



Positive Handling Policy & Guidelines

2022-2023



Corpus Christi School uses the term "Positive Handling" to the term "Control and Restraint". Throughout this document any reference to restraining and controlling a pupil will be stated as the positive handling of a pupil. However for clarity the policy section refers to control and restraint.

We believe this policy should be a working document that is fit for purpose, represents the school ethos, enables consistency and quality across the school and is related to the following legislation:

- Education and Inspections Act 2006
- Equality Act 2010
- Special Educational Needs and Disability (Detained Persons) Regulations 2015

The following documentation is also related to this policy:

- Equality Act 2010: Advice for Schools (DfE)
- Special Educational Needs and Disability Code of Practice: 0 to 25 Years. Statutory Guidance for Organisations Who Work With and Support Children and Young People with Special Educational Needs and Disabilities (DfE) and (DoH)
- Use of Reasonable force in Schools: a summary for Headteachers, Staff and Governing Bodies (DfE)
- Race Disparity Audit - Summary Findings from the Ethnicity Facts and Figures Website (Cabinet Office)

Section 550A of the Education Act 1996, The use of Force to Control or Restrain Pupils clarifies the powers of teachers and other staff who have lawful control or charge of pupils to use reasonable force to prevent pupils committing a crime, causing injury or damage or causing disruption. This school recognises the rights of every person to be protected from harm and for

that reason we seek to protect all our pupils from physical intervention which is either unnecessary, inappropriate, excessive or unlawful.

Physical restraint is the positive application of force with the intention of preventing the child from harming himself/herself or others or from seriously damaging property. Physical restraint will only be used when all attempts to diffuse or de-escalate the situation have failed. The restraint will continue only for the minimum time for it to be effective. The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. Therefore, physical force cannot be used to prevent a pupil committing a minor misdemeanour.

Section 550A applies to a wide variety of situations in which reasonable force might be appropriate to control or restrain a pupil.

All incidents where a teacher or authorised member of staff has to restrain or control a pupil will be recorded. The staff member involved in the restraint or control incident will report the incident to the Headteacher orally, then as soon as possible will make a written report which will be countersigned by the Headteacher, who will keep a copy.

The pupil's parents/carers will be informed of the incident by the headteacher or Deputy Head and they will be given the opportunity to come into school to discuss the incident.

Corpus Christi School has an open and accepting attitude towards children as part of its responsibility for pastoral care. Staff hope that parents and pupils will feel free to discuss any concerns with them.

Any complaints regarding staff behaviour should be made to the Headteacher or to the Chair of Governors.

GUIDELINES ON PHYSICAL CONTROL AND RESTRAINT

Introduction and Overview

This advice has been written to take account of the DfEE Circular 10/98 Section 550A of the Education Act 1996: The Use of Force to Control or Restrain Pupils.

This document clarifies the powers of teachers and other staff who have lawful control or charge of pupils to use reasonable force to prevent pupils committing a crime; causing injury or damage; or causing disruption.

Neither the act or the 10/98 Circular authorise the use of corporal punishment in any circumstances. If such acts were to occur they would be dealt with under the Child Protection process - see CLEA Circular 95/12 (Teachers facing an allegation of physical/sexual abuse guidelines on Practice and Procedure) DfEE Circular 10/95 Protecting Children from Abuse: and under Lambeth Area Child Protection Committee Procedures.

Intention

We recognise the right of every person to be protected from harm and for that reason we seek to protect all pupils against any form of physical intervention which is either unnecessary, inappropriate, excessive or unlawful.

These Guidelines should serve three distinct purposes:

- They should protect the interests of the children in our care
- They should serve to protect the staff who implement policies
- They should serve to protect the Managers

Good Professional Practice -

It is the responsibility of Governors and Headteachers to determine what is good practice in terms of professional contact with children and young persons.

All staff are aware of the Schools Policy regarding physical control and restraint. It is important that all members of staff who may have to intervene clearly understand the options and strategies open to them.

The Act allows for non-teaching staff to use reasonable force to control or restrain pupils in the same way as teachers provided they have been authorised by the Headteacher to have control or charge of pupils. These persons have been adequately prepared and have had a level of awareness raising on the issues of positive handling.

