



# Positive Handling Policy July 2019

Chris WILLISHER

September 2019

Ratified



*Learn more... Do more... Be more...*



## 1 Rationale

### Physical Contact

- 1.1 There are occasions when it is entirely appropriate and proper for staff to have physical contact with students. Priestlands School makes clear that such contact by staff must always be appropriate to their professional role and responsibilities.
- 1.2 This policy is based on guidance in Keeping Children Safe in Education 2018 (in particular, paragraphs 108-110) and guidance in the DfE document, 'Use of reasonable force' [2013]. The guidance draws on the Education Act 1996 and the Education and Inspections Act 2006. It clarifies the position regarding the use of physical force, by teachers and other staff working in schools, to control or restrain students. Staff should also refer to the school's behaviour policy.

### Physical Restraint

- 1.3 Using force to restrain or physically direct a student should be regarded as a last resort.
- 1.4 In the interests and safety of all members of the Priestlands School community, it may be necessary to physically restrain a child who is in danger of hurting him/herself or others. Priestlands School and individual members of staff will minimise the chances of this arising by:
  - creating a calm, orderly and supportive school climate that minimises the risk of violence of any kind;
  - adopting an active approach to teaching students how to manage strong emotions;
  - effectively managing individual incidents.
  - ensuring appropriate individual plans are in place to support key vulnerable students
- 1.5 However, preventive measures will not always work. There will be circumstances in which staff judge that the risks associated with not using force are greater than those associated with using force. This guidance is about these circumstances.

## 2 Scope

- 2.1. This policy applies where:
  - a member of staff and the student are on the Priestlands School site. The student need not necessarily be a registered student at Priestlands School. The power also applies to students from other schools who are on the premises; or
  - a member of staff is off school premises but is in lawful control or charge of the student(s) (for example on a school visit).
- 2.2. All staff have a duty of care towards students and will always make every effort to de-escalate situations where other people or property is at risk.
- 2.3. The legislation gives statutory power to use force to any person who, in relation to a student, is a member of the staff of any school at which education is provided for the student. "Member of staff" in relation to a school means:
  - any teacher who works at the school
  - any paid member of staff whose job involves supervising students. This routinely covers a wide range of support staff, namely Cover Supervisors, Pastoral Support Managers, the Support Centre Manager, Achievement Support Assistants, Matrons and lunchtime supervisors; and
  - people whom the Headteacher has temporarily authorised to have control or charge of students. This could include paid members of staff whose job does not normally involve supervising students (such as catering or premises-related staff) and unpaid volunteers (such as parents accompanying students on school-organised visits). Such volunteers or parents will normally follow the advice of the member of staff in charge. In exceptional



circumstances they may need to use physical intervention. In these circumstances the same tests of proportionality and reasonableness apply.

- 2.4. The Headteacher will:
- explicitly inform the people concerned of their responsibilities and ensure that they understand what authorisation entails, and
  - keep an up-to-date record of these people and ensure that permanently authorised staff (i.e. staff whose job involves supervising students) know who they are.
- 2.5. Paid staff and volunteers who are not authorised to have control or charge of students (either by nature of their job or temporary authorisation) do not have statutory power to use force. However, the Education and Inspections Act 2006 does not remove the common law right of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or property from being damaged. Any member of staff or volunteer has that right.
- 2.6. The school recognises that individual members of staff may not wish to become involved in using physical force. The school also recognises that failure to take action in circumstances which merit it can be as serious as over-reacting. In many circumstances it is not a safer option for a member of staff to do nothing, or to take very limited action, when to take action could restore safety. The circumstances of the case are the deciding factor and a member of staff would not be expected to intervene to restore safety “at all costs” or with risk to his or her personal safety.

