



## POSITIVE HANDLING POLICY

A Safeguarding Policy to be read in conjunction with the Behaviour Policy and SEN Policy

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## Introduction

This Policy complements and reinforces the principles and practice of the Academy Behaviour Policy, which is integral to the Academy's Safeguarding Policies and informed by the following government legislation:

- Use of Reasonable Force 2013 – Advice for Headteachers, staff and governing bodies
- Keeping Children Safe in Education 2019

Victory Park Academy strives to create an environment in which children, young people and adults feel happy, safe, secure and valued. We aim to ensure an approach to behaviour that is known and understood by pupils, staff, parents and outside agencies.

The use of force upon any pupil by a member of staff is a serious matter, and must only be considered as a last resort. However, the law is clear and the Advisory Board has a responsibility to all concerned, to support any member of staff who as a last resort uses reasonable force in accordance with the law, and with this guidance.

Section 93 of the Education and Inspections Act 2006 enables Academy staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:

- Committing a criminal offence
- Causing personal injury to themselves or another
- Causing damage to property belonging to them or another, including the school
- Any behaviour prejudicing the maintenance of good order and discipline in the school.

## Aims

The aims of this policy are to:

- Provide clarification on the use of reasonable force in the academy
- To enable staff to feel more informed and confident about the use of reasonable force when they believe it to be necessary
- Reduce the likelihood of complaints being made when force has been used properly
- To make clear the responsibilities of Headteachers, senior staff and Advisory Board in respect of this power
- Acknowledge the legal duty to make reasonable adjustments for disabled children and children with special needs (SEN).

## Scope

All members of Victory Park Academy teaching and learning staff have the legal power to use reasonable force as defined within the Education and Inspections Act (2006).

- ‘Educational staff have a legal power to use reasonable force and lawful use of this power will provide a defence to any related criminal prosecution or other legal action’.
- Staff do not require parental consent to apply reasonable force on a pupil.
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
- The Advisory Board will consider whether a member of staff has acted within the law when using reasonable force when reaching a decision on whether or not to take disciplinary action.

## Defining Reasonable Force

**NB: This guidance is generic to staff in all Schools and Colleges regardless of specific training.**

1. The term ‘reasonable force’ incorporates a broad range of actions used by most Teaching and Learning staff at some point in their career involving a degree of physical contact with pupils. The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.
2. Force is usually used to either 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. 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. Academy staff should always try to avoid acting in a way that might cause injury to a pupil. Academy 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.

NB: Particular attention will be given to individuals’ needs, which arise from statements of SEN or disability.

## Specialist Training

Victory Park Academy recognise the benefits of specialist behaviour management training for staff in de-escalation methods and use of reasonable force. The chosen model for specialist training is 'Team Teach', an approach that advocates 95% of behaviour management is verbal de-escalation and 5% is positive handling as a last resort.

- Incoming contracted and supply staff are provided with a Staff Handbook, which includes copies of Safeguarding policies including the Behaviour Policy and The Positive Handling Policy, both of which provide advice and guidance in positive behaviour management.
- Contracted staff are expected to complete a 6 hour basic Team Teach training course.
- This course offers training in de-escalation and diffusion skills as well as physical restraint techniques.
- Refresher training is provided bi-annually.
- Staff are expected to attend refresher basic training bi-annually.
- Where staff have not been trained in Team Teach and no trained colleagues are available to support, staff are reminded that in line with legislation, The Use of Force to Control and Restrain Students' (2013):
  - 'Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder'.

In all situations staff should be clear that use of force was reasonable force necessary and assessed as being an effective intervention to reduce risk. Staff must not use restraint where it is not clear they are able to effectively reduce likelihood of harm.

## De-Escalation

### Use of Primary Strategies to Prevent Physical Intervention

De-escalation is the primary form of intervention at all times. The use of force is the last resort. The following actions must be used to reduce the risk of escalation:

- The appropriate use of language, positive tone of voice and non-threatening body stance.
- Ensuring change of face bringing in the most appropriate (and available) adult to de-escalate.
- Ensuring the pupil feels listened too and point of view is understood.
- Ensuring the pupil is aware of options for turning behaviour around whilst saving face.
- The environment is made conducive to calming by removing people, obstacles which may inflame.
- Negotiation
- Respecting the dignity of pupil
- Adult response has been fair and is consistent with behaviour Policy.
- Where events leading to escalation could have been prevented by staff, this is acknowledged, removing responsibility from pupil.

## When can reasonable force be used?

It is not possible to define every circumstance in which reasonable force is necessary or appropriate and staff will have to exercise their own professional judgement as situations arise. As a general rule staff should only use force when:

- Used as a last resort when other behaviour management strategies have failed or when pupils or staff are at risk
- The potential consequences of not intervening are sufficiently serious to justify it
- The chance of achieving the desired outcome by other non-physical means are low and the risk associated with not using force outweighs the risk of using it
- The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used
- To control pupils or to restrain them;
- To prevent pupils from hurting themselves or others, from damaging property, or from causing disorder
- To remove disruptive children from the classroom where they have refused to follow an instruction to do so
- To prevent a pupil behaving in a way that disrupts a school event or a school trip or visit
- To 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
- To prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground
- In situations where a pupil (including one from another school) is on school premises or elsewhere in the lawful control or charge of a staff member – for example on a school visit
- To restrain a pupil at risk of harming themselves through physical outbursts

## When is it safe to use reasonable force?

Team Teach training dictates that a **dynamic assessment** should be carried out by staff before proceeding to physically restrain a student.

