

Physical Contact Policy
Smith's Wood Academy
Part of Fairfax Multi-Academy Trust

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1.1 Introduction

It is accepted that academy staff often have good reason to touch students within the remit of their role and it would be impossible if staff were prevented from having any physical contact with their students. This document sets out some guidance on what is deemed acceptable and unacceptable contact with students.

Physical contact is acceptable in some situations in an academy setting. Staff may come into physical contact with students as part of their duties as a teacher or other roles within the academy. For example, there will inevitably need to be physical contact during the process of teaching a student a PE exercise or a sporting technique; in a number of PE exercises the student will need to be physically supported for safety reasons.

Staff with a responsibility for first aid will need to have physical contact with a student who requires first aid treatment.

Some physical contact is unlawful. Touching a child indecently is an offence. Hitting or slapping a child is assault. 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.

1.2 Policy Statement

Smith's Wood Academy has a disciplinary approach based on positive reinforcement of acceptable behaviour and increasingly restorative approaches. We are committed to ensuring students are safe, happy and learning in a calm and positive environment. We are committed to promoting positive behaviour and also ensuring that students are clear about the academy rules they are expected to follow at all times.

There are times when a member of staff might be required to physically intervene with a student in the best interest of their welfare or the welfare of other students. The Department for Education states that "all school staff have the power to use reasonable force to prevent students committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom." Reasonable force will only be used rarely and would never be used punitively, but in the best interest of students should the situation require it. Academy staff can use reasonable force to control or restrain a student in specific circumstances.

The Head of Academy and other authorised Academy staff may also use force as is reasonable given the circumstances when conducting a search without consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm.

There are two kinds of physical intervention that might be used:

- Positive contact
- Use of reasonable force to control or restrain

This policy explains when and how each of these might be used by staff at Smith's Wood Academy. It has been written within the guidelines established by the Department for Education in the document, 'Use of Reasonable Force: Advice for Headteachers, Staff and Governing Bodies'. This states that 'all members of school staff have a legal power to use reasonable force' under the Education Act, 2006.

Senior Leaders and other named staff should be trained in the use of physical force and restraint, and all authorised staff should be clear about the criteria for when physical force and restraint should be used and the procedures for recording such incidents.

All academy staff are familiar with the academy's policy and have a clear understanding about when physical restraint is appropriate and how it should be done.

1.3 Positive Contact

We believe that to deny students all physical contact with adults is to deny a basic human need and an expression of care and concern for all students. However, physical contact must be appropriate for the age and understanding of the child and must never threaten or be sexually inappropriate.

Staff must be sensitive to;

- cultural backgrounds;
- the need to maintain students' personal space; be aware of students who have been
- sexually abused and will either seek physical contact or positively avoid it

Physical contact may be appropriate;

- when a student needs assistance following an accident or requires first aid; when a
- student needs encouragement to attempt a new challenge e.g. to climb on to a piece of apparatus in PE;
- when there is a need to take urgent action to avoid an incident or injury.

Staff should avoid physically comforting a student; physical contact can be misconstrued and this can cause distress to all concerned.

Staff should take reasonable measures when they are left alone supervising/talking with/teaching small groups of students (such as leaving the door open). Staff should not work on a one to one basis with students away from other staff members. If a situation arises where an adult needs to work with a student on a one to one basis then this should be in an area that is open and visible to others.

1.4 The Use of Force to Control or Restrain Students

When should reasonable force or restraint be used?

According to government guidance, reasonable force and restraint may be used to prevent a student from doing, or continuing to do any of the following:

- committing a criminal offence; injuring
- themselves or others;
- causing serious damage to property including the student's own property;
- engaging in behaviour prejudicial to good order at the academy or among any of its students whether that behaviour occurs in a classroom during a teaching session or elsewhere.

This provision applies to incidents on the academy premises and elsewhere when the member of staff is in charge of the student concerned.

Staff have a right to defend themselves against physical attack, and should do everything possible to diffuse the situation before such an attack occurs. In the event that it is necessary to defend themselves against physical attack, minimum force for maximum effect, should be used.

