

Spaxton CofE Primary School

'Together we flourish and achieve'



Physical Contact Policy

LINKS:

DATE: November 2021

POSTHOLDER RESPONSIBLE: Rachel Rood

MONITORED BY: Local Governance Committee

DATE RATIFIED BY GOVERNORS:

AUDIENCE: Staff, parents, students

REVIEW DATE: (annual)

Approved on behalf of Governing Body:

A handwritten signature in black ink, appearing to read 'A. Watson'.

(Chair of Governors)

Approved on behalf of School:

A handwritten signature in black ink, appearing to read 'R. Rood'.

(Head of School)

RATIONALE

All staff at the school – teachers, support staff, Learning Support Assistants – may sometimes have physical contact with children in their care. This may arise through student illness or injury, the need to extend sympathy and support, or, on rare occasions, the need to prevent injury or damage.

The use of force should always be a last resort, and the school continues in its endeavour to minimise the possibility of force being needed by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind.

PURPOSES

1. To advise staff of actions which cannot have the support of the Governors and Parents.
2. To give assurance that action taken supported by this policy will have the support of the Governors and Parents.
3. To enhance the quality of relationships between children and staff within the school.
4. To raise the awareness of staff to the possibility of situations arising which could be misinterpreted.

PRINCIPLES

- Everyone has the right to defend themselves against attack provided they do not use a disproportional amount of force to do so.
- Any member of staff is entitled to intervene in an emergency if a student is at immediate risk of injury or on the point of inflicting injury on someone else.
- Staff may use “reasonable force” to prevent a child from causing injury or damage, or committing a crime.

GUIDELINES

1. Corporal Punishment (hurt by physical force)

There is no corporal punishment at Spaxton School (Ed. Act - 2 1981); the legal position is unequivocal. The degree of hurt recognised by case law is wide and could include actions on a continuum from throwing a piece of chalk to beating with a cane. Regardless of the legal requirements, corporal punishment is quite incompatible with the ethos of Spaxton School.

2. Touching

Staff will sometimes wish to communicate by physical means such things as approval, sympathy or attention. Whilst it is not intended that this guidance should deter normal physical contact between care-providing adults and children, staff should be mindful of a certain number of children here who could have experienced sexual or physical abuse. They must ensure that any physical contact is not misinterpreted, particularly when dealing with a child of the opposite sex.

Touching of this type should **never** take place in conditions which are both private and where there is no open access (i.e. behind closed doors or in remote situations).

3. Holding

Occasionally a child displaying emotional difficulties will need holding to calm or direct him/her. Holding is a legitimate part of staff's repertoire of behaviour control and should not normally require recording. However, should a child twist or slip, for example, whilst being held, and there is any possibility that holding has unwittingly contributed to a hurt, the member of staff concerned must record the event in the school Accident Log Book.

4. Restraining or Controlling Students

Staff may use such force as is reasonable in order to prevent a child from doing, or continuing to do any of the following:

- committing a criminal offence (or, for children under the age of criminal responsibility, behaving in a way that would be an offence if they were older);
- injuring themselves or others;
- causing damage to property.

“Reasonable force” depends on the circumstances of each case. Physical force must be in proportion to the circumstances of the incident and the seriousness of the behaviour or consequence of the behaviour. Physical force must **NOT** be used to prevent a trivial misdemeanour. The use of **any** degree of force is **UNLAWFUL** if the particular circumstances do not warrant it.

The judgement on whether to use force should always depend on the circumstances of each case and crucially, in the case of students with SEN or disabilities, information about the individual concerned. Individual risk assessments may need to be made, where it is known that force is more likely to be necessary to restrain a student, such as a student whose SEN and/or disability is associated with extreme behaviour.

Situations in which reasonable force may be necessary:

- a child attacks a member of staff or another child;
- children are fighting;
- a child is causing or at risk of causing accident or injury to others;
- a child is absconding from classroom or school and at risk if not restrained;
- a child is engaged in or about to commit serious damage to property, or vandalism.

Reasonable force may also be used by the Headteacher and staff authorised by them, where there are reasonable grounds for suspecting that a child has a weapon. Reasonable force may be used by the searcher. Where resistance is expected, school staff may judge it more appropriate to call the police.

Application of force:

- physically interposing between children or blocking a child's path;
- touching, holding, pushing, pulling or leading a child by the arm;
- shepherding a child away by placing a hand in the centre of the back;
- (in extreme circumstances) using more restrictive holds.

Teachers should avoid force which might cause an injury or touching or holding a child in a way that might be considered indecent. Force should only be used when other methods have failed.

