

This Policy was adopted by the governing body of

**Half Acres Primary Academy**



*'Aspiring To Achieve - Enriching Lives'*

## **POSITIVE HANDLING POLICY**

Dated: February 2022

Date for Review: February 2023

## **1. Statement of Safeguarding Children**

1.1 At Half Acres Primary Academy, our academy community has a duty to safeguard and promote the welfare of children who are our pupils. This means that we have a Safeguarding Children and Child Protection Policy and Procedures in place. All staff including our volunteers and supply staff must ensure that they are aware of our procedures.

1.2 Sometimes we may need to share information and work in partnership with other agencies when there are concerns about a child's welfare. We will always ensure that our concerns about our pupils are discussed with their parents/carers first unless we have reason to believe that this is not in the child's best interests.

## **2. Positive Handling Policy**

2.1 This policy sets out the framework for the use of reasonable force or positive handling, but it must be clearly understood that this should always be set within the school's overall behaviour management framework and policy and is only used as a last resort under-pinned by sound risk assessment. Providing successful inclusion may necessitate physical restraint but only as one of the strategies available for the management of challenging behaviour.

2.2 Teachers in our academy do not hit, push or slap children. Staff only intervene physically to restrain children or to prevent injury to a child, or if a child is in danger of hurting him/herself. The actions that we take are in line with government guidelines on the restraint of children. This policy has been developed following Department for Education's latest advice for Headteachers, staff and governing bodies. This advice will be reviewed annually and any amendments will be automatically taken into account in this policy document and subsequently ratified by Governors.

2.3 At Half Acres Primary Academy we acknowledge that Section 93 of the Education and Inspections Act 2006 allows academy personnel to use reasonable force to restrain a pupil from doing, or continuing to do, any of the following:

- committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- prejudicing the maintenance of good order and discipline at the academy or among any pupils receiving education at the school, whether during a teaching session or otherwise.

## **What is reasonable force?**

2.4 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 such as breaking up a fight or where a student needs to be restrained to prevent violence or injury. 'Reasonable in the circumstances' means using no more force than is needed. Schools generally use force to control pupils and to restrain them. 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.

2.5 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. 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.

## **When can Reasonable Force be used?**

2.6 Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder. In a school, force is used for two main purposes - to control pupils or to restrain them. 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.

2.7 The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

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 an academy event or an academy trip or 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, or to stop a fight in the playground
- restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- use force as a punishment - it is always unlawful to use force as a punishment.

2.8 We understand that there is no legal definition when reasonable force can be used - it will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended

to prevent. The degree of force used should be the minimum needed to achieve the desired result.

2.9 An adult in charge of children has a responsibility to intervene in the event of the following types of incident. Types of incident where the use of force may be necessary are given as:-

- **Action due to imminent risk of injury**
- **Action due to imminent risk of significant damage to property**
- **Action where a pupil is compromising good order and discipline**

2.10 The third type of incident is unlikely to be cause for restraint in a primary academy setting as it is usually possible to remove the rest of the children from the scene and allow the child concerned to calm down safely.

## **Handling pupil complaints when force has been used on them**

2.11 All complaints about the use of force will be thoroughly, speedily and appropriately investigated in line with the School's complaints procedures and policy. 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.

2.12 When a complaint is made, the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

2.13 Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Where an allegation of using excessive force is made against a teacher, Half Acres Primary academy will refer to page 1 of the "Dealing with Allegations of Abuse against Teachers and Other Staff ". This guidance states that a person must not be suspended automatically, or without careful thought.

2.14. Half Acres will consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate. Half Acres Governing body will always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

2.15 As employers, we have a duty of care towards all employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

2.16 We wish to work closely with the Academy Council and to hear their views and opinions as we acknowledge and support Article 12 of the United Nations Convention on

the Rights of the Child that children should be encouraged to form and to express their views.

## Restraint

2.17 The definition of restraint is “**the positive application of force with the intention of overpowering the child**”. The use of restraint requires skill, judgement and knowledge of non-harmful methods of control. Reasonable force would include those methods taught and practised in Team Teach training. 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 should always be the minimum needed to achieve the desired result. In all cases, the person exercising the restraint must be authorised by the Headteacher and where possible have received appropriate approved training. (e.g. when it is deemed likely that restraint is going to be needed as part of management of a particular child then staff must be trained to Team Teach standards. Please note though that sometimes even children not deemed to fall into this category might need restraint to protect themselves or others from harm. Under these circumstances any member of staff, whether trained or not, has a duty of care to protect and so might need to use reasonable restraint.)

2.18 Staff must take into account if the child has an **individual risk assessment** or is listed on the **medical needs register** and follows any guidelines mentioned.

2.19 In the event of restraint becoming necessary, before touching the child, the member of staff should advise the child calmly and repeatedly about what they are going to do and why, and how the child might change his/her behaviour, in order that the restraint would become unnecessary. Any other children and adults present should also be warned. **Note: this warning must not comprise any threat of unlawful attack.**

2.20 A second adult should be called to reduce the risk of the member of staff or child suffering bodily harm and as a witness if allegations of assault are made later by the child.

