

# **Gresham Primary School**

## **Positive Handling Policy**

**May 2021**

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## Statement of intent

Gresham Primary School believes that it is important to establish a safe, secure and stable environment to enable pupils to grow, develop and learn. To achieve this, the school recognises that, in certain circumstances, managing violence through control and restraint may be necessary.

This policy acknowledges that situations may arise in which staff members will be required to use positive handling, and in some cases reasonable force, in order to manage conflict when other measures have failed to do so.

The aim of this policy is to ensure that actions such as positive handling and reasonable force are used in a correct and safe manner, which is in accordance with the relevant legislation and national guidance.

Signed by:

Headteacher

Date:

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Chair of governors

Date:

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## **1. Legal framework**

- 1.1. This policy has due regard to all relevant legislation including, but not limited to, the following:
  - The Education Act 2011
  - The Children Act 1989
  - The Equality Act 2010
- 1.2. This policy has due regard to the following guidance:
  - DfE (2013) 'Use of reasonable force in schools'
  - DfE (2018) 'Working Together to Safeguard Children'
  - DfE (2020) 'Keeping children safe in education'
- 1.3. This policy operates in conjunction with the following school policies:
  - Statement of Procedures for Allegations of Abuse Against Staff
  - Child Protection and Safeguarding Policy
  - Special Educational Needs and Disabilities (SEND) Policy
  - Behavioural Policy

## **2. Roles and responsibilities**

- 2.1. The governing board is responsible for:
  - Monitoring the overall implementation of this policy.
  - Notifying the headteacher that the Behavioural Policy should include the power to use reasonable force.
  - Evaluating the Positive Handling Log (located in CPOMS) to analyse how and when positive handling is used and identify any trends.
  - Reviewing this policy on a biennial basis.
  - Responding to any complaints, in liaison with the headteacher, from pupils or parents regarding the use of reasonable force.
- 2.2. The headteacher is responsible for:
  - Deciding whether members of staff require additional training to enable them to carry out their responsibilities, considering the needs of pupils.
  - Ensuring all members of staff understand the correct conduct in terms of positive handling.
  - Handling any allegations of abuse in line with the Statement of Procedures for Allegations of Abuse Against Staff.

- Maintaining the Positive Handling Log and sending this to the governing board at the end of each term (if there have been incidents) for it to be evaluated.
- Ensuring that any member of staff who uses reasonable force records the incidents in CPOMS within the category of 'Positive Handling Implemented.
- Ensuring that the Behavioural Policy sets out the circumstances in which force might be used.
- Responding to any complaints, in liaison with the governing board, from pupils or parents regarding the use of reasonable force.

2.3. The SENCO is responsible for:

- Providing training to members of staff on how to handle pupils with SEND.
- Ensuring staff understand how pupils with SEND may react differently to reasonable force.
- Ensuring that staff understand the additional vulnerability of pupils with SEND or medical conditions.
- Developing individual behaviour plans for pupils with SEND or medical conditions that are agreed with the pupil's parents, and ensuring teaching staff are aware of these.
- Ensuring that staff understand how reasonable force principles may need to be adapted for pupils with medical conditions.

2.4. The DSL is responsible for:

- Providing staff with annual reasonable force training where the headteacher deems it necessary.
- Ensuring all members of staff use reasonable force in accordance with this policy.
- Reviewing this policy in liaison with the headteacher and governing board.

### **3. What is positive handling?**

- 3.1. For the purpose of this policy, 'positive handling' is the positive application of force with the intention of protecting pupils and limiting damage to property.
- 3.2. Legal framework and national guidance often refer to the 'use of force' – this policy uses the term 'positive handling' whenever possible.
- 3.3. The school recognises that there is a need, reflected in common law, to intervene when there is an obvious risk of safety to its pupils, staff and/or property.

