



THE CONSORTIUM
ACADEMY TRUST

Shaping Positive Futures

Positive Handling Policy

The Consortium Academy Trust (TCAT)
An Exempt Charity Limited by Guarantee
Company Number 07665828

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Linked Documents and Policies <i>*All policies can be accessed via the academy website or staff intranet areas</i>	Academy Behaviour Policy Drugs and Alcohol Policy Managing allegations against staff Staff Code of Conduct First Aid Policy Whistleblowing Policy Safeguarding and Child Protection Policy DFE Guidance Use of Reasonable Force (July 2013)

**NB – This document can only be considered valid when viewed on The Consortium Academy Trust website. If the copy is printed or downloaded and saved elsewhere the Policy date should be cross referenced to ensure the current document is referenced. The linked policies can be viewed at www.consortiumtrust.co.uk*

1 Introduction

- 1.1 This Policy has been constructed to conform to the 1996 Education Act as it has been amended through the inclusion of Section 550A on 1 September 1998, the DFE Guidance (July 2013) Use of Reasonable Force, Keeping Children Safe in Education (2020) and Reducing the Need for Restraint and Restrictive Intervention – HM Government June 2019
- 1.2 The Policy is to be used by all academies within The Consortium Academy Trust.
- 1.3 Our academies work tirelessly to create a positive culture and climate where the use of physical intervention is always the last resort to maintaining a safe environment. If learners are behaving disruptively or anti socially, every effort will be made to manage behaviours positively to prevent a deterioration of the situation and to restore a safe, secure environment. Staff understand the value in listening to and respecting learners to create an environment that is calm and supportive, especially when dealing with learners who may have emotional and behavioural needs, which may increase their aggression.

TCAT and our academies are committed to ensuring that all staff and adults with responsibility for children and young people's safety and welfare will deal professionally with all incidents involving aggressive or reckless behaviour, and only use positive handling as a last resort in line with government advice and guidelines.

- 1.4 This Policy is written with the understanding that staff have always been able to use reasonable force when they defend themselves against an attack or when intervening in any emergency.
- 1.5 We do not discriminate against any child or adult on the grounds of race, disability, gender, age, gender reassignment, pregnancy, maternity, religion or belief, sex, or sexual orientation. We embrace the individuality of all our community members and comply fully and wholeheartedly with the Equality Act 2010
- 1.6 It is appreciated that some staff will be more confident than others in managing any conflict. This policy is designed to support all staff.

2 Situations in which Staff may use Physical Intervention to Control or Restrain Learners

- 2.1 The term reasonable force covers the broad range of actions which can be used by teachers and school staff at some point that involves a degree of physical contact with learners.
- 2.2 There exists no legal definition of "reasonable force", however, all staff should be aware that force should only be used in specific circumstances and as a last resort, that the degree to which force is used will always depend on the age of the learners, the understanding of learners and the sex of learners and that the degree of force used must always be in proportion to the circumstances of the incidents.

The DFE Guidance defines the acceptable use of 'reasonable force' as being when:

'School staff can use reasonable force to either control or restrain pupils. ... 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'.

- 2.3 This can range from guiding a learner to safety by the arm through to more extreme circumstances such as breaking up a fight or where a learner needs to be restrained to prevent violence or injury. 'Reasonable in the circumstances means ensuring no more force is needed'. 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 learner.
- 2.4 We recognise that behaviour is always a form of communication. Understanding that children and young people are communicating through their behaviour gives adults the opportunity to respond differently or plan appropriate interventions. We are committed to a positive behaviour policy in our academies which encourages children and young people to make positive behaviour choices. On rare occasions circumstances may result in a situation that requires some form of physical intervention by staff.
- 2.5 Our policy for physical intervention is based upon the following principles:
- Physical intervention should be used only as a last resort when all other appropriate (including de-escalation) 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 the Headteacher as soon as possible;
 - Parents/Carers must be informed on the day of the incident

3 Managing Challenging Behaviour

- 3.1 We also recognise that there is a need, reflected in common law, to physically intervene when there is an obvious risk to the safety of children, staff and property. This applies both on and off setting sites. If used at all, the use of force to control or restrain learners will be used in the context of a respectful, supportive relationship with the child or young person in order to ensure minimal risk of injury to them and staff. Restraint / physical intervention should only be used if it is reasonable, proportionate and necessary.

