must not be used as a punishment.

Physical restraint must not involve the deliberate use of hurt for punishment and control. This would not only be illegal but entirely incompatible with a positive behaviour policy.

Touching

For the purpose of the section, *touching* is used to mean every day acts of communication by physical means to indicate approval, affection or sympathy.

There can be no doubt that a pat on the shoulder, a held hand or even an arm around the shoulder can be a powerful and appropriate action. Touching can be a positive reinforcement to relationships and a comfort in times of stress.

It is acknowledged that, close contact between a child and an adult is more part of normal practice in Early Years settings.

However, staff should be mindful of the physical context of their actions. Touching of this type should never take place in conditions which are private or in areas to which there is no open access.

Staff are protected from unfounded accusations of inappropriate physical contact with pupils if witnesses are present.

Whilst it is not intended that this guidance should deter normal physical contact between staff and pupils, staff should be mindful that children who have been abused may be particularly sensitive to physical contact.

Staff should be sensitive to cross-cultural attitudes, behaviour and body language which may lead them to misinterpret and underestimate the feelings and attitudes of some pupils of minority ethnic origin.

For example: what is considered respectful and deferential in some cultures, such as dropping the head and not making eye contact may be interpreted as sullenness or even defiance.

- a pupil may react to a teacher's voice tone rather than the content of what is being said and unwittingly ignore the teachers comment;

- pupils raised in some African-Caribbean cultures may have actions and body language which may by members of other cultures be misinterpreted as being disrespectful, flippant or even aggressive.

Generally teaching can occur without the need to touch pupils. However, there are legitimate reasons for a member of staff to touch a pupil as part of the teaching process.

Staff should be aware that touching of any sort can be distressing for certain pupils who have been subject to abuse or who have particular cultural backgrounds. Caution should be exercised in these cases.

However, even with such pupils there should never be any inhibition when the immediate safety of the pupil is concerned, e.g. saving from a fall in PE, pulling away from hazardous machinery in Technology, retrieving from deep water in swimming.

Staff will themselves identify many class-based activities in which it is helpful or even essential to touch pupils. They will include:

- Modelling pencil grips/scissor grips
- Ensuring technology tools are held correctly
- Supporting in PE in swimming
- Holding a partner in gymnastics
- Developing the kinaesthetic required to work in clay
- Taking a pulse in science
- Working with communication disordered pupils

All such activities are legitimate and staff will be supported in their proper use

Touch in these circumstances:

- Must have a clear and legitimate purpose
- Must cease immediately if the pupil appears distressed or voices concern
- Must avoid any intimate contact that may be misinterpreted e.g. stroking the hair or with any area of the individual's genitals, breast or buttocks.

When a subject cannot be successfully taught because of a pupil's sensitivity to touch this should be reported, discussed and recorded in the school's Incident Book.

Holding

Holding, in this context, is the use of physical contact to direct or calm pupils which falls short of physical restraint and the restriction of liberty.

Staff should aim to retain calm throughout.

Younger and more immature children (particularly those with disturbed, chaotic or inconsistent behaviour) will, from time to time, need physical direction.

They may, for instance, be led to a room where they do not wish to be.

They may need to be diverted from disruptive or destructive behaviour by being led away by the hand, arm or by means of an arm around the shoulder.

Any holding of the arm should be done on a long bones and any pressure on the delicate wrist bones should be avoided.

Pain must not be used to gain compliance and painful 'locks' against joints must not be used.

This type of intervention is distinguished from restraint by the degree of force applied.

Physical restraint uses a degree of force necessary to prevent a pupil harming him/herself or others, or property.

Holding would discourage but in itself not prevent such actions. It will work because it also conveys directly the intentions and expectations of the adult.

Holding is also subject to consideration of culture, sexual appropriateness and sensitivity.

Holding is also a term used to name an accepted and understood technique in which young children subject to extreme temper tantrums are quietly and calmly restrained by an adult, without hurt, until the child regains composure.

It conveys a sense of safety, as such children can often be frightened by their own lack of control; it reinforced that the adult is in control; it does not escalate the situation and it provides a response to 'out of control' behaviour in a manner that maintains positive relationships.

Should staff find the technique appropriate to a particular child, then they should record each and every event as they should with other forms of physical restraint. When appropriate, the technique should be discussed with parents, recorded initially in the child's file and then reviewed regularly.

The use of this technique and the increased or decreased need for it, should be discussed at the Annual Review of statement for a child with special educational needs.

Restricting Liberty

'Time out' should never involve physical restrictions to liberty. Pupils should be removed to an area that is overlooked and has open access.

The above does not apply when very young children are protected in a secure area in order to prevent them from straying into danger.