All members of staff whether authorised by the Headteacher or not retain the rights of self defence. This document clarifies the position of teachers should the positive handling of pupils be necessary. There is no requirement on anyone to use any method of restraint and this document should be read in context of a situation.

Risk Assessments

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:

- ✓ Management of the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used if necessary)
- ✓ Involvement of parents to ensure that they are clear about the specific action the school might need to take
- ✓ Briefing of 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

A "Positive Handling Plan" would be required for children who potentially need to be restrained, to inform other adults on best practice.

Physical Intervention

Physical intervention can take several forms. It might involve a teacher physically interposing between pupils or blocking a pupil's path. It may involve leading a pupil by the arm or shepherding a pupil away by placing a hand in the centre of his back.

The method of intervention used will always depend upon and need to be in keeping with the circumstances including the age, competence and nature of the pupil and the potential risks involved.

Any intervention should always be preceded by clear verbal instructions relating to the consequences of ignoring them and then accompanied throughout by attempts to de-escalate and calm the situation until any risk has passed. The age and level of understanding of a young

person will make a difference to their ability to recognise and understand dangers to themselves, others and property. These factors therefore must be taken into account when trying to decide on the appropriate response to a child who may need to be controlled by means of some sort of physical intervention. Adults should never give the impression that they have lost their temper or are acting out of anger or frustration.

Where there is an immediate risk of injury or damage to property, a teacher may have to intervene physically straight away. For example to prevent a young pupil running off a pavement onto a busy road or to prevent a pupil hitting someone or throwing something. A teacher should not intervene without help if it puts himself at risk. In these circumstances other pupils in the room should be told to leave and assistance should be summoned from a colleague or the police. Again the teacher should attempt to diffuse the situation orally, speaking calmly and quietly. A pupil is likely to respond to the tone and volume of your voice.

Types of Incidents

School personnel will have to make decisions when dealing with any of the following incidents:

- ✓ Fighting - pupils fighting.
- ✓ Attack - a pupil attacks an adult or another pupil.
- ✓ Damage to property – a pupil deliberately damages property or is about to.
- ✓ Injury or damage – a pupil causes or is about to cause injury or damage.
- ✓ Absconding – when a pupil tries to leave school which could put his/her own safety at risk, the safety of others or the damage to property.
- ✓ Defying an instruction – when a pupil persistently refuses to leave a classroom.
- ✓ Disruption of lessons – when a pupil's behaviour seriously disrupts a lesson.
- ✓ Disrupting a school event – when a pupil's behaviour seriously disrupts a school event.

DO

- ✓ act in a calm and measured manner;
- ✓ show no anger or frustration;
- ✓ tell the pupil to stop misbehaving or restraint will be used but will stop when the pupil behaves
- ✓ Tell the pupil what you are doing and why
- ✓ Use the minimum force necessary
- ✓ Involve another member of staff if possible
- ✓ Tell the pupil what s/he must do for you to remove the restraint (this may need frequent repetition)
- ✓ Use simple and clear language
- ✓ Hold limbs above a major joint if possible e.g. above the elbow
- ✓ Relax your restraint in response to the pupil's compliance
- ✓ Meaning of "Reasonable Force"

There is no legal definition of "reasonable force". "Reasonable" means "using no more force than is needed".

The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of reasonable force. Therefore physical force could not be justified to prevent a pupil from committing a minor misdemeanor (e.g. dropping litter). The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum to achieve the desired results. Whether it is reasonable to use force and the degree of force that could be reasonably employed might also depend on the age and sex of the child.

Prohibited forms of control and/or restraint

Where it is necessary to use force a teacher should not, except in the most exceptional circumstances, where there is no alternative, do so in a way that might reasonably be expected to cause injury. For example by

- Holding a pupil around the neck or by the collar or in any other way that might restrict the pupils ability to breathe.
- Slapping, punching, prodding or kicking a pupil.
- Twisting or forcing limbs against a joint.
- Throwing an object.
- Tripping up a pupil.
- Holding or pulling a pupil by the hair or ear.