4 The Legal Framework

- 4.1 Section 93 of the Education & Inspections Act 2006 allows 'teachers and other persons who are authorised by the Headteacher who have control or charge of students to use such force as is reasonable in all the circumstances to prevent a student from doing, or continuing to do, any of the following:
- Causing injury to his/herself or others;

- Committing an offence;
- Damaging property;
- Prejudicing the maintenance of good order, safety & discipline.

5 Our approach

- 5.1 We aim to avoid the need for physical intervention and regard this as a last resort in managing situations. Classrooms and school should provide learners with a safe place in which to grow and learn. Any use of intervention or restraint should protect and restore this.
- 5.2 It is not possible to define every circumstance in which physical restraint would be necessary or appropriate and staff will have to exercise their own judgement in situations which arise within the above categories. Staff should always act consistently within the Academy Behaviour Policy, particularly in dealing with disruptive behaviour carefully following each stage, rather than overreacting to poor behaviour. Within this; ensuring that children and young people receive a reward every time they've earned them, and a sanction every time they deserve one. This consistency in itself may reduce the events where physical intervention is required.
- 5.3 Staff should be aware that when they are in charge of children and young people during the school day, or during other supervised activities, they are acting in loco parentis and have a 'Duty of Care' to all children and young people they are in charge of. They must, therefore, take reasonable action to ensure all learners' safety and wellbeing.
- 5.4 Staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention. If a child or young person is behaving disruptively or anti-socially, every non-physical strategy will be used to manage the behaviour positively to prevent a deterioration of the situation. Staff should view physical intervention with a child or young person as a 'last resort' and for the purposes of maintaining a safe environment.

6 Use of physical restraint

- 6.1 Physical restraint should be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allows the learner to regain self-control. It should never take a form which could be seen as punishment.

What is reasonable force?

'Reasonable force' is usually used either to control or restrain. This can range from guiding a learner to safety by the arm through to more extreme circumstances such as breaking up a fight or where a learner needs to be restrained to prevent violence or injury. Section 93 of the Education and Inspection Act 2006 and guidance issued by the DfE enables school staff to use such force as is reasonable in the circumstances to prevent a learner from doing, or continuing to do, any of the following:

- committing any offence (or, for a learner under the age of criminal

- responsibility, what would be an offence for an older learner);
- causing personal injury to, or damage to the property of, any person (including themselves); or
- prejudicing the maintenance of good order and discipline of that school or among any learners receiving education at the school, whether during teaching sessions or otherwise

Restrictive physical intervention may also be appropriate where, although none of the above have yet happened, they are judged on balance of probabilities to be about to happen. There is no legal definition of when it is reasonable to use force and each case must be judged on its circumstance. Those exercising the power to use force must also take account of any particular SEN and/or disability. Staff will 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 a learner.

6.2 Schools cannot use force as a punishment

Who can use reasonable force?

All members of school staff have a legal power to use reasonable force, including teaching assistants and lunchtime supervisors. This power may also apply to people whom the Headteacher has temporarily put in charge of learners such as unpaid volunteers supporting an organised visit. As far as possible, staff should not use force unless or until another responsible adult is present to support, observe and call for assistance. 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 learner to whom it is being applied. Staff should apply the behaviour management training they receive to de-escalate where possible.

Only TeamTeach trained members of staff must then use the appropriate holds as practiced in the training. Where such a trained member of staff is not available, each school has a team who are usually pastoral or SEND staff fully certified, the member of staff must not act on their own to restrain a child or young person but should seek support from a colleague, this is particularly important for intervention with a child who is presenting a risk to life or injury for themselves or others.