However, the risk of fire should always be remembered and children must never be left unsupervised in any area especially one from which, in emergencies, they could not escape.

The most common potential need to restrict liberty is when a pupil demonstrates the intention of leaving the school site. Although verbal persuasion must always be used at these times, it is a matter of judgement as to whether a member of staff should intervene physically to apprehend absconders and restrict their liberty.

The following questions should be considered to inform judgements:

- Is the pupil in immediate danger if he/she leaves the school site?
- Is the pupil mature enough to cope safely with traffic?
- Is the pupil too distressed to cope safely with traffic?
- To what extent is the pupil vulnerable to attack or abuse by third parties?
- Am I acting reasonable in the circumstances at the time?

In general terms, a young child should be restrained if he/she attempts to leave the site.

However, for an adolescent whose absence is judged unlikely to lead to immediate injury or physical damage, restraint would be inappropriate and possibly dangerous.

If the member of staff believes that the child is capable of dealing with the situation then they should have the right and expectation to be allowed to do so. If the child is not deemed to be of sufficient maturity to deal with the situation then the member of staff must act to exercise the due degree of care.

Schools are not secure institutions. When pupils leave the school premises and there is danger of harm, then consideration should be given as to how this is managed by the school.

Leaving the school site without permission should always be recorded in the School Incident Book whether or not restraint is required.

It is essential that parents/carers are informed if a pupil leaves the school site without permission and if parents cannot be contacted the police should be informed as a matter of course. This must always be recorded in the school Incident Book.

Restraining

Restraint is the positive application of sufficient force by physical means alone to ensure that a pupil does no injury either to him/herself, a member of staff, another pupil or to property.

In this context, 'injury' means significant harm or damage. Examples would include actual or bodily harm, physical or sexual abuse.

It must be possible to demonstrate credibly that there were strong indicators that personal injury or serious damage to property would have occurred, if immediate action had not been taken.

Staff should not hesitate to act in an emergency for fear that their actions might be interpreted as punitive.

Teachers and other staff who intervene physically, often on the spur of the moment, to avert danger, will be protected in the eyes of the law provided the danger is immediate and they use reasonable and moderate force. Only the minimum force necessary to prevent injury or damage should be applied.

Where there is an immediate risk of injury, for example where a young child is on the point of running into the road or one pupil is about to hit another, a member of staff may need to take any necessary action consistent with 'reasonable force'

- Do if possible use a range of non-verbal and verbal strategies before physical handling is used.
- Do where possible separate other children from the confrontation
- Do use positive physical handling in order to prevent a child from damaging themselves, another child, member of staff or property
- Do use the minimum amount of force necessary
- Do ensure that other members of staff are sent for as soon as possible, either to assist, or to witness take over management of an incident.
- Do ensure that a child is held safely so that they are not injured (e.g. don't restrict breathing, hold a long bone rather than a wrist, don't force limbs against a joint)
- Do ensure that the member of staff minimises risk to themselves (e.g. keep your head away from possible head butts etc.)
- Do record details of any instances where positive handling has been used.
- Do plan for positive handling on the individual Behaviour Plans of any child where it is likely to be necessary. Discuss this with parents.
- Do ensure that both the child and staff members involved in any incident have the opportunity to discuss it afterwards in a calm and supportive environment.

Staff should not act in a way which might cause injury e.g.

- Holding a pupil by 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.

If a member of staff can demonstrate that his/her intervention was necessary and that reasonable force was used to protect the pupil from him/herself, to protect others or to protect property, then the member of staff will be supported in its proper use.

However, staff will be expected to exhaust all non-verbal, verbal and behaviour management strategies including the use of a 'cool off' period before using physical restraint.

Unless danger is imminent, staff should first attempt dialogue and diversion. If restraint is still required, the pupil should be warned verbally that physical restraint will be used unless he/she desists.

Restraint works best when two or more members of staff are involved. Not only can they both report the facts if challenged, but also assistance can ensure that the process does not degenerate into a struggle in which the staff member is seen to be grappling for control. Far less danger exists for both staff and pupil when the forces for control are sufficient to enable the pupil to regain self-control.

As soon as it is safe, restraint should be generally relaxed as the pupil regains self-control.

Staff must be calm throughout. They should continue to attempt to communicate with the pupil throughout the incident, and should make it clear that the physical contact or restraint will stop as soon as it ceases to be necessary. They should explain as soon as it is appropriate that the restraint is an act of care and control and not punishment.

Physical restraint must not be used purely to force compliance with staff instructions when there is no immediate risk to people or property.

At the discretion of the Headteacher instances of physical restraint must be recorded in the school incident book as soon as possible.

