



# **St. Martin's CE Primary and Nursery School**

## **POSITIVE HANDLING POLICY**

### **1:1 Legal Framework**

Positive Handling should be limited to emergency situations and used only in the last resort. Section 550A of the Education Act 1996 and DFEE Circular 10/98 allow teachers, and other members of staff at a school who are authorized (see Appendix 5) by the Headteacher, to use such force as is reasonable in circumstances where the pupil may need to be prevented from engaging in behaviours which are likely to cause injury to themselves, others or damage to property. The guidance extends this to maintaining good order and discipline, for both on-site and off-site activities. Positive Handling should only be used when all other strategies which do not employ force have been tried and found unsuccessful or in an emergency situation. There is no legal definition of reasonable force. The Criminal Law Act (1967) allows any person to use such force as is reasonable in the circumstances to prevent an offence (e.g. physical assault) being committed. Reasonable minimal force must be a matter of personal judgement. All teachers have a professional 'duty of care' within their job description, which is underwritten by the School Teachers' Pay and Conditions Document 2010. Together with the legislative framework this enables teachers and other members of staff in the school, authorised by the Headteacher, to use such force as is reasonable in the circumstances, to prevent a pupil from:

- Committing an offence
- Causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- Engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among its pupils, whether during a teaching session or otherwise.

### **1:2 What does it mean to restrain a child?**

Positive Handling is the positive application of force with the intention of protecting the child from harming himself or others or seriously damaging property. The proper use of

Positive Handling requires skill and judgement, as well as knowledge of non-harmful methods of restraining. The decision to use Positive Handling as restrictive physical intervention must take account of the circumstances and be based on an assessment of the risks associated with the intervention compared with the risks of not employing a restrictive intervention. The physical intervention must also only employ a reasonable amount of force – that is the minimum force needed to avert injury or damage to property, or to prevent a breakdown in discipline – applied for the shortest period of time.

### **1:3 Why use restraint**

Positive Handling should avert danger by preventing or deflecting a child's action or perhaps by removing a physical object, which could be used to harm him/herself or others. Positive Handling skilfully applied may be eased by degrees as the child calms down in response to the physical contact. It is only likely to be needed if a child appears to be unable to exercise self-control of emotions and behaviour.

### **2:1 General aims**

The staff at St Martin's C of E Primary School recognise that the use of reasonable force is only one of the strategies available to secure pupil safety/well-being and also to maintain good order and discipline. Our policy on the use of reasonable force is part of our overall pastoral care procedures and closely related to our policies on managing pupil behaviour in the "Pupil Discipline and Anti-bullying Policy" and also to the County's "Child Protection Guidelines".

### **2:2 The aims:**

- To protect every person in the school community from harm.
- To protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful.
- To provide adequate information and training for staff so that they are clear as to what constitutes appropriate behaviour and to deal effectively with violent or potentially violent situations.
- To use the minimum degree of force necessary to accomplish positive handling.
- To give full support to staff who have been assaulted or have suffered verbal abuse from pupils or others.
- To maintain accurate records of incidents where Positive Handling has been employed.

### **3:1 Risk Assessment**

Although most children at St Martin's C of E Primary School will never require any form of Positive Handling, staff may have to deal with some children who exhibit disturbed, distressed and distressing behaviour. It is therefore necessary to carry out a dynamic risk assessment. We will attempt to reduce risk by managing:

- The environment • Body language • The way we talk • The way we act

### **3:2 Environmental Risk Assessment**

If needed, we will complete a risk analysis within the school and put in place strategies to minimise any risks in identified locations.

### **3:3 Individual Risk Assessments**

The school's respect for the rights of the individual takes into consideration the context of The Human Rights Act (1998) and The United Nations Convention on the Rights of the Child (1991). The school's ethos and the guidance in this policy is based on the presumption that every adult and child is entitled to:

- Respect for his/her private life
- The right not to be subjected to inhuman or degrading treatment
- The right to liberty and security: and
- The right not to be discriminated against in his/her enjoyment of those rights.

If we become aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, it is our intention to plan how to respond if the situation arises. Such planning needs to address:

- Managing the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used if necessary);
- Involving the parents to ensure that they are clear about the specific action the school might need to take.
- Briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance);
- Ensuring that additional support can be summoned if appropriate.

