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POSITIVE HANDLING AND USE OF REASONABLE FORCE POLICY

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## Levendale Primary School

### POSITIVE HANDLING POLICY

All staff at Levendale Primary School recognise that the use of Positive Handling and Reasonable Force is only one of the strategies available to secure pupil safety/well-being and also to maintain good order and discipline.

This policy should be read in conjunction with the policies:

- Behaviour and Discipline
- Safeguarding and Child Protection policy

#### 1.1 Legal Framework

Positive Handling is the term used to describe physical intervention to keep a child or other children safe and may result in the use of reasonable force.

Positive Handling is; 'The positive application of force with the intention of protecting the child from harming himself or others or seriously damaging property'.

The DfE Use of Reasonable Force Guidance; Advice for Head teachers, staff and Governing bodies (July 2013) allows all staff school to use reasonable force to keep children safe. It also allows other adults in the school to use physical interventions where reasonable, proportionate and necessary to ensure the safety of children. This includes unpaid voluntary helpers, including people accompanying pupils on visits organised by the school.

The right for school staff to use reasonable force is further set out in the DfE document: Behaviour and Discipline in Schools; Advice for Head teachers and School Staff (September 2022) which states that members of staff have the power to use reasonable force to:

- prevent pupils committing an offence
- injuring themselves or others
- damaging property
- maintain good order and discipline in the classroom.

Positive Handling should only be used as a last resort, when all other strategies have been or in an emergency situation.

There is no legal definition of reasonable force. The Criminal Law Act (1967) allows any person to use such force as is reasonable in the circumstances to prevent an offence (e.g. physical assault) being committed. Reasonable minimal force must be a matter of personal judgement. All teachers have a professional 'duty of care' within their job description.

#### What is reasonable force?

The term 'reasonable force' covers the broad range of actions 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**. As mentioned above, 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.

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.

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.

### **Power to search pupils without consent**

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

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that, has been or is likely to, be used to commit an offence, cause personal injury or damage to property.

The power to search without consent may also apply to prevent a pupil from;

- Committing an offence
- Causing personal injury to any person (including the pupil)
- Causing damage to the property of any person (including own property)
- Engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among its pupils, whether during a teaching session or otherwise.

### **Using Positive Handling**

The decision to use Positive Handling as restrictive physical intervention must take account of the circumstances and be based on an assessment of the risks, compared with the risks of not employing a restrictive intervention. The physical intervention must also only employ a reasonable amount of force – that is the minimum force needed to avert injury or damage to property, or to prevent a breakdown in discipline – applied for the shortest period of time.

Positive Handling should avert danger by preventing or deflecting a child's action including removing a physical object, which could be used to harm him/herself or others.

Positive Handling may be eased by degrees as the child calms down in response to the physical contact. It is only likely to continue to be needed if a child appears to be unable to exercise self-control of emotions and behaviour.

## **Aims**

- To protect every person in the school community from harm.
- To protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful.
- To provide adequate information and training for staff so that they are clear as to what constitutes appropriate behaviour and to deal effectively with violent or potentially violent situations.
- To use the minimum degree of force necessary to accomplish positive handling.
- To give full support to staff who have been assaulted or have suffered verbal abuse from pupils or others.
- To maintain accurate records of incidents where Positive Handling has been employed.

## **RISK ASSESSMENT**

We will attempt to reduce risk when dealing with behaviour by managing:

- The environment
- Body language
- The way we talk
- The way we act

Levendale Primary School is a Rights Respecting School and promote and respect the rights of the individual, taking into consideration the context of The Human Rights Act (1998) and The United Nations Convention on the Rights of the Child (1990). The school's ethos and the guidance in this policy are based on the presumption that every adult and child is entitled to:

- Respect for his/her private life
- The right not to be subjected to inhuman or degrading treatment
- The right to liberty and security: and
- The right not to be discriminated against in his/her enjoyment of those rights.

There are some situations in which the need for Positive Handling is immediate, such as to keep a child or others safe, but aim to use Positive Handling as a last resort.

### **Alternative strategies we may use:**

- Strategies to de-escalate a conflict, removing other pupils, objects, changing noise levels, etc.
- Involving Parents and Carers
- Briefing staff including at the time of incidents and through sharing policies and training
- Summoning additional support
- If Positive Handling is likely to be necessary on a regular basis, due to a SEND need, this should be included in the pupil's SEND Passport including information on: de-escalation strategies; the manner in which the pupil will be held; how support can be summoned if needed; any medical factors to be considered. We will ensure we only use Positive Handling as a last resort and will look to reasonable adjustments as a preventative measure.

More detailed examples of risk assessment and preventative steps can be found in Appendix 2.

## PROCEDURES

In the event of Positive Handling having been used it is important to consider the strategies, which are deemed acceptable, and the recording procedures that should be in place.

### Action Steps:

1. Tell the pupil what you are doing and why
2. Use the minimum force necessary
3. Involve another adult if possible
4. Continue to communicate with the pupil throughout the incident
5. Make it clear that restraint will be removed as soon as it ceases to be necessary
6. Appropriate follow-up action should be taken, which may include:
  - Providing medical support
  - Providing respite for those involved – staff and pupils

### Recording

All incidents of Positive Handling should be reported to the Head Teacher. Staff should record all incidents of restraint.

