

PHYSICAL CONTACT WITH STUDENTS

Last update: February 2019

Underlying this policy is the principle that physical contact with students must be avoided at all times.

Objectives

- To ensure that physical force is only used by staff under appropriate, exceptional circumstances
- To support the key aim of maintaining the health and safety of students and staff

Rationale

Physical contact may be misconstrued by a student, parent or observer. Touching students, including well-intentioned gestures such as putting a hand on a shoulder, can lead to serious questions being raised. It is the policy of this school that physical comforting must not be used to reassure or to comfort a distressed child. However, there are exceptional circumstances when a member of staff has the right to use reasonable physical force to restrain students – see ‘where physical contact may be acceptable’ below.

It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1996. It is particularly important that staff understand this both to protect their own position and the overall reputation of the school and to safeguard the child.

Where physical contact may be acceptable

Some staff will come into physical contact with students from time to time in the course of their duties. Staff should be aware of the limits within which such contact should properly take place and of the possibility of such contact being misinterpreted.

Section 93 of the Education and Inspections Act 2006 enables school staff to use reasonable force to prevent a student from:

1. committing a criminal offence (or, for a student under the age of criminal responsibility, what would be an offence for an older student);
2. causing personal injury to themselves, to others or damage to property; or
3. prejudicing the maintenance of good order and discipline at the school or among any students receiving education at the school, whether during a teaching session or otherwise.*

*It is the policy of this school that physical contact should not be used as a means of maintaining good order, i.e. at this school, sections (1) and (2) apply but section (3) does not. For example, where a student insists of leaving a room, unless (1) or (2) above apply, the student should not be prevented from doing so using physical means, such as blocking an exit route, and the matter should be brought to the attention of a member of the Leadership Team at the earliest opportunity.

When considering the restraint of a student, staff must take into account their own safety and physical limitations.

There are four other situations in which limited physical contact may be appropriate:

- If a student requires assistance following an injury or first aid, physical contact may be required. This must be appropriate to the needs of the child. Whenever possible, another adult should be aware of the action being taken and the nature of the action should be recorded with the medical officer or a member of SMT.
- A small number of students will have special needs which mean that they may require assistance involving physical contact with certain activities, such as changing before or after PE lessons. This need and the nature of the assistance required should be recorded on the child’s care plan. The physical contact must be appropriate to the child’s need.

- In teaching certain skills, for example in Physical Education, contact may help a student to understand to develop those skills. Any such contact should be limited to that which is needed to support the curriculum and must not be carried out in such a way that it could be misconstrued.
- In the case of a defibrillator being used, then it may be necessary to cut or remove items of clothing.

Recording Incidents

Any incident of student conduct which results in physical contact with the student must be reported to the Headteacher or a Deputy Headteacher at the earliest opportunity and the details of the incident must be recorded. A copy of this record will be retained in the member of staff's file and another copy will be placed in the Physical Contact record log.

In most cases, the incident will be reported to the student's parents/carers unless doing so may result in significant harm to the student. It may also be necessary to report the incident to the Gloucestershire Safeguarding Children Board, Social Services, the Health and Safety Executive or the Police.

Complaints and Allegations

Complaints will be managed following the school's complaints procedure. Allegations against members of staff will be referred to the Gloucestershire Safeguarding Children Board with whom the appropriate steps to be taken will be determined.

All staff should be aware that inappropriate physical contact with students will be dealt with as a conduct matter and referred to Gloucestershire Safeguarding Children Board.

Associated documents:

Guidance on the use of force to control or restrain pupils, DCSF 2007

Keeping children safe in education: information for all school and college staff (DfE 2018)

Child Protection Policy

Safeguarding Policy

Reviewed by Governors' Well-Being committee: 27 February 2019

Approved by Full Governors: 13 March 2019

Next review: Spring 2021