

## **Royal Wootton Bassett Academy Trust Positive Handling Policy**

**Written by:** Esther Newman

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**All staff are required to read this document but should also complete the Educare course ‘Use of Reasonable Force in Schools’ module.**

### **Guiding Principles**

#### **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 DfE Circular 10/98 allow teachers, and other members of staff at a school, or anyone whom has been put in temporary charge of the pupils and who are authorised by the Headteacher (see Appendix 3), 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 de-escalation strategies which do not employ force have been tried and found unsuccessful, or in an emergency situation. Staff also need to consider and acknowledge our legal duty to make reasonable adjustments for children with disabilities and/or special educational needs.

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, however

the school interprets 'Reasonable Force' as force that is: Necessary, Reasonable, Proportionate, Justifiable, and Accountable. There are many UK laws that govern the use of physical intervention.

- Common Law;
- Section 3(1) of the Criminal Law Act 1967
- Section 76 of the Criminal Justice and Immigration Act 2008.

Additionally, all teachers have a professional 'duty of care' within their job description. The 2012 teachers' pay and conditions state:

Health, safety and discipline

56.6 Promote the safety and well-being of pupils and staff.

56.7 Ensure good order and discipline amongst pupils and staff.

The trust also gives due consideration to the following in the creation of this policy:

- Health and Safety at Work Act 1974 in relation to care of employees
- The Children Act 1989
- The United Nations Convention on the Rights of the Child
- The Human Rights Act 1998
- The Education & Inspections Act 2006
- Health & Social care Act Regulations 2008
- The 'Valuing People' Document 2002
- Education Act 1996
- Education and Inspections Act 2006

NB: References and training supplied in September 2016 by OJAST Ltd – "Safe Positive Handling for Teachers and Authorised School Staff". Training materials are available for school staff with additional practical guidance.

Together with the legislative framework and the Ofsted Guidance 'The use of force, including restraint and the restriction of civil liberty, in care and education settings', enables staff and volunteers as authorised by the Headteacher (see Appendix 3) 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 him/herself) 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.

### **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 him/herself 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.

If a pupil leaves the room or area where they are in dispute with a member of staff without permission, the member of staff must **let them go** and not obstruct their way with hand/arm or any other part of their body

### **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 likely to be needed if a child appears to be unable to exercise self-control or emotions and behaviour.

### **General Aims**

The staff recognise that the use of reasonable force is only one of the strategies available to secure pupil safety/wellbeing 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 'Behaviour for Learning Policy,' 'Safeguarding Policy, and also to the LA's 'Child Protection Guidelines'.

### **Specific 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 situation.
- 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

### **Risk Assessment**

Although most young people in school will never require any form of Positive Handling, staff may have to deal with some young people who exhibit disturbed, distressed and distressing behaviour. It is therefore necessary to carry out risk assessment. We will attempt to reduce risk by managing:

- The environment
- Body language
- The way we talk

- The way we act

## **Environment Risk Assessment**

We will complete a risk analysis as appropriate within the Trust and put in place strategies to minimise these risks in identified locations.

## **Individual Risk Assessments**

The Trust'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 Trust'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 parent/carers to ensure that they are clear about the specific action the Trust 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 this should be included in the pupil's Risk Assessment written in liaison with parents/carers and in consideration of their special educational needs. This should be presented 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

Where Risk Assessments are not able to be considered in advance, such as in the case of an unexpected incident, a Dynamic Risk Assessment should be considered regarding the actions, outcomes and associated risks related to the use of reasonable force or positive handling. More detailed examples of risk assessment and preventative steps can be found in Appendix 1.

## **Procedure**

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

Action Steps:

- a. Tell the pupil who is misbehaving to stop and state the possible consequences of failure to do so:
- b. If possible summon another adult, preferably two adults.
- c. Continue to communicate with the pupil throughout the incident
- d. Make it clear that restraint will be removed as soon as it ceases to be necessary
- e. 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.

Trust staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

### **Personalisation & Equality**

The Trust understands that the use of force and positive handling must be reasonable and proportionate to the circumstances of the case and that account must be taken of a range of individual pupil needs in determining the appropriate, including the pupil's age, any special educational needs or disability and any religious requirements affecting the pupil. Reasonable adjustment should be considered where appropriate.

### **Recording**

Staff should record (Appendix 2) all incidents of restraint in accordance with The Trusts Policy and report these to the Deputy Headteacher(Personal Development, Behaviour & Welfare) and relevant Year Leader immediately.

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

It is good practice that parents/carers are be contacted as soon as possible and the incident explained to them. This action should also be recorded on SIMS under the pupil's names and behaviour management. Followed by the completion of appendix 2 the same day or within 24 hours of the incident.

### **Complaints**

We all have a duty of care to the young people in the Trust 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/carers. 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.

### **Statement for Parents/Carers**

In keeping with our home/school partnership, we will inform all parents/carers of our policy on Positive Handling. The statement will be included in the school prospectus and on the web. The statement will highlight:

- Our emphasis on care and protection for everyone within our RWBAT
- 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

## 1 Appendix Strategies

All teachers 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 these 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

- Involve hitting the pupil
- Involve deliberately inflicting pain on the pupil
- Restrict the pupil's breathing
- Involve contact with sexually sensitive areas

During any incident the restrainers should:

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

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

- Physically interposing between pupils
- Blocking a pupil's path
- Holding
- Pushing
- Pulling
- Leading a pupil by the hand or arm

- Shepherding a pupil away by placing a hand in the centre of the back: or
- (In extreme circumstances) using more restrictive holds.

### **Some Do's 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

**2 Appendix - Reporting and Recording Pro-forma PPENDIX**

**POSITIVE HANDLING RECORD OF INCIDENT FORM**

**This form should be returned to the Deputy Headteacher (Personal Development, Behaviour & Welfare) within 24-48 hours of incident (whenever possible)**

**PART 1 – to be completed by member of staff using positive handling**

Name of pupil(s) you used Positive Handling on:

.....

Date and time of incident: .....

Location: .....

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**REASON FOR INTERVENTION – tick(s)**

Immediate danger of personal injury to themselves ( )

Immediate danger to other pupil(s) ( )

Immediate danger to a member of staff ( )

Other, please describe: .....

.....

**DE-ESCALATION TECHNIQUES USED – tick(s)**

Verbal advice and support ( )

Calm Talking ( )

Negotiation ( )

Choices/Consequences ( )

Any other details: .....

.....

Describe in detail what actually happened and how the pupil(s) responded to the positive handling (please mention other staff if there were any other staff witnesses).

Name of member of staff completing PART 1: .....

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**PART 2 – to be completed by Year Leader/Deputy Headteacher (Personal Development, Behaviour & Welfare)**

Give brief summary of action taken as a result of the incident including relevant sanctions if necessary, any medical treatment, and all stakeholders informed e.g. parents/carers.

Signed by Year Leader/ Deputy Headteacher: \_\_\_\_\_ Date: \_\_\_\_\_

### **3 Appendix – 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 assistant, 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 that the teachers know who they are.

References used in drawing up this policy:

The Human Rights Act (1998), DfE Circular 10/98, Advice from the Devon Association of Primary Principals