Staff are advised to take a calm and measured approach to a situation. In some cases when they might be at risk from injury (for example, when dealing with a physically larger, older student) they need to remove other children who might be at risk and summon some help from colleagues (or, where necessary the police).

5. Recording Incidents

Immediately following an incident where force is used, the teacher should report the matter orally to the Head or Deputy Head, and provide a written report as soon as possible afterwards. The written report should include:

- the name(s) of the child/ren involved, and when and where the incident took place;
- the names of any staff or children who witnessed the incident;
- the reason that force was necessary;
- how the incident began and progressed, including details of:
 - the child's behaviour and what was said by each of the parties;
 - the steps taken to calm/defuse the situation;
 - the degree of force used, how it was applied and for how long;
- the child's response and the outcome of the incident;
- details of any injury suffered by the child, another child or member of staff, and of any damage to property.

Parents of the child involved will be informed of any incident involving the use of force. When compiling the report, staff might find it helpful to seek advice from the Head or Deputy Head or representative of their professional association. They should keep a copy of the report.

6. Restricting Liberty

Occasionally children will leave the school premises. It is not appropriate to physically restrain them unless they are at risk if not restrained. Staff should try to verbally persuade and then to inform the appropriate member of staff who will take the necessary procedures.

Occasionally we have a school refuser with severe emotional problems for whom we make certain provision in helping overcome the separation process. This could involve the member of staff in gently holding the student to guide him/her further into school. This action can only be carried out with written parental permission.

Locking children up must never take place. Removal from the class should never involve physical restrictions to liberty. Children should be removed to an area that is overlooked and has open access. A cupboard (for example) would not be a suitable place. (Refer to Guidance in our Support and Referral System).

7. Teaching

Generally, teaching can occur without the need to touch children; however, there are legitimate reasons for a member of staff to touch a child as part of the teaching process e.g. Practical Subjects, P.E., or to comfort a child in distress.

Even so, staff should be aware that touching of any sort can be distressing for certain children who have been subject to physical or sexual abuse. Physical contact between teachers and children of the opposite sex can be misconstrued, especially as children reach adolescence.

Caution should be exercised in that there should never be any inhibition when the immediate safety of the child is concerned e.g. saving from a fall in P.E., pulling away from hazardous machinery in Design and Technology, retrieving from deep water in swimming.

Activities that can include touching:

- working with communication disturbed children - e.g. centring/breathing in Drama;
- modelling pencil grip/scissors grip;
- ensuring technology tools are held correctly;
- supporting in P.E. and swimming and guiding movements;
- holding a partner in dance and working with a child in Dance/Theatre workshop;
- developing the kinaesthetics required to work clay;
- taking a pulse in Science;
- working with students in Drama to demonstrate movement sequence / improvisation technique etc.;
- to provide First Aid.

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

Touch in these circumstances must:

- have a justifiable point;
- cease immediately if the child appears distressed or voices concern;
- avoid breasts or genital areas;
- not last longer than is necessary to fulfil its purpose.

8. Treatment

Routine treatments (such as physiotherapy) can involve regular, close and perhaps painful contact. What is more, they may have to be carried out when the child is withdrawn from the classroom and other adults are not present. Such treatments can only take place with the recorded advice of an appropriate medical professional and the agreement of parents/carers. Staff carrying out treatments according to these guidelines will be supported in their provision of this important service.

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

Very serious incidents of physical violence by students will be immediately reported to the Governors by the Head or Deputy Headteacher and may result in a case conference or exclusion.

All medical treatment is recorded in the file in the Medical Room and accident forms are completed and sent to the LEA with a copy in the School File.

9. Counselling

As part of student guidance at Spaxton School there will be occasions when children will seek advice and guidance from staff on an individual basis. Staff should be very careful about "counselling" situations. In particular, they should discuss the situation with a more experienced colleague, Head of Year or Senior Leader and ensure that others know what they are doing. Staff should look at their sitting position carefully and keep a distance between themselves and a child. The room used should have open access (i.e. not in a remote situation nor closed to visibility from outside). The school may also refer a child to its own school counsellor, for which there are agreed referral procedures.

10. Conclusion

Staff working in any school may be occasionally 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;
- behave with especial caution with particularly sensitive children;
- enlist the support of the Headteacher, Deputy Headteacher and other concerned professionals before events escalate.

To some extent there will always be an element of personal judgement in decisions which staff take over physical contact. It is reasonable 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, but employees **must not put themselves in personal danger merely to safeguard property.**

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