All instances of the need for physical restraint must be reported to parents and subsequent appropriate action considered by Head of Deputy Head Teacher.

It is acknowledged that this sort of action can be extremely upsetting to staff, provoking anger, guilt and feelings of impotence. It is essential for a head teacher to talk with a senior colleague in the LA. Staff should be able to talk to the Head Teacher or Deputy Head Teacher.

Following a serious incident, staff and children should be provided with a support process that allows for reflection and repair of relationships. Triggers and patterns of behaviour should be looked for and alternative ways of managing behaviour sought.

The following guidelines may be helpful when dealing with situations where there appears to be the need to search a child:-

Where staff have reason to believe that a child has hidden on his/her person either stolen property, illegal drugs or an offensive weapon, they should take the following action:

- Ask the child to hand over the article. Staff may be persistent in this request and can take time to give the child the opportunity to comply
- If the child refuses to comply he/she should be warned that the police may be called

- Staff can ask a child to turn out his/her pockets and remove outer items of clothing. This should only be done if there is a witness present
- If the child still refuses to comply and staff continue to have suspicions they should, after consultations with the Headteacher, inform parents/guardians and the police
- These actions should be carried out by two members of staff, away from the rest of the children, in a quiet room where interruption is unlikely

Judgement

No guidelines can advise for every possible eventuality. Professional staff can be expected to make their own judgements in the light of this guidance. Staff can expect to be supported when action in good faith follows from such judgement.

The following judgements can reasonably be expected of staff working in this field:

- The method of intervention should be keeping with the incident that gives rise to it.
- Restraint should only be used when all other methods have been tried and have failed.
- The degree and duration of force should be proportionate to and reasonable in all circumstances. The use of force should be the minimum needed.
- The potential for danger to persons and property of any form of intervention should always be kept in mind when deciding the need for action.
- The age, competence, culture, gender and any medical considerations of the child should be taken into account in deciding the degree of intervention necessary.

Teachers, and other persons authorised by the Headteacher; are allowed by Section 550A of the 1996 Education Act to use such force as is reasonable in all the circumstances to prevent a student from doing any of the following:

- Committing a criminal offence (including behaving in a way that would be offence if the student were not under the age of criminal responsibility).
- Injuring themselves or others.
- Causing serious damage to property (including the student's own property).
- Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its students, whether that behaviour occurs in a classroom during a teaching session or elsewhere.
- This provision applies both on the school premises and on out of school activities e.g. field trips.

There is no legal definition of reasonable force. What is reasonable will always depend on the circumstances of the case. Two considerations apply:

- The use of any degree of force is unlawful if the circumstances do not warrant it. Physical force could not be justified to prevent a student from committing a trivial misdemeanour or to avoid a situation that clearly could be resolved without force.

- Any force used should be the minimum needed to achieve the desired result.

Duties towards Self, Colleagues and Student

Circumstances may arise where a member of staff has to decide between making a physical intervention, thereby placing him/herself at risk of being hurt, and standing back thereby allowing colleagues and pupils to face danger.

There are three broad categories of situations where reasonable force might be necessary or appropriate to restrain a student – these should only be used in exceptional circumstances:

- Where action is necessary in self defence or because there is an imminent risk of injury e.g. a pupil attacks a member of staff or another pupil: or a pupil is running in a corridor in a way in which he or she might have or cause an accident to him/herself or others.
- Where there is a developing risk of injury, or significant damage to property e.g. a pupil is engaged in, or on the verge of committing, deliberate damage or vandalism to property, or a pupil absconds from a class or tries to leave the school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school)
- Where a pupil is behaving in a way that is compromising good order and discipline e.g. a pupil persistently refuses to obey an order to leave a classroom: or a pupil is behaving in a way that is seriously disrupting a lesson.
- There are also other situations where it might be reasonable to use a degree of force. Everyone has the right to defend themselves against attack provided that they do not use a disproportionate degree of force to do so. Similarly, any member of staff would be entitled to intervene if a pupil was at immediate risk of injury or on the point of injuring someone else.

To some extent there will always be an element of personal judgement in these decisions: however, it is reasonable for the employer and colleagues to expect a member of staff to engage in some risk where there is evident danger to others and intervention has a good chance of being effective.

Employees must not, however, put themselves in personal danger merely to safeguard property.

Staff working in schools may be vulnerable to malicious accusation that they used undue force or behaved with sexual impropriety. These dangers can be minimised if staff:

- Obtain help from others in times of difficulty
- Work within these guidelines
- Carefully record and report all details of incidents as soon as practicable thereafter

- Behave with particular caution with pupils who are known to react, or are likely to react, strongly to physical contact
- Enlist the support of Head/Deputy Head Teacher and other concerned professionals before events escalate.