If Positive Handling is likely to be necessary the school will draw up a PH plan together with information on: de-escalation strategies; the manner in which the pupil will be held; how support can be summoned if needed; any medical factors to be considered. This will be shared with parents.

More detailed examples of risk assessment and preventative steps can be found in Appendix 2.

### **4:1 Procedures**

In the event of Positive Handling having been used it is important to consider the strategies, which are deemed acceptable, and the recording procedures that should be in place.

#### **4:2 Action Steps:**

1. Tell the pupil who is misbehaving to stop and state possible consequences of failure to do so;
2. If possible summon another adult;
3. Continue to communicate with the pupil throughout the incident;
4. Make it clear that restraint will be removed as soon as it ceases to be necessary;
5. Appropriate follow-up action should be taken, which may include:
  - i. Providing medical support
  - ii. Providing respite for those involved

A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper or are acting out of anger or frustration when handling a problem. It is also very important to reassure any other children in the vicinity.

#### **4:3 Recording**

Staff should record (Appendix 3) all incidents of restraint in accordance with School Policy and report these to the Headteacher. Details should include:

- Name of pupil(s)
- Staff member(s) involved
- Factors necessitating physical intervention
- The strategies which were employed prior to using physical intervention
- How physical intervention was effected
- Outcome of restraint
- Any other action taken in the management of the incident Parents/carers should be contacted as soon as possible and the incident explained to them. This action should also be recorded.

#### **5:1 Complaints**

We all have a duty of care to the young people in our school and cannot escape our legal responsibilities by avoiding taking appropriate and necessary action. Involving parents when an incident occurs with their child, together with a clear policy adhered to by the staff, and should help to avoid complaints from parents. It will not prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and social services department under child protection procedures. Staff, subjected to physical violence or assault, have the right to be supported in making a formal complaint to the

police and, if necessary, taking private action against an assailant. It is our intention to inform all staff, pupils, parents and governors about these procedures and the context in which they apply. We will review this policy on a yearly basis. Remember that adhering to the principles and procedures referred to in this policy statement is part of effective practice and should minimise risk to young people in our care and enhance our own self-protection.

### **6:1 Statement for Parents**

We will make our Positive Handling Policy available on our school website. In this way, parents will be aware of:-

- Our emphasis on care and protection for everyone within our school community
- Our belief that restraint will be needed on very rare occasions.
- Our endeavour to handle situations with care and responsibility
- Our intent to apply follow-up and repair strategies.

The statement will outline:

- When staff are authorised to use reasonable physical intervention.
- What steps will be taken after an incident has been dealt with.
- The responsibilities of staff, pupils and parents/carers in resolving situations.

## **Appendix 1**

### When might it be appropriate to use reasonable force?

When a pupil is found to be:

1. Committing an offence
2. Causing personal injury to, or damage to the property of, any person (including the pupil himself); or
3. Engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or amongst its pupils, whether during a teaching session or otherwise.

Examples of situations that fall into one of the first two categories are

- A pupil attacks a member of staff, or another pupil;
- Pupils fighting;
- A pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects;
- A pupil is running in a corridor or on a stairway in a way in which he/she might have or cause an accident likely to injure her/himself or others;
- A pupil absconds from a class or tries to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations that fall into the third category are:

- A pupil persistently refuses to obey an order to leave a classroom.
- A pupil is behaving in such a way that is seriously disrupting a lesson.

## **Appendix 2**

### **Strategies**

All staff need to be aware of strategies and techniques for dealing with difficult pupils and steps, which they can take to defuse and calm a situation.

- Move calmly and confidently.
- Make simple, clear statements
- . • Intervene early.
- Try to maintain eye contact.
- If necessary summon help before the problem escalates.
- Remove audience from the immediate location. There are situations where staff should not intervene without help: Assistance should be sought when dealing with:
  - A physically large pupil,
  - More than one pupil, or
  - When the teacher believes that s/he may be at risk of injury.

In those circumstances where the member of staff has decided that it is not appropriate to restrain the pupil without help they should:

- Remove other pupils who might be at risk,
- Summon assistance from colleagues,
- Where necessary, telephone the police,
- Inform the pupil(s) that help will be arriving,
- Until assistance arrives, the member of staff should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

The method of restraint employed must use the minimum force for the minimum time and must observe the following requirements:

Restraint must NOT:

- o Involve hitting the pupil;
- o Involve deliberately inflicting pain on the pupil;
- o Restrict the pupil's breathing;

- o Involve contact with sexually sensitive areas.