Use of reasonable force and SEND

When considering the use of reasonable force towards children with SEND or medical conditions, the risks should be carefully considered. Individual behaviour plans and other forms of proactive behaviour support can reduce the need for reasonable force.

Post-incident Support

After an incident has occurred the following procedure will take place:

- ☐ First aid if necessary
- ☐ Medical help if necessary
- ☐ Emotional support to pupils and school personnel
- ☐ Discussions with parents

Recording Incidents

All uses of physical restraint must be recorded. It is important that there is a detailed contemporaneous written report of any occasion where force is used. It may help prevent any misunderstanding or misrepresenting of the incident and it will be helpful in the event of a complaint.

We keep a record of all incidents in which force is used by a member of staff to control or restrain a pupil in the file. Immediately following any such incident the

member of staff concerned should report the matter orally to the Headteacher, Deputy or Team Leader and provide a written report as soon as possible afterwards. That should include:

- The name (s) of the pupil(s) involved and when and where the incident took place
- The names of any other staff or pupils who witnessed the incident
- The reason that force was necessary (e.g. to prevent injury to the pupil/another pupil/member of staff)
- How the incident began and progressed including details of the pupils behaviour, what was said by each of the parties, the steps taken to defuse/calm the situation, the degree of force used. How that was applied and for how long.
- The pupils response and the outcome of the incident.
- Details of any injury suffered by the pupil, another pupil or a member of staff and of any damage to property.

Parents/carers will be informed of an incident involving their child as soon as possible after the event.

Following an incident of positive handling there should be the opportunity for both the pupil and the teacher to discuss the event with a senior member of staff.

Complaints

Incidents involving the use of force can cause the parents of the pupil involved great concern. Involving parents when an incident occurs plus a clear policy about physical contact with pupils that is adhered to by staff 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 may arise. The possibility that a complaint might result in a disciplinary hearing or a criminal prosecution or in a civil action brought by a pupil or parent can not be ruled out. In those circumstances it will be for the Disciplinary Panel or the Court to decide whether the use and degree of force was reasonable in all circumstances. In that event however, the Panel or Court would have regard to the provisions of Section 550A It would also be likely to take account of the schools policy in regard to restraint. Whether it had been followed and the need to prevent injury, damage or disruption in considering all the circumstances of the case.

Physical Contact with Pupils in other circumstances

All staff can be vulnerable to misplaced allegations. It is unrealistic that these persons should touch children only in emergencies. There are situations in which physical contact with a pupil may be appropriate or necessary.

Some physical contact may be necessary to demonstrate exercises or techniques in the course of P.E. lessons or sports coaching or if a member of staff has to administer first aid. Touching may also be appropriate where a pupil is in distress and needs comforting. Teachers will use their own professional judgement when a pupil needs this kind of support. Some children may find being touched uncomfortable for a number of reasons so it is important that education staff are sensitive to a child's reaction to physical contact and act appropriately. Physical contact between teachers and pupils of the opposite sex becomes increasingly open to question as pupils reach and proceed through adolescence. Teachers

should also bear in mind that even innocent and well intentioned physical contact can sometimes be misconstrued.

In some circumstances there will seem to be a very fine line between what is seen as positive handling and what is seen as a child protection issue. If a child sustains an injury through the inappropriate use of force or the unreasonable use of one of the prohibited forms of positive handling this may constitute physical abuse and the Child Protection procedures would need to be initiated.

Manual Handling of Children needing mobility assistance

- Health and Safety at Work Act 1974
- The Manual Handling Operations Regulations 1992
- The Lifting Operations and Lifting Equipment Regulations 1998

Staff must follow the school's risk assessments when handling children needing mobility assistance (Judicium).

Policy Reviewed September 2022

Positive Handling Plan

Name of child	DOB	Year group
Date plan started	Date plan discontinued	
<u>Effective strategies previously used</u>		
<u>Strategies not recommended</u>		
<u>Physical techniques used effectively</u>		
<u>Physical techniques used proven ineffective or problematic</u>		
Record use of positive handling		
Date and time	Person(s) involved	
Details of incident		
Signature(s)		
Print name		