### 3 Physical Contact

- 3.1. Priestlands School recognises that it is not illegal to touch a student. There are occasions when it is entirely appropriate and proper for staff to have physical contact with students, but it is crucial that they only do so in ways appropriate to their professional role and responsibilities. Examples of where touching a student might be proper or necessary:
- When comforting a distressed student;
  - When a student is being congratulated or praised;
  - To demonstrate how to use a musical instrument;
  - To demonstrate exercises or techniques during PE lessons or sports coaching; and
  - To give first aid.
- 3.2. When physical contact is made with students this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity and background.
- 3.3. It is not possible to be specific about the appropriateness of each physical contact, since an action that is appropriate with one child in one set of circumstances may be inappropriate in another, or with a different child. Staff should therefore, use their professional judgement at all times
- 3.4. Physical contact should never be secretive, or for the gratification of the adult, or represent a misuse of authority. If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be reported immediately to a senior member of staff.
- 3.5. Students with special needs may require more physical contact to assist their everyday learning. The arrangements will be understood and agreed by all concerned, justified in terms of the child's needs, consistently applied and open to scrutiny.

#### Intimate Care

- 3.6. Some job responsibilities may necessitate intimate physical contact with students on a regular basis (for example the provision of medical care, physiotherapy, or toileting). Although an unlikely scenario at Priestlands, in such circumstances a care plan will be drawn up and agreed with the parents of any student requiring intimate care on a regular basis, with the views of the



child actively sought wherever possible. The nature, circumstances and context of such physical contact will comply with the agreed plan, which should be regularly reviewed.

- 3.7. This section of the policy should be cross-referenced with Annex 8 of the school's Safeguarding Policy.

### Physical Restraint

- 3.8. We pride ourselves on providing a safe learning environment for our students. Sometimes, some of our students may get anxious or agitated. We will always help students to calm down using communication skills, distraction techniques and removing triggers where possible.
- 3.9. However, there may be times when students need more help to calm down and attempts to de-escalate a situation have not proved successful. In these circumstances staff may need to use physical intervention to ensure:
- the student's own safety
  - the safety of other students and staff
  - that property is not seriously damaged.
- 3.10. The decision on whether to physically intervene is down to the professional judgment of the adult involved. Whether the force used is reasonable will always depend on the particular circumstances of the case.
- 3.11. All incidents where students need to be held or physical intervention is needed to help them to calm down will be recorded by the school. Parents will be informed as a matter of course as soon as possible after the event.
- 3.12. Where physical intervention is used a review will be undertaken following the intervention.

## 4 De-escalation

- 4.1. Staff should communicate calmly with the student throughout any incident. They should use non-threatening verbal and body language to show that they are not acting out of anger, frustration or a desire to punish.
- 4.2. Staff may need to seek colleagues' support (for example to manage bystanders or other students in a classroom) but should not leave the student alone.
- 4.3. Staff should also ensure that a student does not feel trapped. That can involve offering the student alternatives such as:
- coming with the staff member to a quiet room away from bystanders so that the staff member can hear the student's concerns;
  - sitting down and having a drink of water;
  - being joined by a particular member of staff well known to the student;
  - being joined by a friend or family member.

## 5 What is reasonable force?

- 5.1. The term "reasonable force" covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with students.
- 5.2. "Reasonable in the circumstances" means using no more force than is needed.
- 5.3. There is no legal definition of when it is reasonable to use force. That will always depend on all the circumstances of the case. Any degree of force is unlawful if the circumstances do not warrant the use of force.
- 5.4. The degree of force used must always be:
- in proportion to the consequences it is intended to prevent; and



- the minimum needed to achieve the desired result.
- 5.5. Force should be used only to control or restrain and never with the intent to cause pain or harm. Priestlands School accepts and understands that, in accordance with the law, corporal punishment is forbidden.
- 5.6. In any action due regard has to be given to the age, special educational needs, level of maturity/understanding, sex and cultural and religious heritage of the student.
- 5.7. The types of force used could include:
- standing between students;
  - blocking a student's path;
  - leading a student by the hand or arm out of a classroom or away from a situation.;
  - shepherding a student away by placing a hand in the centre of the back;
  - pushing;
  - pulling; and
  - in more extreme circumstances, using restrictive holds (which may require specific expertise or training).
- 5.8. Control means either passive physical contact, such as standing between students, blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom, or away from a situation.
- 5.9. Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.
- 5.10. School staff will 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 student.