However, as a general rule, only the force necessary to stop or prevent danger should be used, in accordance with the guidelines below. In minimising the need to use force, we will:

- create and maintain a calm, safe, orderly and supportive learning environment that minimises the risk of incident that might force arising;
- develop effective relationships between staff and learners;
- use appropriate approaches to teach learners how to manage conflict and strong feelings;
- Have embedded early identification systems for children and young people are a potential risk and where possible Risk Assess for these learners;
- de-escalate incidents if they arise;
- be nurturing in our approach, understanding this in the context of wellbeing; its development and maintenance;

- only use force when the risk involved is doing so, outweigh the risk involved in not using force.

When can reasonable force be used?

Physical restraint should only be used as a last resort where possible; other non-physical strategies for diffusing the situation must be tried first. Whenever possible, the age, level of understanding and gender of the learner should be considered. Staff need to keep themselves safe at all times.

Examples of when it may be necessary to use reasonable force (this list is not exhaustive):

- Remove disruptive learners from the classroom where they have refused to follow an instruction to do so;
- Prevent a physical attack by a learner on an adult or other learner;
- A learner behaving in a way which places other learners at risk e.g. pushing, tripping, rough play, running in corridors;
- Prevent a learner running into a road
- Prevent a learner behaving in a way that disrupts a school event or a school trip/visit;

When physical restraint becomes necessary staff should follow these steps to manage the situation to a positive conclusion:

- Tell the learner what you are doing and why;
- Use the minimum force necessary;
- Involve another member of staff if possible, not another learner;
- Tell the learner calmly what they must do for you to remove the restraint (this may need frequent repetition in a calm manner);
- Use short exchanges with simple and clear language;
- Hold limbs above a major joint if possible e.g. above the elbow, **never** hold the neck or bend them over as it may restrict breathing;
- Relax your restraint in response to compliance
- Remain calm throughout
- Hold learners respectfully, and not in a way that could be viewed as sexually inappropriate

7 Staff Training

- 7.1 All staff will receive training on behaviour management, this will include ways of avoiding or defusing situations in which physical intervention might become necessary as well as methods of physical intervention. Reminders of the Behaviour Policy will be given regularly through staff meetings. Specific training will be provided for those staff working closely with any learner with SEND associated with extreme behaviour.
- 7.2 A range of staff working in a pastoral role or with SEND learners, will be provided with Team Teach training to ensure they are confident and effective in using restraint.

School leaders will arrange for TeamTeach staff to review their techniques and review any incidents where physical restraint has been necessary to support learning and experience.

Examples of situations where Positive Handling may be appropriate include:

- Child or young person attacks member of staff or another child;
- Child or young person is fighting;
- Child or young person is engaging in, or on the verge of, committing deliberate damage or vandalism to property;
- Child or young person is causing or at risk of causing injury or damage by accident, by rough play or by misuse of dangerous materials or objects;

Refusal of a learner to remain in a particular place is not enough on its own to justify force. However, it would be justifiable where allowing a learner to leave would entail serious risks to the learner's safety (considering age and understanding), to the safety of other learners or staff, or of damage to property

7.3 The procedure for restrictive physical intervention set out below must always be followed:

- Give the child or young person clear warning. Offer an escape route from the situation, for example, through calming or following instructions;
- Once the restrictive physical intervention is judged necessary it should happen quickly, smoothly and confidently;
- Always remain calm and talk in a conciliatory tone. Ignore any abuse and let the high emotional state run its course;
- Once things begin to calm, it can be coupled with significant changes in restrictive physical intervention, this should be on staff terms, not when demanded by the child or young person
- The aim is to talk through the situation and discuss the behaviour that caused the whole episode;
- The extent of force used should be no more than necessary to control the situation.