Situations in which reasonable force might be appropriate are:

- i. When action is necessary in self-defence e.g. should a student attack another student or adult;
- ii. Where there is an immediate or imminent risk of injury to another child or an adult e.g. when students have a physical altercation or there is rough play or misuse of dangerous materials or objects;
- iii. Where there is immediate risk of significant damage to property or to prevent a student vandalising property;
- iv. Where behaviour jeopardises good order and discipline e.g. where a student absconds from the classroom or academy buildings. (Note – this only applies if the student could be at risk if not kept in the classroom or at academy);
- v. A student persistently refuses to leave an area and this is likely to cause harm to their wellbeing, or their safety cannot be secured if they remain in that area (e.g. somewhere they cannot be supervised);
- vi. Behaviour which seriously disrupts a lesson. If a student is simply misbehaving in class, making physical contact with a child could lead to allegations being made against the member of staff. Other methods should be used to stop the disruption, wherever possible.

Physical intervention may need to be used when;

- i. There is clearly no alternative approach which would work in the circumstances i.e. there is an immediate urgency to resolve the situation;
- ii. Defending or protecting other students, staff or property.

What kinds of physical force and restraint might be used?

Physical intervention can take several forms. It might involve staff in;

- physically interposing between students; blocking student's path;
- holding; pushing or pulling but only in extreme circumstances to avoid
- danger; leading a student by the arm;
- shepherding a student away by placing a hand in the centre of the back or in extreme
- circumstances using more restrictive holds (always following the Team Teach approach);
- Staff should not act in a way that might be expected to cause injury for example by:
- holding a student around the neck or by the collar or in any other way that might restrict the ability to breathe;
- slapping, punching or kicking; twisting or
- forcing limbs against joint; tripping up;
- holding a student face down on the ground.
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In exceptional circumstances where there is an 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 student from running onto a busy road, or to prevent a student from hitting someone or throwing something.

Staff should always avoid touching or holding a student in a way that might be considered indecent.

Staff must always consider whether a risk is urgent and whether there is any alternative to physical intervention. Physical intervention will only be used as a last resort. Staff should always try to deal with the situation using other strategies to calm a situation before using force. Please also refer to the academy behaviour policy.

1.5 Procedure

- i Staff must use minimum force for maximum effect over the shortest time and use only the agreed restraint methods (Team Teach methods).
- ii Student safety is paramount. Staff must be aware of signs of distress such as vomiting, changes in colour, breathlessness etc.
- iii **After an incident staff must complete the confirm name of log book**

- iv. Parents should typically be informed of the incident, the circumstances which led up to the incident and the outcome. Parents must also be informed of any future action the academy intends to take.
- v. Should there be a need to do so, reassurance and support will be provided to any students / staff who witness an incident.
- vi. The senior leadership team and staff will evaluate any incident of physical restraint to inform future management of students in similar situations.
- vii. Staff involved will be debriefed following an incident and kept informed of any future action which relates to it.

1.6 Essential Points to Remember

Whenever possible staff are advised to seek the support of another adult (ideally a named adult/member of SLT) when they need to use reasonable force to resolve a situation they cannot deal with in any other way. The other adult will be a witness to the incident and will complete a witness report for the record.

In some extreme cases staff are advised not to intervene in an incident, unless it is an emergency. Staff must judge whether it is safe to remove other students to a safe distance and seek help from other colleagues or the police. In such incidents, the teacher/member of staff should tell the student that he/she has sent for help and continue to try to diffuse the situation orally. If the situation is diffused successfully the incident log must still be completed so that others may learn from the experience.

1.7 Training

Training on effective de-escalation strategies and techniques is offered to all academy staff that work with students. Team Teach Positive Handling training is undertaken regularly by key academy staff and is always delivered by a Team Teach approved trainer.

1.8 Risk Assessment

- all staff including teachers, teaching assistants and other colleagues in the academy must be informed about students/families who are vulnerable or volatile and where appropriate a risk assessment will be made available.
- a risk assessment based on knowledge and previous experience will be carried out and a plan of action for individuals will be written by the Head of Academy or delegated member of staff.

1.9 Complaints

In the event of complaints to the academy in connection with the use of force by a member of staff, the Head of Academy will ensure that the complaints process is followed.

SECTION 2: Guidelines for staff when working with students - staff self-protection

The objective of this section is to help staff understand the risks inherent in working with young people.

