



The Management Committee of

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## **Herons Dale Primary School**

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have adopted the following policy:

# **Positive Handling Policy**

Written by Cath Farr

Date July 2020

Ratified by Management Committee:

Review Date: July 2022

## **Our Vision Statement**

### **Introduction**

At Herons Dale Primary School there are children with challenging behaviour that can necessitate the use of restrictive physical intervention to prevent injury to themselves, staff and pupils, damage to property, or the breakdown of a safe and enjoyable learning environment. The aim of positive handling is not punishment or control but to support safe learning for everyone.

The policy has been written to support all staff who come into contact with pupils and for volunteers working within the school to explain the school's arrangements for positive handling. The policy is available to parents on request and on the school website.

### **Values and Principles**

Herons Dale Primary School believes that everybody in the school community:

- has the right to feel safe, secure and cared for
- has the right to access to appropriate support to manage their emotions and their behaviour
- should be provided with a framework so that all staff who come into contact with pupils are clear about their roles and responsibilities within the context of positive handling
- should be provided with information and guidance to support the school's Child Protection, Safeguarding and Behaviour Policies

Staff have a responsibility to follow this policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention. Reasonable force will only be used as a last resort when all other behaviour management/ de-escalation strategies have failed or when pupils, staff or property are at risk.

Unless an unplanned emergency, positive handling should only be carried out by Team Teach trained staff using appropriate procedures and relating to the pupil's Behaviour Management Programme.

In the case of an unplanned emergency restrictive physical intervention may become necessary when a child or young person behaves in an unexpected way, the child or young person may not have a behaviour plan and trained staff may not be on hand. The duty of care still remains if appropriately trained staff are not on hand to assist the child or young person. The response must be reasonable, proportionate and necessary and

use the minimum amount of force necessary to prevent injury and maintain safety, consistent with the circumstances and with any training the staff may have received.

### **Relationship to Other Policies**

This policy should be read in conjunction with the Child Protection Policy and the Behaviour Policy.

### **Relevant legislation**

The use of all forms of physical intervention and physical contact are governed by the criminal and civil law. The unwarranted or inappropriate use of force may constitute an assault. In addition, it may infringe the human rights of a child or young person.

Section 93 of the Education and Inspections Act 2006 enables school staff to use reasonable force to prevent a pupil from: -

- a. committing a criminal offence
- b. causing personal injury or damage to a property;
- c. prejudicing the maintenance of good order and discipline at the school or among the pupils, whether during a teaching session or otherwise.

As included in the DFE 2010 guidance on 'The use of force to control or restrain pupils' seclusion should only be considered in exceptional circumstances and it is an offence to lock a person in a room without a court order. Therefore, at no time should the door be locked as to do so is unlawful and can amount to the false imprisonment of a pupil.

### **Government Advice Informing This Policy**

#### ***Behaviour and discipline in schools: Advice for Headteachers and school staff (January 2016)***

#### **The use of withdrawal rooms:**

Schools can adopt a policy which allows disruptive pupils to be placed in an area away from other pupils for a limited period, in what are often referred to as withdrawal room. If a school uses withdrawal rooms as a disciplinary penalty this should be made clear in their behaviour policy.

The school must also ensure the health and safety of pupils and any requirements in relation to safeguarding and pupil welfare. Pupils should never be locked in a withdrawal room and be unable to leave at any time. Ideally someone should be in the room with them. Schools should also allow pupils time to eat or use the toilet.

Hérons Dale School satisfies these requirements; the use of calm rooms is included in our Behaviour Policy and their use is only acceptable as a last resort and when included

in the pupil's Behaviour Management Plan, approved by the parent/s or carer/s. Frequency and duration of their use is monitored by the staff responsible for behaviour.

### ***Use of Reasonable Force: Advice for Head teachers, staff and governing bodies (July 2013)***

- 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.
- 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 where a student needs to be restrained to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed.
- 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.
- Restraint means to hold back physically or to bring a pupil under control.
- 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 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
- restrain a pupil at risk of harming themselves through physical outbursts.
- stop a pupil behaving in a way that is **seriously** disrupting a lesson, causing distress to the pupils and/or a breakdown of order

**Schools cannot use force as a punishment – it is always unlawful to use force as a punishment.**

#### **Staff Training**

- The majority of staff are trained in Team Teach so that their use of physical restraint /positive handling falls within safe and statutory guidelines.
- We also train staff in legal requirements and general advice on managing behaviour.
- Staff have a duty to inform the Senior Management team of any injuries which affect their ability to handle children.
- Training for all staff will be made available and will be the responsibility of the Senior Member of Staff responsible for Behaviour and Positive Handling.

- No member of staff will be expected to undertake the use of reasonable force without appropriate training.
- Herons Dale Primary School acknowledges that physical techniques are only a part of a whole setting approach to behaviour management.

### **Recording**

- Where physical control or restraint has been used a record of the incident will be kept. If there is a serious incident involving a pupil, not involving physical intervention, it must also be recorded. This record should be made in the 'Bound and Numbered Book' which is kept on the Deputy's desk
- An incident form needs to be completed as soon as possible after the incident, prior to staff going off duty.
- Parents will be informed by telephone, email or in the Home School Book.
- Phone calls need to be logged on CPOMS
- A Health and Safety Accident/Incident Form will be completed and returned to the Authority in situations where injury has occurred to either members of staff or pupils. This will be done electronically by the office manager.
- Staff and children will be given basic first aid treatment for any injuries that require treatment. Where staff and pupils have been involved in an incident involving reasonable force, they should have access to emotional support. This can be provided by other members of staff or if an exceptionally serious incident occurs then a referral to Occupational Health may be necessary. Debriefing must take place as soon as possible after the incident has been dealt with.
- Any injuries must be recorded in the school accident book, kept in the staff room. Teaching Assistants and MDSA's can seek guidance from the class teacher on this. Class teachers are responsible for supporting supply staff that sustain injuries. All injuries must also be recorded in the Files provided for this purpose in the staff room. There are separate files for staff and pupils.
- If a member of staff needs hospital or GP attention following an incident with a pupil at work an HSW3 form will be filled in and sent to County.

### **Action after an Incident**

The Headteacher/behaviour lead will ensure that each incident is reviewed and investigated further as required. It is the role of the school leadership team to support staff who work with pupils with challenging behaviour. If further action is required in relation to a member of staff or a pupil, this will be pursued through the appropriate procedures:

- Review of Behaviour Plan
- Child Protection Procedure (this may involve investigations by Police and/or Social Services)

- Staff or Pupil Disciplinary Procedures
- School Behaviour Policy
- Exclusions Procedure in the case of violence or assault against a member of staff
- Risk assessment if necessary
- The member of staff will be kept informed of any action taken.
- In the case of any action concerning a member of staff, he/she will be advised to seek advice from his/her professional association/union.

### **If a pupil complains when force is used on them**

All complaints about the use of force will be investigated by the Head or the Deputy.

Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action. This reinforces the need for staff to fill in the red Bound Book on the day of the Incident.

Any complaints about staff will be investigated through the School's Complaints Policy. If necessary the complaint will be dealt with by the Staff Disciplinary Procedures and/or Child Protection Procedures

### **Review of Policy**

Hérons Dale Primary School will review this Positive Handling Policy at least once every two years, or as new Government advice is published.