## 6 Using Reasonable Force

- 6.1. The use of physical intervention is clearly sanctioned in certain circumstances by Section 93 of the Education and Inspections Act 2006: "The power of members of staff to restrain students".
- 6.2. This is supplemented by guidance from the DfE (2013): "Use of reasonable force". A copy of this guidance is available to all staff and governors and to parents/carers on request.
- 6.3. This guidance can be found online at:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/355362/use\\_of\\_reasonable\\_force.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/355362/use_of_reasonable_force.pdf)
- 6.4. The following list is not exhaustive but provides some examples of situations where reasonable force may be used:
- To remove a disruptive student from the classroom where they have refused to follow an instruction to do so;
  - To prevent or stop a student behaving in a way that disrupts a lesson, a school event or a school trip or visit;
  - To prevent or stop a student blocking a door to prevent others from leaving;
  - To prevent a student leaving the classroom or school site where allowing the student to leave would risk their safety or lead to behaviour that would disrupt the behaviour of others;
  - To prevent or stop a student from attacking a member of staff or another student, or to prevent or stop a fight;
  - To restrain a student at risk of harming themselves through physical outbursts;



- To prevent or stop a student from damaging property or causing disorder;
  - To prevent a student causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects; and
  - To prevent or stop a student running in a corridor or on a stairway in a way in which s/he might cause an accident likely to injure him or herself or others;
  - To enable a member of the Senior Team (and other staff members authorised by the Headteacher) to search, without consent, a student for “prohibited items” (knives; weapons; alcohol; illegal drugs; stolen items; tobacco and cigarette papers; fireworks; pornographic images; any article that has been used to commit an offence, personal injury or damage to property; and any other items banned by the school rules which have been identified in the rules as items which may be searched for, namely: matches; lighters; items that may be used to cause bullying, e.g. through sending an image or message using digital means, such as phone, tablet, computer or in writing).
- 6.5. The use of restraint should always be a last resort. Where it is possible to do so safely, before intervention, a calm warning or instruction to stop will be given and every effort should be made to achieve a satisfactory outcome through de-escalation without physical intervention.
- 6.6. In all circumstances help MUST be sent for, even when immediate intervention is necessary.

## 7 Special considerations for students with special educational needs, disabilities or specific medical conditions

- 7.1. We need to ensure that our policy and practice on use of force takes proper account of the particular special educational needs and disabilities that our students may have. For example, staff need to consider very carefully before intervening physically with students who display extreme behaviour associated with learning disability and/or autistic spectrum disorders and students with severe behavioural difficulties.
- 7.2. Under the Disability Discrimination Act 1995, Governors have a duty to take reasonable steps to ensure disabled students are not placed at a substantial disadvantage in comparison with students who are not disabled in their access to education and associated services (sometimes referred to as the duty to make reasonable adjustments). This duty should not mean over-compensation. The general principles underlying the school’s policy should apply to all students.
- 7.3. When reaching a decision about using force in a particular situation, staff will need to take into account relevant factors related to any special educational needs or disabilities the particular student may have.
- 7.4. The examples below are of situations in which staff would have to ask themselves whether to use force and, if they did so, what degree of force would be reasonable.
- A class waiting for a lesson is physically rowdy. This makes an autistic student very anxious. He does not understand the motives or feelings of others, so he starts to hit out at other students.
  - A student on the autistic spectrum understands only single, concrete instructions. A lunchtime supervisor sees her lashing out at other children who have been taunting her about her family.
  - A student takes medication for ADHD. Late one day the effect of the medication is wearing off. A teacher sees him very agitated and jumping up near a third floor window. The student has a history of physical abuse in early childhood and reacts badly to any physical contact.
- 7.5. Even for such examples there are no automatic right answers. The judgement on whether to use force and what force to use should always depend on the precise circumstances of each case



and – crucially in the case of such students – information about the individual concerned. So Priestlands will:

- involve the SENCO in developing the school’s practice in the use of force
- as far as practically possible, make all staff aware of the relevant characteristics of individual students, particularly:
  - what de-escalation techniques are most likely to work; and
  - what is most likely to trigger a violent reaction.
- designate staff to be called if incidents related to particular students occur. This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent, but they should always be involved in post-incident follow-up.
- for students at specific physical risk (for example, with a condition that makes them fragile), remind all staff periodically of the responses that must be used.
- teach students who are at risk how to communicate in times of crisis and strategies to use in a crisis (such as using a cool-off base).