During any incident the restrainer should:

- o Offer verbal reassurance to the pupil;
- o Cause the minimum level of restriction of movement;
- o Reduce the danger of any accidental injury.

Physical intervention can take several forms. It might involve staff:

- o Physically interposing between pupils;
- o Blocking a pupil's path;
- o Holding;
- o Pushing;
- o Pulling;
- o Leading a pupil by the hand or arm
- o Shepherding a pupil away by placing a hand in the centre of the back; or
- o (In extreme circumstances) using more restrictive holds.

### **Some Dos and Don'ts**

#### **DO:**

- Be aware of any feelings of anger
- Summon help
- Continue to talk to the pupil in a calm way
- Provide a soft surface if possible
- Be aware of any accessories worn by you or the pupil
- Hold the pupil's arms by his/her sides

**DON'T:**

- Try to manage on your own
- Stop talking even if the pupil does not reply
- Straddle the pupil
- Push arms up the back
- Touch the pupil near the throat or head
- Put pressure on joints

### **Appendix 3 - Reporting and Recording Pro-forma**

#### **RECORD OF RESTRAINT**

Date of incident:

Time of incident:

Pupil Name:

D.o.B:

Member(s) of staff involved:

Adult witnesses to restraint:

Pupil witnesses to restraint:

Outline of event leading to restraint – including other strategies tried and reasons for using Positive Handling rather than another strategy:

Outline of incident of restraint (including restraint method used):

Outcome of restraint:

Description of any injury(ies) sustained by injured pupil and any subsequent treatment:

Date parent/carer informed of incident:

Time:

By whom informed:

Outline of parent/carer response:

Signature of staff completing report:

Date: Signature of Teacher-in-charge:

Date:

Signature of Head:

Date:

Brief description of any subsequent inquiry/complaint or action:

## **Appendix 4**

### **Training**

(i) It is the responsibility of the Headteacher to ensure that staff are fully informed of the school policy and understand what authorisation entails.

(ii) It is the responsibility of the Headteacher to arrange training or guidance to staff, possibly through a senior member of staff.

(iii) All staff members who have attended Positive Handling training organized by the school are authorised to use reasonable force if necessary. An up-to-date list of authorised staff is maintained by the Family Advocate and this is shared with staff.

(iv) There are no government approved training techniques for Positive Handling. The Headteacher may wish to consult with the Local Education Authority if any particular course of training is to be embarked upon.

(v) Additional advice and support on managing behaviour can be provided through the Educational Psychology Service or Behaviour Support Service.

## **Appendix 5**

### **Authorised Staff**

From section 550A of The Education Act 1996:

9. The Act allows all teachers at a school to use reasonable force to control or restrain pupils. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the Head teacher to have control or charge of pupils. Those might include classroom assistants, care workers, midday supervisors, specialist support assistants, education welfare officers, escorts, caretakers, or voluntary helpers including people accompanying pupils on visits, exchanges or holidays organised by the school.

10. Headteachers should identify people, other than teachers, whom they wish to authorise to have control or charge of pupils and therefore be able to use force if necessary. Authorisation may be on a permanent or long term basis because of the nature of the person's job, or short term for a specific event such as a school trip. The Head should explicitly inform the people concerned, and ensure that they are aware of and properly understand what the authorisation entails. To ensure that, Heads may find it helpful to arrange for a senior member of the teaching staff to provide training or guidance. They should keep an up-to-date list of authorised people and ensure the teachers know who they are.

11. All staff members who are named in the school list of staff who have undertaken Positive Handling training are authorised to use reasonable force if necessary.

### **References used in drawing up this policy:**

The Human Rights Act (1998)

DfE Circular 10/98

Advice from the Devon Association of Primary Headteachers

## **ANNUAL REVIEW PERIOD**

**Adopted: June 2012**

**Dates reviewed: April 2013, April 2014, April 2015, 26<sup>th</sup> April 2016, 6<sup>th</sup> March 2017. 23<sup>rd</sup> April 2018.**