- 3.4. The Education Act 1996 (Section 550A) states that it is lawful for teachers and other authorised staff to use reasonable force to prevent a pupil from committing an offence, causing injury or damage or disrupting the good order and discipline of the school. Teachers are not contractually obliged to carry out restraint procedures and they are not contractually obliged to undertake training in any restraint procedures. **All members of school staff have the power to use force.**
- 3.5. When positive handling can be used in the school (or on a school trip):
- committing any offence
  - causing personal injury to, or damage to the property of, any person (including the pupil themselves), or
  - prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.
- 3.6. Positive handling will be limited to emergency situations and used only as a last resort.
- 3.7. Locking a door for ease is not justifiable; it may however, be justified where the risk of holding a door or blocking a door places safety in jeopardy. It is also reasonable to bolt a door temporarily to restrict a young person's mobility, in order to gain time to call for help from other staff.
- 3.8. Where positive handling is required, the school will abide to the following guidance:
- Initial intervention will always be without force.
  - Any physical intervention will follow other appropriate actions.
  - Staff will take a calm and measured approach in all situations.
- 3.9. Failure to positively handle a pupil who subsequently gets injured, or injures another pupil, could lead to an accusation of negligence.
- 3.10. Positive handling will never be invasive, humiliating, flirtatious in nature or take a form which could be seen as punishment.
- 3.11. Positive handling will be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing the pupil to regain self-control.
- 3.12. Positive handling techniques seek to avoid injury to pupils, but whilst some physical injury potential can be reduced there remains some risk, with potential for possible bruising or scratching that may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that pupils remain safe.

#### **4. What is reasonable force?**

- 4.1. There is no statutory definition of reasonable force; it will always depend on what is considered necessary and proportionate, given the circumstance of the case.
- 4.2. The use of reasonable force is only acceptable to control pupils or restrain them, and involves using no more force than is needed in the circumstance.
- 4.3. 'Control' refers to either passive physical contact, such as blocking a pupil's path, or active physical contact such as leading a pupil by the arm.
- 4.4. 'Restraint' refers to physically bringing a pupil under control, such as holding them back. This is typically used in more extreme circumstances, such as to separate two pupils fighting.
- 4.5. The degree of force that is used will depend on the pupil's circumstances, e.g. age.
- 4.6. Staff members are required to use actions that are appropriate and in proportion to the circumstances of the incidents. Staff are required to make their best judgement in any given circumstance.
- 4.7. The general approach of the law is that it allows such force to be used as is reasonable in the circumstances as the defendant believes them to be, even if their belief was a mistaken one.
- 4.8. All incidents that involve the use of reasonable force will be reported to the headteacher, recorded in writing (via CPOMS) and communicated to the pupil's parents.
- 4.9. The following list is not exhaustive, but provides examples of situations where the school may decide to use reasonable force:
  - Remove disruptive children from the classroom where they have refused to follow an instruction to do so.
  - Prevent a pupil behaving in a way that disrupts a school event or a school trip or visit.
  - Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.
  - Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground.
  - Restrain a pupil at risk of harming themselves through physical outbursts.
  - The headteacher or authorised staff are conducting a search for items prohibited under the Education Act 1996, e.g. knives and weapons, alcohol and illegal drugs.
- 4.10. Physical intervention will never be used as a substitute for good behavioural management in accordance with the school's Behavioural Policy.

## 5. Use of positive handling and reasonable force

- 5.1. All members of staff will be permitted to use positive handling where they believe it to be appropriate, as long as all necessary precautions are taken.
- 5.2. The power to positively handle pupils also applies to any individual whom the headteacher has identified as temporarily in charge.
- 5.3. The decision to physically intervene during a situation is down to the professional judgement of the member of staff and always depends on the circumstances.
- 5.4. All staff should be aware that the use of positive handling in response to a clear or developing danger of injury will always be more justifiable than the use of force to prevent damage or misbehaviour.
- 5.5. Although staff are permitted to use positive handling techniques unassisted, every effort should be made to secure the presence of other staff to ensure that any action taken is both safe and successful. This is especially true in more extreme circumstance where more force/restraint is required.
- 5.6. Staff will always calmly communicate the reasons for their actions to the pupil and explain why it was necessary in a non-threatening manner.
- 5.7. Staff will never give the impression that they are acting out of anger or are punishing the child.
- 5.8. All staff members will develop strategies and techniques for dealing with difficult pupils and situations, which they will use to diffuse and calm a situation.
- 5.9. In non-urgent situations, staff will always try to deal with a situation through other strategies before using force.
- 5.10. Staff members will always avoid acting in a way that could cause injury; however, dependant on the circumstances, this may not always be possible.
- 5.11. Where a member of staff believes that they are at risk, such as where an injury is likely to occur, they will not intervene in an incident without help and assistance of another staff member.
  - Emergency intervention is necessary when there is a high risk of pupils being injured or property being damaged.
  - If emergency intervention is required, a member of staff will use other methods of defusing the situation, without physically intervening, until assistance arrives.
- 5.12. Following the event, the pupil involved may be subject to separate disciplinary procedures, in which strategies should be formed to help avoid reoccurrence of such incidents.

- 5.13. The pupil and the member of staff will be checked for any sign of injury after an incident. First aid will be administered to anyone who requires it, or medical treatment obtained.
- 5.14. The pupil will be given time to become calm while staff continue to supervise them. When the pupil regains complete composure, a senior member of staff (or their nominee) will discuss the incident with the pupil and try to ascertain the reason for its occurrence. The pupil will be given an opportunity to explain things from their point of view. All necessary steps will be taken to re-establish the relationship between the pupil and the member(s) of staff involved in the incident.
- 5.15. In cases where it is not possible to speak to the pupil on the same day as the incident occurred, this informal discussion will take place as soon as possible after the pupil returns to school.
- 5.16. All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. A senior member of staff (or their nominee) will provide support to the member(s) of staff involved.
- 5.17. Supporting the member of staff is equally as important as the welfare of the pupil; one group will support the staff member following any incident and another group will be there to support the pupil.
- 5.18. Where necessary, external agencies, such as the LA or the police if a crime has been committed, will be informed of the incident.
- 5.19. Positive handling techniques which present an **unacceptable** risk and will not be used include:
  - The 'seated double embrace' where two staff members force a pupil into a sitting position and lean them forward whilst a third staff member monitors their breathing.
  - The 'double basket-hold' in which a pupil's arms are held across their chest.
  - The 'nose distraction technique' which involves a sharp upward jab under the pupil's nose.

## 6. SEND and medical conditions

- 6.1. The school will have due consideration to the risks posed by the additional vulnerability of pupils with SEND or medical conditions in terms of positive handling.
- 6.2. The SENCO will ensure that the stipulations of the Equality Act 2010 are adhered to in relation to reasonable adjustments, non-discrimination and the Public Sector Equality Duty.

- 6.3. The school will adhere to its Special Educational Needs and Disabilities (SEND) Policy at all times.
- 6.4. To reduce the occurrence of challenging behaviour that can necessitate the use of reasonable force, the SENCO will establish individual behaviour plans for more vulnerable pupils, e.g. those with SEND, that are agreed with the pupil's parents.
- 6.5. The SENCO will liaise with the DSL regarding the use of positive handling on pupils with SEND and establish how training may need to be amended.

## **7. Reporting incidents**

- 7.1. Immediately following an incident, the member(s) of staff involved will verbally report the incident to the headteacher and provide a comprehensive written record of the situation as soon as possible (within 24 hours), using the Positive Handling Report Form. Using this form ensures staff record the necessary information which can then be uploaded, stored on and shared with necessary staff through CPOMS.
- 7.2. Similarly, contemporaneous (i.e. within 24 hours) notes will also be made by any other members of staff involved (i.e. as witnesses or additional providers of support).
- 7.3. The written report of the incident must be thorough, including as much detail as possible as to what had happened before, during and after the incident, and describing any injuries incurred due to the event.
- 7.4. A copy of this entry will be kept on the pupil's file and retained in line with LA guidance on keeping educational records.
- 7.5. The headteacher will make the decision as to whether it is appropriate to inform the pupil's parents of the details of an incident. If it is appropriate, the following will be adhered to:
  - Parents will be informed in writing and a copy of this report will be given to the member(s) of staff involved in the incident.
  - The report will inform parents of their right to complain about the use of positive handling and reasonable force, in line with the Complaints Procedures Policy.
- 7.6. The headteacher will be responsible for conducting a thorough investigation to find out the correct details of what occurred; this may include talking to other pupils about the incident, for instance those who witnessed the event.
- 7.7. If a member of staff witnesses or suspects the use of positive handling or reasonable force, which has not been implemented or reported in accordance with this policy, they will report this to the headteacher immediately.

- 7.8. Any allegations against staff will be dealt with as a matter of urgency, and in accordance with the procedures outlined in the school's Statement of Procedures for allegations of Abuse Against Staff.
- 7.9. The headteacher will firstly report any allegations against staff to the Local Authority Designated Officer (LADO).

## **8. Complaints**

- 8.1. All members of staff will be made fully aware of the consequences and legal retributions that can occur following the incorrect use of positive handling and force.
- 8.2. All complaints regarding the use of positive handling or force will be investigated in a thorough and speedy manner.
- 8.3. The person making the complaint is responsible for proving that their allegations are true, and therefore, it is not for the member of staff to prove that their actions were made reasonably.
- 8.4. In extreme circumstances, parents may take civil action or pursue a criminal prosecution.
- 8.5. In the case where a member of staff has acted within the law, this will provide a defence to any civil or criminal prosecution.
- 8.6. Members of staff accused of using excessive force will not be automatically suspended as a response to the allegations. The following procedure will be adhered to:
  - Careful consideration will be given to whether the case warrants a person being suspended until the allegation is resolved.
  - The governing board will always take into account whether a staff member has acted within the law when considering whether or not to take disciplinary action against a staff member involved in an incident.
  - Where a member of staff is suspended, the school will ensure that the staff member has access to a named contact that can provide support and guidance.
  - The school will provide pastoral care to any member of staff who is subject to a formal allegation.

## **9. Staff training**

- 9.1. The DSL will conduct annual safeguarding training for all members of staff, which includes the most effective positive handling strategies and use of reasonable force techniques.
- 9.2. All staff will be regularly reminded of the positive handling techniques employed by the school, and will communicate these to the pupils they are in contact with.

- 9.3. Staff will endeavour to always use techniques and strategies that have been previously discussed with the headteacher and DSL, and have been safely demonstrated.
- 9.4. The school acknowledges that there may be situations where staff must make an instantaneous decision to use positive handling (e.g. from preventing a child from running into the road), and staff will not have time to consider the positive handling technique they use; therefore, the method they employ may differ from those demonstrated in training. This does not automatically render the use of such skill or technique necessarily improper, unacceptable or unlawful. **Its use must be judged on whether or not it was reasonable (necessary and proportionate) in those particular circumstances.**
- 9.5. Staff will be made aware of subsequent risks of their actions and fully understand when it is appropriate and necessary to use such actions.
- 9.6. Staff should be aware that they cannot be disciplined or dismissed for taking appropriate steps to protect either themselves or others in circumstances of serious or imminent danger; for leaving or proposing to leave the workplace if there is believed to be some serious or imminent danger which could not be averted; or for refusing to return whilst the danger persists.

## **10. Monitoring and review**

- 10.1. This policy will be reviewed on a biennial basis by the headteacher, DSL and governing board, who will consider any necessary changes and communicate the findings of the review to all members of staff.
- 10.2. The headteacher will review records of the use of positive handling and reasonable force on a termly basis, to analyse the frequency of occurrence and determine what further measures could be taken to prevent these situations from reoccurring.

# Positive Handling Report Form

We believe that positive handling and reasonable force should only be used when absolutely necessary. With this in mind, this form has been created to ensure that all incidents of this type are recorded. Incidents must also be uploaded to CPOMS.

<b>Name of staff member:</b>	
<b>Name of pupil:</b>	
<b>Date:</b>	
<b>Time:</b>	
<b>Location:</b>	
<b>Name(s) of staff member(s) who witnessed the incident:</b>	
<b>Informed parties (parents, social workers, police, etc.):</b>	
<b>Circumstances prior to the incident:</b>	
<b>Details of the incident:</b>	
<b>Details of any negative impact on other pupils:</b>	
<b>Reason(s) for positive handling (please tick):</b>	
Danger to self / others / property (please circle)	<input type="checkbox"/>
Prejudicing the maintenance of good order and discipline	<input type="checkbox"/>
Committing and offence	<input type="checkbox"/>
<b>Details of the intervention:</b>	

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<b>Any disciplinary additional action taken:</b>
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<b>Injuries (if any) to staff members, the pupil concerned or other pupils:</b>
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<b>Damage (if any) to property:</b>
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<b>Recommendation(s) to avoid future incidents:</b>
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<b>Headteacher's signature:</b>	<b>Date:</b>
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<b>Signature of staff member concerned:</b>	<b>Date:</b>
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