While intervening, the member of staff must:

- employ minimum physical force necessary for the minimum period needed
- wherever possible keep talking to the child and give choices as to how they could behave in a manner that would end the need for restraint
- avoid committing any act of punitive violence
- keep his or her temper

2.21 Types of restraint which may be appropriate:

- Any holding tactic in which a young child is restrained without injury until the young child calms down

- Physical contact with a young person designed to control the young person's movements, which pose a danger (e.g. holding by the arms against the side of the body). Standing by the side of the young person is likely to minimise the risk to adult and young person.
- The holding of a young person's arms or legs to prevent/restrict striking/kicking.
- The use of sufficient physical force – without causing injury – to remove a weapon/dangerous object from a young person's grasp (if foreseeable this requires specialised training).
- Physically preventing (e.g. blocking the door) a young person from exposing themselves to possible danger by leaving the premises. Under NO circumstances must the young person be chased – this can lead to them making hasty decisions for example running across a road without looking. A telephone call to their parent/guardian must be made immediately and then to the police within 15 minutes.

**Note: Pupils should not be placed on the floor. Specialist accredited training is necessary for this procedure.**

2.22 If restraint is required for an extended period (for example, more than five minutes), a senior member of staff must monitor the situation closely with a view to safeguarding the child and the staff concerned. After the incident, it is vital that a full report is completed by all concerned and that staff are debriefed in order to support the child, the members of staff involved, any other children involved and the parents.

2.23 In the event of an incident when physical restraint is required, this must be noted in the child's behaviour record and parents informed within 24 hours. If possible, all staff and children involved will undertake a de-briefing meeting with the Headteacher within 24 hours. If an injury has occurred to anyone involved, the usual procedures regarding this will be followed.

2.24 If physical restraint is necessary to manage the behaviour of an individual, it would be appropriate to instigate a **Pastoral Support Plan (PSP)** during de-briefing meetings. In the event of physical restraint being necessary on more than one occasion, it would be appropriate to include **positive handling advice** in the child's **Individual Education Plan (IEP)**. It is also necessary to compile an **individual risk assessment** in discussion with all staff, parents and any relevant outside agencies. In the case of a child with a **statement** of educational needs, there will be opportunities to address issues of challenging behaviour at annual review meetings and an interim review organised in exceptional circumstances. **Looked-After Children** will have a **Personal Education Plan** which features planning and strategies to address challenging behaviour, where appropriate.

2.25 The Headteacher, Leadership Team and Governors need to ensure that all authorised teachers and other authorised staff are appropriately trained and updated by Wakefield Council approved trainers and accept the responsibility of their role by being aware of the guidelines in this policy. Records are to be kept of any physical restraint or incident involving physical contact. These are to be clear, comprehensive and prompt (completed within 24

hours of incident). Parents must be informed and consulted each time a form is completed. These records will be part of an ongoing annual review procedure that examines practice and informs future planning.

2.26 In addition a named Governor (Mr Clifford Robertson), will support the Headteacher and the SENDCO, in monitoring and reviewing.

2.27 The Head of Academy, Management Team and Governors need to ensure that, as far as possible, preparation and planning has taken place to identify areas where physical restraint might be used. However, the academy may also have to intervene in circumstances where preparation and planning have not been possible. When physical restraint takes place, the academy will always endeavour to protect children and adults from physical harm, however, there may be cases in which some discomfort and/or bruising may occur, to both staff and children, as a result of the restraint taking place.

2.28 If, after receiving the report of an incident where physical intervention has occurred, the Headteacher considers the school's guidelines have been seriously breached and that further investigation is warranted, the incident should not be pursued, but action in accordance with Child Protection procedures must be taken. In these circumstances, any academy internal investigations must cease and no further statements should be taken. If the school's guidelines have been breached, the Headteacher will contact the LA Personnel Division and advise the staff member to consult his/her professional association.

## **Disability Equality**

2.29 At Half Acres Primary School, we are committed to offering an inclusive curriculum to ensure the best possible progress for all of our pupils whatever their needs or abilities. Pupils have Special Educational Needs if they have a learning difficulty which calls for special educational provision to be made for them. Pupils with a disability have special educational needs if they have any difficulty in accessing education and if they need any special educational provision to be made for them, which is anything that is additional to or different from what is normally available in schools in the area.

2.30 At Half Acres Primary School, we undertake the duties, including in relation to this policy:

- Not to treat disabled pupils less favourably for a reason which relates to their disability
- To take reasonable steps to avoid putting disabled pupils at a substantial disadvantage
- To do our best by all disabled members of our academy community in relation to the requirements of this particular policy

## Gender Equality

2.31 Half Acres Primary Academy fully recognises its duty to comply with equality and diversity legislation, and its Gender Equality Scheme sets out the school's aims in relation to equality and what it will do to ensure that equality is fully embedded in practice. The academy fully acknowledges its responsibilities in terms of equality issues in relation to gender, age, race, disability, religion or belief, sexual orientation and gender reassignment, including in relation to this policy. Half Acres Primary Academy is firmly committed to equality and diversity, and when carrying out our functions, we shall have due regard to the need: to eliminate unlawful discrimination and harassment; to promote equality of opportunity between men and women.

**This Policy should be read in conjunction with all other Safeguarding policies**

Signed by Headteacher		Date:	
Signed by Chair of Governors		Date:	