See Team Teach Workbook, Appendix 5 for guidance on Dynamic Risk Assessment. Copies of guidance on Dynamic Risk Assessment are available in all site staff rooms.

*'In law, the paramount consideration is the best interests of the child in question. "Paramount" means it is the first thing to think about and it takes precedence over all other considerations. For that reason staff should carefully consider the following question: "How is the action proposed in the best interests of that individual child" Team Teach workbook p54'*

## **How to apply physical restraint**

Children's rights must be respected and effective communication must be used to convey important information to them. Pupils must be informed verbally, that in order to safeguard, a 'positive hold' will be used.

Care should be taken to avoid giving the impression that the member of staff is angry or frustrated, or are acting to punish the child. It should be made clear with calm language that as soon as the need for force ceases, it will stop.

Staff are expected to use only Team Teach positive handling strategies.

Exceptions apply only in emergency situations, which should be short and quickly recovered within TT guidelines.

### **Who can restrain?**

Government guidance as referenced above, advises that all staff working in Schools, Academies and Colleges have the power to control and restrain pupils and that specialist training is not compulsory.

All staff should be aware that when they are in charge of children during the Academy day, or during other supervised activities, they are acting in loco parentis and should therefore, take reasonable and proportionate action to ensure pupil's safety and well-being. Failure to physically restrain a pupil who is subsequently injured or injures another, could, in certain circumstances, lead to an accusation of negligence. At the same time, staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention.

### **Medical exemption**

If a member of staff is unable to physically restrain pupils, due to an illness or otherwise, this information must be reported to the Headteacher without delay. It is the responsibility of the Headteacher to ensure this information is circulated to all staff.

### **Staff must not:**

- Use force as a punishment – it is always unlawful to use force as a punishment.
- Staff should clearly never act in a way that might reasonably be expected to cause injury and must always avoid touching or holding a pupil in a way that might be considered as indecent.
- Use holds known to pose an unacceptable risk when used on children. The techniques include:
  - 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.
  - The 'nose distraction technique' which involves a sharp upward jab under the nose.

### **Risk of Injury**

With any restrictive physical intervention, there is always the possibility that a member of staff or student may be injured. An injury does not automatically assume that someone is to blame or that a

hold may not have been performed correctly.

There may be circumstance when a member of staff may have to decide between making an intervention by placing him/herself in a hazardous situation or standing back, and thereby allowing colleagues or student to face potential hazard. There will always be an element of personal judgement in these decisions and there is the possibility of someone being injured or experiencing pain to some degree. However, it is reasonable for your employer to expect a member of staff to engage in some risk where there is evidence of danger to others and intervention has a good chance of being effective.

### **Post Incident Structure**

Immediate action should be taken to ensure medical help is accessed for any injuries. It may be necessary only to ensure to that the named first aider is notified.

***A key aim of any after-incident support is to repair any potential strain to the relationship between the child and the person/s that held him or her.***

When an appropriate period of time has passed after a restraint and all members of staff and pupil have had time to calm and reflect, the following procedure must take place:

- 1) All injuries (staff and pupil) should be reported and recorded in accordance with the Academies procedures. (Accident Book held in each Site Office)
- 2) Incidents are recorded on Sleuth.
- 3) A de-brief should be offered to both student and members of staff.
- 4) Parents / Carers must be informed that their child has been subject to a positive hold.
- 5) Pupil views must be sought and recorded.
- 6) Pupil risk assessment and positive handling plan is updated.

### **Safeguarding Recording and Monitoring**

- All incidents of physical restraint must be recorded on Sleuth by the member of staff making the restraint. This includes 'Caring C' guidance.
- A RPI (Restrictive Physical Intervention) is undertaken by a senior staff member as a quality assurance mechanism. Feedback to staff enables opportunities for learning. A monitoring log includes findings.
- The log is a Safeguarding Document and is reviewed by the Headteacher and SLT regularly.

### **Complaints Procedure**

Any complaints or issues regarding a Physical Restraint should be directed to the Headteacher and Safeguarding Lead in the first instance for initial investigation. Where a break of policy may have occurred, the compliant must be brought to the attention of the Headteacher.



Pupils and parents will to be supported in using the complaints procedure by a member of the pupil support team. There should be a staged or tiered procedure for resolving complaints, in line with the Complaints Policy. The initial stages of the procedure should seek to resolve complaints within, informally and swiftly. Whenever early resolutions are not achieved, there should be swift referral to a higher level.

Any complaint arising from the use of physical restraint must be fully considered in light of;

- a) Statutory routes, which may include Child Protection
- b) Other routes including disciplinary procedures (Education Personnel)
- c) Academies complaints procedure