8 Actions after an incident

8.1 Physical restraint 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 learner. The Headteacher or person with delegated authority, 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 senior team should always be involved in debriefing and supporting the learner involved and any victims of the incident should be offered support. The parents/carers will be informed at the very earliest possible opportunity, following consultation with the Headteacher's designated person. If the behaviour is part of an ongoing pattern it may be necessary to address the situation through the development of a support plan, which may include an anger management programme, or other strategies. This may require additional support from other

services.

- 8.2 All incidents should be recorded immediately on the Physical Intervention Recording Log. A contemporaneous record (i.e. written as soon as possible and no longer than 2 hours after the occurrence) should be made by the staff member(s) involved in the incident and a copy given to a senior member of staff. All elements of the incident should be recorded in detail 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 copy should be filed in the learners file on CPOMS and may be used in order to inform individual and school risk assessments. This record will be used by the Senior Member of staff responsible for notifying parents or other agencies.

The record will contain the following information:

- The name(s) and the job title(s) of the member(s) of staff who used reasonable force;
- The name(s) of the child(ren) involved;
- When and where the incident took place;
- Names of staff and child(ren)/young people who witnessed the incident
- The reason that force was necessary;
- Behaviour of the child(ren)/young person(s) which led up to the incident including any triggers;
- Any attempts to resolve the situation;
- The degree of force used;
- How it was applied;
- How long it was used for;
- The learner's response and the eventual outcome;
- Details of any injuries suffered by either staff or child(ren);
- Details of any damage to property;
- Details of any medical treatment required (an accident form will be completed where medical treatment is needed);
- Details of follow-up including contact with the parents/carers of the child(ren)/young person(s) involved;
- Details of follow up involvement of other agencies, police, social services.

Learner witnesses may also be asked to provide a written account if appropriate.

- 8.3 There may be occasions where minor touch is necessary rather than restraint and these occasions should be recorded to ensure escalations can be detected and serious situations averted. Not all touch needs to be recorded however if it could be perceived in a negative way please discuss with the Headteacher, Deputy Headteacher or the DSL and record if appropriate.

9 Debriefing arrangements

- 9.1 The child/young person and the member of staff must be checked for any sign of injury after an incident. First Aid will be administered to anyone who requires it, or

medical treatment obtained.

- 9.2 The child or young person will be given time to become calm while staff continue to supervise them. When the child regains complete composure, a senior member of staff (or their nominee) will discuss the incident with the child/young person and try to ascertain the reason for its occurrence.
- 9.3 The child or young person will be given the opportunity to explain things from their point of view. All necessary steps will be taken to re-establish the relationship between the child or young person and the member(s) of staff involved in the incident, when appropriate to do so. In cases where it is not possible to speak to the learner on the same day as the incident occurred, the debrief will take place as soon as possible after they return to school. Learners may take a long time to recover- perhaps up to an hour. Learners and staff will be afforded time and space to recover, especially before any restorative conversations take place, such conversations will only take place once both parties are prepared and supported.
- 9.4 Following the incident, a senior member of staff (or their nominee) will provide support to any member(s) of staff involved. The member of staff will be made aware that they can seek support from their Trade Union or Professional Association representative. The Headteacher will be informed at the earliest possible opportunity of any incidents where Positive Handling was used. The Headteacher (or their nominee) will review each incident to ensure that any necessary lessons are learned.
- 9.5 The DSL will inform any necessary agencies/authorities (e.g. LADO) of the physical intervention in accordance with DFE and LA guidance. It is also expected that the child's Social Worker be informed if they are Looked After.