The actions of adults, including staff at academies and colleges, have resulted in children being abused or harmed. It is a fact that:

- many children are placed in physical and or emotional danger by adults charged with their care.
- there are many examples when the actions of adults who work with young people have resulted in them being abused, and these cases have involved teachers.

The Academy is legally and ethically bound to respond to any allegations of abuse or harm

The issue of staff self-protection is a very wide one. It is about giving guidance about the actions staff should take to prevent any litigation because of harm, which is actual or unfounded. This section gives you this guidance. It should be considered in conjunction with the Academy Safeguarding Policy and relevant safeguarding training.

Smith's Wood Academy aims for a climate of self-protection, where staff and students find fulfilment as they work together; and good practice protects both staff and children.

If you follow Academy self-protection guidelines, they will help to protect you from false allegations as well as minimise the opportunity for children to suffer any harm.

2.1 Self-protection for staff

These are the 'DON'Ts':

- Don't spend time alone with children away from others
- Don't take children alone in a car or on a journey
- Don't take children to your home
- Don't engage in rough physical games
- Don't engage in sexually provocative games
- Don't allow or engage in inappropriate touching
- Don't allow children to use inappropriate language unchallenged
- Don't make sexually suggestive comments about or to a child
- Don't let allegations made by a child go unchallenged or unrecorded
- Don't do things of a personal nature for a child that they can do themselves
- Don't supervise children whilst under the influence of alcohol

- Don't keep students behind, with you alone, (to complete work, for example)
- Don't cover the windows in your classroom with posters or cover the glass in your classroom / office door;

These are the 'DOs':

- Always work openly with children, in areas visible to others
- Supervise changing rooms in pairs
- Supervise mixed groups, away from home, in pairs
- When interviewing students one to one, ensure someone is either with you, or at least nearby and knows who you are with
- Keep records of what you say to parents or carers at home or during parental consultations
- If a student wishes to leave your classroom, do not stand in their way or prevent them from leaving in any way.

You must always follow guidelines over what is (and is not) appropriate touching, gesture and language, (i.e. verbal and non – verbal communication) proximity and location. Where contact is unavoidable, it must not constitute punishment or retribution.

2.2 Professional relationships between staff and students:

□ Staff must maintain high standards of ethics and behaviour, within and outside of the Academy, including treating students with dignity, building relationships rooted in mutual respect, and at all times observing proper boundaries appropriate to a teacher's professional position.

□ All staff employed at the academy hold a position of trust with regard to students. There should be no inappropriate relationships between staff and students, in order primarily to protect our students from abuse of that trust, but also to protect staff from allegations of abuse. If you are unsure about what constitutes an inappropriate relationship, seek advice from your line manager or the Head of Academy.

□ Maintain a professional distance between you and students, while of course showing that you care.

□ Use the student' first names but never become over-familiar. Expect students to use your surname and a title that you prefer (eg Mr, Mrs, Ms or "Sir" or "Miss.") Do not allow them to become over-familiar with you. This advice applies both in the academy and outside of academy.

□ Avoid confrontation with students; always try to diffuse situations. Do not shout or use sarcasm or otherwise humiliate a student: be firm and calm, and criticise the behaviour rather than the individual. Always model the kind of behaviour you expect from young people.

□ It is an offence to have a sexual relationship with any student up to the age of 18, and even though technically legal beyond 18, such a relationship may well be viewed as a serious breach of professional trust and responsibility.

□ Circumstances might occasionally arise where a member of staff is approached in some manner by a student. This might take such forms as, for example:

- an invitation to meet inside or outside academy
- physical contact initiated by the student
- persistent contact by letter or email.

If such an approach is made, report the incident immediately to your line manager or the Head of Academy.

□ If any allegations are made against you / another staff member, stay calm and report the matter to the Head of Academy immediately. If the allegation relates to the Head of Academy, this should be referred immediately to the CEO.

□ If you suspect any colleague of improper or unprofessional behaviour, you must report it to the Head of Academy immediately. If you suspect the Head of Academy of improper or unprofessional behaviour, you must report your concerns to the CEO.

The academy will follow the procedures for managing allegations against staff. All concerns will be investigated thoroughly and confidentially, and appropriate action taken. Any serious proven allegations will be dealt with according to the academy's disciplinary policies and could include summary dismissal as well as police prosecution for a very serious case.