Details should include:

- Name of pupil(s)
- Staff member(s) involved
- Factors necessitating physical intervention
- The strategies which were employed prior to using physical intervention
- How physical intervention was implemented
- Outcome of restraint
- Any other action taken in the management of the incident. Parents and Carers should be contacted as soon as possible and the incident explained to them. This action should also be recorded.

### Contacting parents/carers

We will contact Parents or Carers to share incidents as appropriate. In national legislation, the decision on whether it is appropriate to report the use of force to parents/carers is at the school's discretion. In deciding what is a serious incident, teachers should use their professional judgment and consider:

- pupil's behaviour and level of risk presented at the time of the incident;
- degree of force used;
- effect on the pupil or member of staff;
- the child's age

## COMPLAINTS

We have a duty of care to all young people in our school and may need to use Positive Handling and Reasonable Force, in line with this policy. Involving Parents and Carers when an incident occurs involving their child, together with a clear policy adhered to by the staff, and should help to avoid complaints. It will not prevent all complaints, however, and a dispute about the use of force by a

member of staff might lead to an investigation, either under disciplinary procedures or by the Police and social services department under child protection procedures.

Staff, subjected to physical violence or assault, have the right to be supported in making a formal complaint to the Police and, if necessary, taking private action against an assailant.

## Appendix 1

When might it be appropriate to use reasonable force? Examples include where a pupil is;

- Committing an offence
- Causing personal injury to, or damage to the property of, any person (including the pupil); or
- Engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or amongst its pupils, whether during a teaching session or otherwise.

Examples of situations that fall into one of the first two categories are:

- A pupil attacks a member of staff, or another pupil;
- Pupils fighting;
- A pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects;
- A pupil is running in a corridor or on a stairway in a way in which he/she might have or cause an accident likely to injure her/himself or others;
- A pupil absconds from a class or tries to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations that fall into the third category are:

- A pupil persistently refuses to obey an order to leave a classroom.
- A pupil is behaving in such a way that is seriously disrupting a lesson.

## Appendix 2 Strategies

All staff need to be aware of strategies and techniques for dealing with difficult pupils and steps, which they can take to defuse and calm a situation.

- Move calmly and confidently.
- Make simple, clear statements.
- Intervene early.
- Try to maintain eye contact.
- If necessary, summon help before the problem escalates.
- Remove audience from the immediate location.

Assistance should be sought when dealing with:

- A physically large pupil,
- More than one pupil, or
- When the member of staff believes that s/he may be at risk of injury.

In those circumstances where the member of staff has decided that it is not appropriate to restrain the pupil without help they should:

- Remove other pupils who might be at risk,
- Summon assistance from colleagues,
- Where necessary, telephone the police,
- Inform the pupil(s) that help will be arriving,
- Until assistance arrives, the member of staff should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

The method of restraint employed must use the minimum force for the minimum time and must observe the following requirements:

### Restraint must NOT:

- Involve hitting the pupil;
- Involve deliberately inflicting pain on the pupil;
- Restrict the pupil's breathing; or involve contact with sexually sensitive areas.

During any incident the restrainer should:

- Offer verbal reassurance to the pupil;
- Cause the minimum level of restriction of movement;
- Reduce the danger of any accidental injury.

Physical intervention can take several forms. It might involve staff:

- Physically interposing between pupils;
- Blocking a pupil's path;
- Holding;
- Pushing;
- Pulling;

- Leading a pupil by the hand or arm;
- Shepherding a pupil away by placing a hand in the centre of the back; or
- (In extreme circumstances) using more restrictive holds.

### Some Dos and Don'ts

#### DO

- Be aware of any feelings of anger
- Summon help
- Continue to talk to the pupil in a calm way
- Provide a soft surface if possible
- Be aware of any accessories worn by you or the pupil
- Hold the pupil's arms by his/her sides

#### DON'T

- Try to manage on your own
- Stop talking even if the pupil does not reply
- Straddle the pupil
- Push arms up the back
- Touch the pupil near the throat or head
- Put pressure on joints

### Appendix 3: Reporting and Recording Pro-forma

Record of physical intervention	
<b>Date of incident:</b>	<b>Time of incident:</b>
<b>Pupil Name:</b>	<b>D.O.B:</b>
<b>Member(s) of staff involved:</b>	
<b>Adult witnesses to restraint:</b>	
<b>Pupil witnesses to restraint:</b>	
Outline of event leading to restraint – including other strategies tried and reasons for using Positive Handling rather than another strategy:	



Outline of incident of physical intervention (including physical intervention method used):

Outcome of restraint:

Description of any injury(ies) sustained by injured pupil and any subsequent treatment:

**Date parent/carer informed of incident:**

**Time:**

**By whom:**

**Outline of parent/carer response:**

**Signature of staff completing report:**

**Date:**

**Signature of Teacher-in-charge:**

**Date:**

**Signature of Head Teacher:**

**Date:**

Brief description of any subsequent inquiry/complaint or action: