

Marsh Green Primary School

Positive Handling Policy

2023 – 2024



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1. Context

This policy outlines how staff at Marsh Green Primary School create and maintain good order and relationships through positive approaches. These approaches are successful the vast majority of the time. Effective relationships are developed between staff and pupils and PSHE activities support pupils in managing conflict and coping with feelings.

This policy on the use of restrictive physical interventions supplements the main behaviour policy. Both should be read in conjunction with the school SEND policy, the Health and safety policy and the Safeguarding Policy.

At Marsh Green Primary School, we are committed to a positive behaviour policy which encourages children to make positive behaviour choices. On extremely rare occasions, circumstances may result in a situation that requires some form of physical intervention by staff.

Our policy for physical intervention is based upon the following principles:-

- Physical intervention should be used only as a last resort when other appropriate strategies have failed.
- Any physical contact should be only the minimum required.
- Physical intervention must be used in ways that maintain the safety and dignity of all concerned.
- Incidents must be recorded and reported to a member of the Leadership Team as soon as possible.
- Parents will be informed of each incident.

2. Policy Statement

It is recognised that the vast majority of pupils in our school respond positively to the behaviour expectations. The well-being, welfare and safety of all pupils and staff at Marsh Green Primary School is of paramount importance.

It is acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required.

Marsh Green Primary School acknowledges that physical techniques are only part of a whole setting approach to behaviour management. Positive Handling will only be used as a last resort when all other behaviour management strategies have failed or when pupils, staff are at risk.

Marsh Green Primary School does not support the routine use of physical interventions.

Positive Handling uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming themselves, others

The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled, and the nature of the harm they might cause

Every effort will be made to ensure that all staff in this school:

- clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where reasonable force is necessary and
- are provided with appropriate training to deal with these difficult situations.

3. The Legal Framework

Positive handling should be limited to emergency situations and used only in the last resort. Under the Children Order 1995, it is only permissible as described under the heading "Physical Control". Article 4 of the Education Order 1998 clarifies powers that already exist in common law. It enables trained 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)
- 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.

Section 93 of the Education & Inspections Act 2006 states:

Power of members of staff to use force

(1) A person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of preventing a pupil from doing (or continuing to do) any of the following, namely—

- (a) Committing any offence,
- (b) Causing personal injury to, or damage to the property of, any person (including the pupil himself), or
- (c) 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.

Additionally all persons have powers to use force under Common Law and Section 3(1)(a) Criminal Law Act 1967. This would include if a child was in danger of hurting someone else or themselves or intent on damaging property.

Key Points of the DfE Behaviour and discipline in schools: guidance for headteachers and school staff, January 2016 state:

- Teachers have power to discipline pupils for misbehaviour which occurs in school and, in some circumstances, outside of school.
- The power to discipline also applies to all paid staff (unless the headteacher says otherwise) with responsibility for pupils, such as teaching assistants.
- Headteachers, proprietors and governing bodies must ensure they have a strong behaviour policy to support staff in managing behaviour, including the use of rewards and sanctions.

Key points of the DfE Use of reasonable force Advice for headteachers, staff and governing bodies, July 2013 state:

- School staff members have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
- Senior school leaders should support their staff when they use this power.

4. Use of physical intervention

Physical intervention should be applied as an act of care and control with the intention or re-establishing verbal control as soon as possible and, at the same time, allows the pupil to regain self-control. It should never take a form which could be seen as punishment. Staff are only authorised to use reasonable force in applying physical restraint, although there is no absolute definition of this. What constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied. Staff should apply the positive handling training they have received to de-escalate where possible then use the appropriate holds as practised in the Positive Handling training. However, as a general rule, only the force necessary to stop or prevent danger should be used, in accordance with the guidelines below. In all circumstances, alternative methods should be used as appropriate with physical intervention or restraint, a last resort.

The school provides training for members of staff, bearing in mind the needs of the children they are likely to come into contact with. Ideally, intervention will be carried out by a permanent member of staff who has received the training. A list of staff members who have received training can be found in the appendix. However, anybody has the lawful power to use force under Common Law and Section 3(1)(a) Criminal Law Act 1967.

The Department for Education guidance in

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf advises that certain restraint techniques present an unacceptable risk when used on children and young people. The techniques in question are:

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.
- Use of prone position (face down on the floor) or T Supine position (on their back) should not be performed

Staff will not perform these techniques because the school has a positive duty to the preservation of life and complies with Article 2, Human Rights Act.

DfE Use of reasonable force Advice for headteachers, staff and governing bodies July 2013 states: What is reasonable force?

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 pupils.
2. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm, through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.

5. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

6. School 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.

Schools can use reasonable force to:

- 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.

Schools cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.

5. When physical intervention becomes necessary:

DO

- Tell the pupil what you are doing and why
- Use reasonable force
- Involve another member of staff if possible
- Tell the pupil what they must do for you to remove the restraint (this may need frequent repetition)
- Use simple and clear language
- Relax your restraint in response to the pupil's compliance

DON'T

- Act in temper (involve another staff member if you fear loss of control)
- Involve yourself in a prolonged verbal exchange with the pupil
- Involve other pupils in the restraint
- Touch or hold the pupil in a way that could be viewed as sexually inappropriate conduct
- Use physical restraint or intervention as a punishment

6. Actions after an incident

Physical intervention often occurs in response to highly charged emotional situations and there is a clear need for debriefing after the incident, both for the staff involved and the pupil. The head teacher or senior member of staff should be informed of any incident as soon as possible and will take responsibility for making arrangements for debriefing once the situation has stabilised. An appropriate member of the teaching staff should always be involved in debriefing the pupil involved and any victims of the incident should be offered support, and their parents informed.

If the behaviour is part of an ongoing pattern, it may be necessary to address the situation through the development of a behaviour plan, a personal risk assessment or other strategies agreed by the Leadership Team.

It is also helpful to consider the circumstances precipitating the incident to explore ways in which future incidents can be avoided. All incidents should be recorded immediately using an incident form so that any patterns of behaviour can be identified and addressed. In the event of any future complaint or allegation this record will provide essential and accurate information.

A member of staff will contact parents as soon as possible after an incident, normally on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

7. Risk Assessments/Positive behaviour plans

The use of a restrictive physical intervention will be the outcome of professional judgement made by staff on the basis of this policy. It is avoided whenever possible and will only be considered if other behaviour management options have been proved to be ineffective or are judged to be inappropriate (or in an emergency situation).

Before deciding to intervene, staff will weigh up whether the risk of not intervening is greater than the risk of intervening. Any actions will be carried out with the child's best interests at heart. Physical intervention will never be used to punish a pupil or cause pain, injury or humiliation. Staff are not expected to intervene physically against their better judgement nor are they expected to place themselves at unreasonable risk. In such circumstances, they must take steps to minimise risks. For example, by removing other pupils and calling for assistance.

The following considerations should form part of the risk assessment:

- the location of the incident and the potential for the intervention to be carried out safely;
- the staff member's capacity to act calmly;
- the age, gender, physiques and any known medical conditions of the pupil and the staff member;
- the scope to involve a second adult to assist or supervise;
- the clothing being worn by the pupil and the staff member, together with any jewellery or spectacles / hearing aid;
- any previous experience by the pupil of restraint and predictable reaction;
- the presence of any weapon

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

- Strategies to be used prior to intervention
- Ways of avoiding 'triggers' if these are known
- Involvement of parents/carers to ensure that they are clear about the specific action 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)
- Identification of additional support that can be summoned if appropriate
- The school's duty of care to all pupils and staff

8. Complaints procedure

A clear policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation.

It is our intention to inform all stakeholders about this policy and these procedures.

The positive ethos, good behaviour and excellent relationships in this school mean that restrictive physical intervention will be rarely needed. This policy will ensure that in those rare circumstances the care and well-being of all pupils will be paramount.

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them. Complaints following a dispute

about the use of physical intervention by an adult should be pursued in accordance with the Complaints Policy.

If a complaint is made the school's complaints procedure and guidance on dealing with allegations of abuse by staff will be followed.

9. Other relevant policies

This policy should be read alongside the following documents:

Safeguarding & Child Protection Policy

Anti-Bullying Policy

Health and Safety Policy

Special Educational Needs & Disability Policy

Behaviour Policy

Accessibility Policy

Equality Policy

Complaints Policy

Whistle Blowing Policy

10. References

- Education & Inspections Act 2006
- DfE Behaviour and discipline in schools advice for Headteachers and school staff January 2016
- DfE Use of reasonable force for Headteachers and school staff July 2013

11. Monitoring, Evaluation and Review

The effectiveness of this policy will be on going and carried out by the SENCo and SLT. This policy will be evaluated and reviewed in line with the Behaviour Policy and any new legislation and guidance provided by the DfE.

Appendix: Authorised staff

Section 550A of the Education Act 1996 permits adults who have lawful charge or control of children to use reasonable force to control or restrain them. These include:

- a) teachers
- b) family support workers
- c) teaching assistants
- d) representatives from outside agencies eg HSLW (Home School Link Worker)
- e) other adults who may be working with children either on school premises or accompanying them on out of school activities, eg during field trips or on school journeys.

Wherever possible Physical Restraint should only be used by those with appropriate training. However, it is acknowledged this may not always be possible and physical restraint may be used as an emergency measure by someone without appropriate training to ensure the safety of children in their care. Any physical intervention should be conducted making reasonable adjustment for students with SEN or disabilities. The child's Plan will take this into account. In this instance, someone with appropriate training should be called for immediately.

The following staff members have received positive handling training:

Miss Colley

EYFS Phase Leader

Miss Lydon

Class Teacher

Miss Hart

Nursery Nurse

Mrs Pearson

Teaching Assistant

Mrs Payle

Teaching Assistant

Mrs B Kaur

Teaching Assistant

Miss Mcauley-Fisher

Teaching Assistant

Mrs Sargent

Teaching Assistant

Miss Chapman

Midday Assistant/First aider

Mr Fitzpatrick

Assistant Headteacher

Mrs Langley

SENDCo