Physically/Sexually Abused Children

All types of school may have children on roll who have established histories of sexual or physical abuse. Staff must be mindful that these children may be particularly sensitive to many forms of touch. Staff may be vulnerable to accusations of misconduct made by these children, which arise from distress at past experience rather than events in the present.

On admission, any information that a pupil might not be comfortable with physical contact should be disclosed to relevant staff to the maximum extent consistent with necessary confidentiality.

Physical contact should never be in response to, or be intended to arouse, sexual expectations or feelings.

Age, gender and knowledge of the pupil should be considered when deciding appropriate forms of physical contact.

Staff should avoid holding a young person in a way that involves contact with genital or other inappropriate areas.

For their own protection, staff should record any incident in which they made inadvertent physical contact leading to adverse reaction from a pupil. It is also in the interests of staff to record incidents in which they judge a pupil to have been sexually provocative towards a member of staff.

The school has a child protection folder where incidents should be recorded following the guidelines in the Child Protection policy. All incidents should also be reported to the teacher in charge of child protection.

Culture and Gender

Pupils from some cultural backgrounds may find touching unwelcome. Whilst appropriate physical contact can be used to reassure or comfort younger pupils, staff should respect the cultural and religious codes of older pupils, particularly girls.

However, staff should not hesitate to act in an emergency to avert danger and prevent injury or damage.

Treating

For the purpose of this document, the cleaning up on incontinent pupils is considered here as a treatment.

Emergency treatment may be required at any time and staff should never feel constrained from acting immediately to prevent harm even when this involves intimate body contact.

Any procedure used:

- Should have a First Aid or hygiene purpose
- Should not involve more contact that is necessary
- Should be undertaken by persons of the same sex as the pupil when such a person is available and when their First Aid skills are not less than those of an available person of the opposite sex.

Young children who are incontinent will require intimate contact during the process of cleaning up. This will necessarily centre of the genital area. It is important that staff undertaking this task should feel secure over the issues of contact that are involved.

It should be a condition of acceptance at school that parents of regularly incontinent younger pupils agree in writing to their children being cleaned by individual members of staff working in a withdrawal situation. Staff should aim not to work alone at this task but this is not always practical or possible.

As a minimum, staff should always ensure that another adult is aware of the reason for withdrawing the child. They should spend no longer than is necessary over the process and limit activities to the minimum required to restore hygiene.

They should ensure that there is open access to the work area, while having regard to the child's dignity and requirement for privacy.

Reporting and Recording

The School Incident Book should be kept centrally and the following events should always be reported and recorded with dates, full details, witnesses etc. Parents must be informed as a matter of urgency of any of the following incidents and any sanctions used by a member of staff:

- Any incident of holding which has contributed to hurt and/or injury or which failed to prevent it, or to which a pupil has reacted strongly.
- Any incident where restraint is required.
- Any incident when a pupil leaves school premises, even if they subsequently return, and any physical intervention required to prevent a pupil from absconding.
 - Any indication from a pupil that touch used in teaching or any other activities is seriously resisted or found objectionable.
- Any incident of incontinence that requires the appropriate support staff to help to clean the genital area (for convenience a Log Book should be kept in the shower/changing room and details extracted and appended to the school Incident Book on a regular basis)
- Any incident when a member of staff feels that he/she has behaved inadvertently in a way that could be misconstrued as sexually provocative.

- Any incident when a pupil behaves in a sexually provocative manner towards a member of staff

Members of staff are advised to consider informing their professional association/trade union representative of any serious incident.

For a child with a statement of special educational needs, the Annual Review is an appropriate forum to discuss and record the following:

- Any sensitivities to touch that inhibit teaching
- Any treatments that habitually require touch
- The use of the 'holding' technique with young children
- Absconding or threats to abscond
- The frequent incontinence of pupils

Very serious incidents of physical violence by pupils should be immediately reported to the Principal Education Welfare Officer and may result in a case conference or exclusion.

Training

A copy of this guidance should be kept in a staff handbook and should always be available in the staffroom.

New staff of all grades who have contact with children should be required to read this guidance before taking up post or, when engaged at short notice, within a week of taking up post.

Time should be made available termly for staff to discuss and comment upon this guidance so that it will remain relevant, understood and up-to-date. Training in specific areas of the guidance should be arranged at the general request of the staff or at the decision of the Head Teacher and/or Governors to finalise.

This policy should be read in conjunction with the following policies:

- Child Protection
- Health and Safety
- Reasonable Force
- Special Educational Needs

Ratified by Governors: November 2010

Signed Chair of Finance:

Review Date: November 2012