

## **GUIDANCE ON PHYSICAL CONTACT WITH PUPILS**

**Reviewed February 2023**

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### **Introduction**

Physical contact with pupils is a very sensitive subject. As a member of supply staff, you have the same rights and obligations as permanent members of staff. However, as a member of supply staff (who may not be familiar to pupils) you could be open to people misinterpreting your actions and/or pupils making unfounded or mischievous allegations. Always remain aware of this potential and ensure you follow this guidance which is offered to assist you.

The general rule is to avoid physical contact with pupils if possible. In that way your actions cannot be misconstrued. However, there are situations where physical contact is necessary and there may be other situations where you cannot avoid physical contact.

### **The Law**

The Education and Inspections Act 2006 has given new statutory powers to members of staff in schools. This allows them to “use such force as is reasonable” to prevent a pupil from:

- Committing an offence
- Causing personal injury to others (or themselves) or damage to property
- Prejudicing the maintenance of good order and discipline at the school

More detailed guidance on the application of this new power is set out in the DfES Circular 10/98 – “The use of reasonable force”. This can be found at <https://assets.publishing.service.gov.uk/government/>

### **Situations when physical contact might be appropriate**

Some physical contact may be proper or necessary (e.g. to demonstrate exercises during a PE lesson or to administer first aid). Young children and children with special educational needs may need staff to provide physical prompts and help. Also, when young children are distressed it may be appropriate to offer comfort. In such situations these are judgement calls that have to be made at the time. However you must be aware that for some children touching may be particularly unwelcome for cultural or personal reasons. You must be sensitive to such situations. You should also ensure that you do not touch or hold a pupil in a way that might be considered indecent.

### **Intervention and the use of reasonable force**

Inevitably, there will be situations when it is necessary to intervene either to protect yourself, the pupil or others.

There is no legal definition of ‘reasonable force’ but there are two relevant considerations to guide you:

1. Do the circumstances warrant it? If a pupil is only committing a minor misdemeanour or the situation could be resolved without the use of force, then force would not be warranted.
2. The degree of force has to be in proportion to the circumstances. The use of force has to be the minimum needed to achieve the desired result. In all circumstances you should not act in a way that might be expected to cause injury, e.g.
  - Holding a pupil by the neck or collar
  - 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

**Some simple rules to guide you...**

1. Acquaint yourself with the school's behaviour management policy. If an incident is developing, ensure that you know from where you can summon assistance.
2. Try to avoid situations where you are alone with a pupil.
3. Have strategies ready to diffuse potential conflict situations.
4. In the event of an incident, summon assistance as soon as is practicable.
5. Ensure you report all such incidents to school staff and The Education Network.
6. If you have inadvertent physical contact with a pupil, report this immediately (explaining the circumstances in which this occurred).
7. If you have been injured in an incident seek medical attention immediately and ensure that the incident is properly reported to the school and The Education Network.
8. Whilst it is fresh in your memory write a record of any incident. Give as much detail as you can (including witnesses).
9. Remember that when you are in a school you are representing The Education Network, so avoid any sort of behaviour that could be criticised or misinterpreted.