7.6. After an incident, it may be sensible to involve parents in agreeing an Individual Behaviour Plan that includes strategies to deal with a recurrence of behaviour that could lead to the use of force.

## 8 Recording and Reporting

- 8.1. Where restraint has been necessary, the incident must be reported to a member of the Senior Leadership Team and logged on SIMS.
- 8.2. A report should also be written and filed using the Serious Incident Report form. The report should include: date and time of the incident; names of students and adult(s) involved; names of witnesses; description of incident; steps taken to avoid force; nature of force used; student’s response; outcome of incident; any injuries or damage. A Body Map (Appendix 1) should be used to indicate the nature of the physical contact made; this will help to ensure an accurate record is in place for any subsequent review or investigation.
- 8.3. Parents of the student involved will always be advised as soon as possible of an incident and will always be invited to meet to discuss the incident. It may be necessary for an incident to be followed up by other disciplinary action and/or pastoral support, in addition to consideration of an Individual Behaviour Plan.

## 9 Post-incident support

- 9.1. Serious incidents that require use of force can be upsetting to all concerned and result in injuries to the student or staff. After an incident ends, it will be important to ensure that staff and students are given first aid treatment for any injuries and emotional support.
- 9.2. Immediate action will be taken to access medical help for any injuries that go beyond basic first aid.
- 9.3. The Headteacher will decide how and when to contact the parents of the student to engage them in discussing the incident and setting out subsequent actions.
- 9.4. In the days after an incident the Headteacher will:
  - ensure that the incident has been recorded;
  - decide whether multi-agency partners need to be engaged and, if so, which partners;
  - hold the student to account so that s/he recognises the harm caused or which might have been caused. This may involve the student having the chance to repair the relationships with staff and students affected by the incident. In some cases, an incident might lead to a



decision to exclude a student. In these circumstances, the Headteacher will refer to DfE guidance.

- help the student develop strategies to avoid such crisis points in future and inform relevant staff about these strategies and their roles;
- ensure that staff affected by an incident have continuing support for as long as necessary in respect of:
  - physical consequences;
  - support to deal with any emotional stress or loss of confidence; and
  - analysing and reflecting on the incident.

## 10 Dealing with complaints

- 10.1. Parents and students have a right to complain about actions taken by school staff, including the use of force. The Headteacher will keep a record of all allegations relating to the use of force.
- 10.2. An early post-incident discussion with parents to make clear the school policy and the reasons for the actions taken will minimise the chances of a complaint, but will not prevent all complaints. A dispute might lead to a formal complaint to the school or even the police.
- 10.3. In such circumstances it would be for the Headteacher and then the governors' panel (or, if there was a prosecution, the court) to decide whether the use and degree of force was reasonable in all the circumstances. In so doing, they would be likely to take account of this policy and whether it had been followed.
- 10.4. Parents or students sometimes complain to the police about unreasonable use of force. Such allegations may be referred to the local Children's Safeguarding Board. This policy and the degree to which it had been followed would be at the core of any investigation.

## 11 Related Procedures, Codes of Practice, Guidance Documents

- 11.1. This policy has links to:
  - Policy to Secure Good Behaviour
  - Board of Governors Statement: General Principles to Promote Good Behaviour
  - Safeguarding and Child Protection Policies
  - Policy for Supporting Students with Medical Needs
  - Policy on Searching Students

## 12 Audit / Monitoring / Reporting / Review

- 12.1. The Headteacher will ensure that full records are kept of incidents involving restraint.
- 12.2. These records will be reviewed by the Governor with Lead Responsibility for Safeguarding on an annual basis.
- 12.3. This policy will be reviewed by the Headteacher and Governors every three years or in response to changes in legislation or guidance and evidence gained from school records.
- 12.4. The school is required to publish its Behaviour Policy to parents annually (including on its website); the Behaviour Policy will be cross-referenced with the Positive Handling Policy.



## POSITIVE HANDLING POLICY

### APPENDIX 1

Please indicate below the location of any physical contact made during an incident involving restraint or a physical intervention by a member of staff. Use shading to indicate the area of contact and a brief annotation.