10 Arrangements for informing parents

- 10.1 All parents/carers will be informed immediately by a senior member of staff after an incident where positive handling is used with a child. Parents/carers will need to be notified sensitively and to be made aware of the full circumstances. Parents/carers should be informed of this policy regarding positive handling and any other relevant policies.
- 10.2 Staff who work with particular children who have learning or physical disabilities (and who have Education Health and Care Plans, Behaviour Plans and/or Support Plans), may need to use specific techniques routinely to manage challenging behaviour, for example time out cards, flash cards, auditory warning and others relevant to the specific needs of the learner. Such arrangements must be discussed with parents/carers in advance on an individual basis and identified as agreed on the relevant documentation in place to support the child or young person.
- 10.3 All interventions will be routinely recorded and monitored with the expectation that steps are taken to reduce the number of restrictive physical interventions year on year

11 Complaints or Allegations

- 11.1 All complaints about the use of force will be thoroughly, speedily and appropriately investigated. Complaints will be dealt with under the Trust's Complaints Policy. However, if an allegation of abuse is made against a member of staff, the school will follow the procedures outlined in the Trust Child Protection and Safeguarding Policy.
- 11.2 The staff member will be notified that a complaint has been made by the Headteacher or DSL and will be advised to contact their Trade Union or Professional Association representative.
- 11.3 This policy does not limit a parent/carer's right to complain about the use of physical force. All staff need to be aware of the legal position under which we operate should physical force be used against a learner. Parents/carer's have a right to pursue a civil action or criminal prosecution. Where this policy has been followed that will be made clear to the complainant and support will be provided to the member of staff.

12 Whole school strategies to prevent need for physical restraint

12.1 Risk Assessments or Positive Handling Plans

If we become aware that a learner is likely to behave in a disruptive and/or challenging 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 the school might need to take;
- Briefing of staff to ensure they know exactly what action they should be taking;
- Identification of additional support that can be summoned if appropriate.

12.2 Powers to search learners without consent

In addition to general power to use reasonable force, the Headteacher and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following 'prohibited items':

- knives or weapons
- alcohol
- tobacco and cigarette papers
- fireworks
- illegal drugs (and prescribed in volume)
- stolen items
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be used i) to commit an offence, ii) to cause personal injury to, or damage to the property of, any person (including the learner)

The Headteacher and staff with delegated authority, can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for. School staff can confiscate any prohibited items found as a result of a search.

The Headteacher or those with delegated authority must ensure the person carrying out the search is of the same sex as the learner, and the search must be carried out in the presence of another adult also of the same sex as the learner. Learners cannot be required to remove any clothing other than outer garments. If a learner's possessions are searched this must also be done in the presence of another adult.

The person carrying out the search is able to use such force as is reasonable in the circumstance for exercising that power.

Key Legal References to support the writing and implementation of this policy can be found at:

- DfE Use of Reasonable Force Guidance;
- Offences Against the Persons Act 1861 (concepts of Assault and Assault and Battery);
- Common Law concepts of false imprisonment and common law defence;
- Duty of Care;
- DfE Circular 10/98;
- The Children Act 1989;
- DoH/DfES Joint Guidance on Physical Interventions 2002;
- The Education Act 1996;
- Education and Inspection Act 2006;
- Human Rights Act 1998;
- Disability Discrimination Act 1995;
- Health and Safety at Work Act 1974.

Appendix 1

Physical Intervention Recording Log

Staff involved in the event should complete this incident recording form no later than two hours after the event. If you require support to complete this or are not able to complete it in the recommended time, a member of SLT should be notified immediately.

Staff Name:

Job Title:

Learner Name and Year Group:

Date of Positive Handling Event:

Time of Positive Handling Event:

Location of Positive Handling Event:

Please give a brief summary of your involvement with the event:

Please identify any witnesses to the event: **learners and staff*

Please describe the learner behaviour you witnessed leading up to the incident

Please describe all attempts made to avoid physical restraint handling in this situation:

If you were the member of staff involved directly in the physical restraint please identify the details of the situation

**ensure you include the following in your account - The reason that force was necessary, the degree of force used; how it was applied, how long it was used for, the learner's response, eventual outcome.*

Following Section to be completed by the delegated Senior Member of staff

Describe any injuries from either party and confirm if medical attention has been sought. Include any damage to property.

Details of contact with parents/carers

**include the person who made the call and when and the initial response by the parent/carer*

Detail any contact made with other agencies

**including a rationale why this was necessary*

Signed by

Staff Member _____ Date

Senior Leader _____ Date