□ The academy has a Whistleblowing Policy which is available to all staff.

2. 3 Meetings and contact with students:

□ All academy staff should take care to avoid making themselves vulnerable.

□ For their own safety and protection, staff should exercise caution in situations where they are alone with students. It is always advisable to avoid working with individual students, however, if this is not possible then you must work with the student in a public areas that is open and visible to other staff members.

All rooms that are used for the teaching or counselling of students should have clear and unobstructed glass panels in the doors. It is good practice for the door to any room in which one-to-one coaching, counselling or meeting is taking place should be left open. Where this is not practicable because of the need for confidentiality, another member of staff should be asked to maintain a presence nearby.

- Whilst it would be unrealistic and undesirable to preclude all physical contact between adults and children, staff are expected to exercise caution and avoid placing themselves in a position where their actions might be open to criticism or misinterpretation. Although it is permissible to touch a student in, for example, demonstrating a skill in PE, Drama or D&T, or in administering first aid for example, it is advisable otherwise not to touch, put your arm around, push or grab students unless it is to protect them from hurting themselves or others.
- Particular care needs to be exercised in changing rooms, showers and toilet areas and staff should never use student toilets.
- If there is an issue with uniform or jewellery having to be removed, or a student is to be searched, a female / male (depending on the sex of the student) member of staff should do this, in the presence of another member of staff.
- Home visits to students or private tuition of students should only take place with the knowledge and approval of the Head of Academy.
- Individual members of staff must not give lifts in their cars to individual students (one-to-one). In exceptional circumstances (eg transporting students to hospital), the Head of Academy may authorise members of staff to give a lift to a student – but only with the agreement of that member of staff.

2. 5 Relationships with parents

- Staff should aim to create a welcoming and open relationship with parents. All parental concerns should be treated seriously and dealt with promptly.
- Particular care should be taken when the usual boundaries between staff and parents are blurred – eg when parents are also members of staff, or when staff have friends who are also parents. It is important that confidentiality should be maintained and appropriate boundaries observed at all times both in academy and out of academy (eg when a member of staff's daughter brings home academy friends, or when members of staff socialise with parents).

2. 6 Relationships with other staff

- All staff are expected to treat each other with respect and relationships between staff should be characterised by fairness and openness. This means valuing all contributions, acknowledging difference, and working together to build a climate of continuous improvement. Politeness and respect are essential ingredients: where differences occur they should be dealt with calmly and fairly. Staff should not denigrate their colleagues in the presence of others.
- All staff should exercise due confidentiality towards matters that are either discussed or overheard, whether about students or other staff.

2. 7 Email

- Your academy email address is the appropriate point of contact and this can be accessed from home. This is the only email address which should be used for academy communications including email contact with students, parents and colleagues.
- Staff must not give their private email contact details out to students.
- If accessing your academy emails from a home computer, ensure you have appropriate antivirus software installed and updated regularly.

2. 8 Social Networking Sites

- It is strongly recommended that staff do not have profiles on social networking sites. Staff may still choose to do so, but it is at their own risk and against the advice of the academy.
- Should staff choose to have a profile on a social networking site, then the following procedures must be observed, both for the protection of all staff members and for the protection of students at the academy:

- Privacy settings must be set up so that the profile for any member of staff is private and only invited friends can access personal information.
- Even on a Facebook site that is private, defamatory material relating to academy its employees or students must not appear. Staff should do nothing to jeopardise the academy's reputation or bring it into disrepute – eg bad-mouthing colleagues or the academy. This would be regarded as unacceptable professional conduct.
- No student of the academy, should be a 'friend' of any member of staff. A social networking profile is a personal domain to which the children in our care should not have access. Any electronic communication between students and staff should be via academy email.
- Staff may choose to add former students of the academy as 'friends' at their own risk so long as:
 - the former student is over the age of 18
 - privacy settings remain as detailed above whereby the member of staff's profile is private and accessible only to invited 'friends'.
 - Staff may choose to set up a page on a social media site for communication with students of the academy provided that:
 - a) permission is sought from SLT
 - b) the site is established for educational purposes only and not for social communication

- c) the site is open only to students of the academy using real name logins and is not accessible to people who are not members of the current academy community