



PRACTICE GUIDANCE: POSITIVE HANDLING

Tees Valley Education Trust

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Statement of intent

Tees Valley Education believes that it is important to establish a secure and stable environment to enable pupils to grow, develop and learn. Our behaviour policies and code of conduct encourage children to make positive behaviour choices and enable staff to keep themselves, others and academy property safe. To achieve this, Trust academies recognises that, in certain circumstances, managing aggressive behaviours 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.

Legal framework

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 Children Act 2004
- The Equality Act 2010

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 (2022) 'Keeping children safe in education'

This policy operates in conjunction with the following school policies:

- Child Protection Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Behaviour Policy

Roles and responsibilities

The Trust Board, or delegated committees, are responsible for:

- Monitoring the overall implementation of this policy.

- Evaluating the Positive Handling record to analyse how and when positive handling is used and identify any trends.
- Reviewing this policy on an annual basis.
- Responding to any complaints, in liaison with the headteacher, from pupils or parents regarding the use of reasonable force.

The Headteacher/ Head of Academy is responsible for:

- Ensuring all members of staff receive the appropriate training to use reasonable force.
- Ensuring all members of staff understand the correct conduct in terms of positive handling.
- Ensuring all members of staff use reasonable force in accordance with this policy.
- Handling any allegations of abuse in line with the Allegations of Abuse Policy and safeguarding policy.
- Maintaining Positive Handling Logs and reporting on this at Local Academy Committee meetings and Challenge board at the end of each term for evaluation and impact.
- Ensuring that any member of staff who uses reasonable force completes the Positive Handling Report Form.
- Responding to any complaints, in liaison with the trust board where appropriate, from pupils or parents regarding the use of reasonable force.

The SENCO is responsible for:

- Providing advice and arrange specific 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 safety plans for more vulnerable pupils 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.

1. What is positive handling?

For the purpose of this policy, 'positive handling' is the positive application of force with the intention of protecting pupils and staff, and limiting damage to property.

Legal framework and national guidance often refers to the 'use of force' – this policy uses the term 'positive handling' whenever possible.

Positive handling is used in the school to:

- Keep a pupil safe who has lost emotional self-control until the situation is diffused.
- Limit the amount of harm that the pupil involved can do to their self or others.
- Demonstrate to pupils that they are within a safe environment in which adults can contain pupils' anger and other erratic emotions.
- Protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful.

Positive handling will be limited to emergency situations and used only as a measure of last resort.

Where positive handling is required, The Trust's academies will abide to the following guidance:

- Verbal de-escalation techniques will always be used in the first instance in order to make every attempt to de-escalate the situation.
- Any physical intervention will follow other appropriate actions.
- Staff will take a calm and measured approach in all situations.

Failure to positively handle a pupil who subsequently gets injured, or injures another pupil, could lead to an accusation of negligence.

Positive handling will never be invasive, humiliating, and flirtatious in nature or take a form which could be seen as punishment.

Positive handling will be applied as an act of care and control with the intention of reestablishing verbal control as soon as possible and, at the same time, allowing the pupil to regain self-control.

What is reasonable force?

There is no statutory definition of reasonable force; it will always depend on the circumstance of the case.

The use of reasonable force is only acceptable to control pupils or restrain them in order to keep themselves, others and property safe.

'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.

'Restraint' refers to physically bringing a pupil under control, such as holding them back or removing them from a situation. This is typically used in more extreme circumstances, such as to separate two pupils fighting or a pupil refusing to comply which is then impacting on the learning and safety of others.

The degree of force that is used will depend on the pupil's circumstances, e.g. age. Staff members will always use actions that are appropriate and in proportion to the circumstances of the incidents.

All incidents that involve the use of reasonable force will be reported Head of Academy and Deputy Head of Academy.

Although academies do not require parental permission to use physical restraint, the academy will always inform parents following an incident.

The Trust's academies may consider it to be appropriate to use reasonable force when:

- Disruptive children must be removed from the classroom and have previously refused to leave.
- Members of staff need to control disruptive pupils during unstructured times, on school trips, or similar.
- Members of staff must prevent a pupil from leaving a classroom when doing so would lead to a risk to their safety.
- A pupil is attacking a member of staff or another pupil.
- A pupil is at serious risk of harming themselves or damaging property and in either case a member of staff needs to intervene to prevent this.

Physical intervention will never be used as a substitute for good behavioural management in accordance with the school's Behaviour Policy.

2. Use of positive handling and reasonable force

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. The power to positively handle pupils also applies to any individual whom the Head of Academy and for the purpose of this policy such volunteers will be regarded to be staff, as long as they have received the necessary training.

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.

Staff will always calmly communicate the reasons for their actions to the pupil and explain why it was necessary in a non-threatening manner. Staff will never give the impression that they are acting out of anger or are punishing the child.

All staff members will develop strategies and techniques for dealing with **challenging** pupils and situations, which they will use to diffuse and calm a situation. In non-urgent situations, staff will always try and deal with a situation through other strategies before using force. Staff members will always avoid acting in a way that could cause injury; however, dependant on the circumstances, this may not always be possible.

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.

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. Where necessary, external agencies, such as the LA or the police if a crime has been committed, will be informed of the incident.

3. SEND

The school will have due consideration to the risks posed by the additional vulnerability of pupils with SEND in terms of positive handling.

The SENCO, Head of Academy 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.

The school will adhere to its Special Educational Needs and Disabilities (SEND) Policy at all times.

To reduce the occurrence of challenging behaviour that can lead to the use of reasonable force, the SENCO will establish individual positive behaviour plans for pupils with SEND, and work with other external agencies where appropriate.

The SENCO will liaise with the Head of Academy, in terms of using positive handling on pupils with SEND, and establish how training may need to be amended.

4. Reporting incidents

A detailed written report will be kept of any incidents where force is used.

Immediately following an incident, the member(s) of staff involved will verbally report the incident to the headteacher/ head of academy and provide a comprehensive written record of the situation as soon as possible, using the Positive Handling Report Form and CPOMS.

The 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. The report should be signed on completion by all those involved.

The Head of Academy/ Deputy Head of Academy will make the decision on the most appropriate form of communication with parents regarding the incident.

- Parents will be verbally informed of the incident, and informed that a copy of a written report is available, should they wish to view it. This request should be to the Head of Academy.

Any allegations against staff will be dealt with as a matter of urgency, and in accordance with the procedures outlined in the school's Allegations against Staff Policy and safeguarding Child Protection Policy.

The Head of Academy 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.

5. Complaints

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. All complaints regarding the use of positive handling or force will be investigated in a thorough and speedy manner.

The person making the complaint is responsible to prove that their allegations are true, and therefore, it is not for the member of staff to prove that their actions were made reasonably.

In extreme circumstances, parents may take civil action or pursue a criminal prosecution. In the case where a member of staff has acted within the law, this will provide a defence to any civil or criminal prosecution.

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 trust board, or delegated committee, 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 academy will ensure that the staff member has access to a named contact that can provide support and guidance. The academy will provide pastoral care and support to any member of staff who is subject to a formal allegation.

6. Staff training

The head teacher will ensure positive handling training is completed for all members of staff, which focusses on the most effective positive handling strategies and use of reasonable force techniques.

All staff will be regularly reminded (annually) of the positive handling techniques employed by the academy, and will communicate these to the pupils they are in contact with. Only techniques and strategies that have been previously discussed with the Head of Academy and, and have been safely demonstrated, will be used. Staff will be made aware of subsequent risks of their actions and fully understand when it is appropriate and necessary to use such actions.