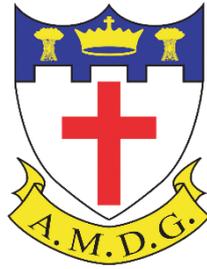


Positive Handling policy

Blessed Edward Oldcorne Catholic College



Approved by: Full Governing Body

Date: February 2020

Last reviewed on:

Next review due by: February 2021

Positive Handling Policy and the use of Restraint

1. Introduction

- 1.1. At Blessed Edward Oldcorne Catholic College we see God in everyone we meet. As a consequence of this students must at all times be treated with dignity and respect. However, the college is aware that circumstances may arise which mean a child has to be restrained. This policy clarifies how staff should act in these circumstances.
- 1.2. Physical restraint should only be used in exceptional circumstances ie. if the child's behaviour presents a danger to:
 - 1.2.1. The child - him or herself
 - 1.2.2. Other people
 - 1.2.3. Serious damage to property
 - 1.2.4. The child is committing a criminal offence.
- 1.3. Physical restraint should be used only as a last resort ie. if dialogue and diversion have failed.
- 1.4. It should not be used to force compliance with staff instructions unless related to the above and must not be used as a form of punishment.
- 1.5. Physical restraint should not continue longer than necessary. As soon as it is safe to do so the restraint should be gradually relaxed.
- 1.6. The age and size of the child should be taken into consideration when applying restraint. Only the minimum amount of restraint to prevent injury or damage should be used.
- 1.7. Wherever possible the presence of another member of staff is advisable if restraint has to be used. This is particularly important where a male teacher has to restrain an adolescent girl.
- 1.8. If a child is intent on leaving the premises, teachers may use their physical presence to obstruct the exit and to remonstrate with the child. If these strategies are not successful, restraint may be used if (i) the circumstances described in point 1.2 are applicable or (ii) there is no responsible adult at home to take charge or at least inform.
- 1.9. Any incident involving the use of restraint should be reported, verbally to the headteacher/deputy headteacher immediately and this should be followed by a written report of the incident within 24 hours (see section 6).
- 1.10. The college is committed at all times to the highest standards in protecting and safeguarding the welfare of young people entrusted to its care.
- 1.11. As part of the ethos of the college, the staff and governors are committed to:
 - 1.11.1. Encouraging and supporting parents/cares/guardians and working in partnership with them;
 - 1.11.2. Listening to and valuing each individual child or young person;

- 1.11.3. Ensuring that all members of staff, full time and part time are properly trained and supported.
- 1.12. We recognise that some young people may not be able to control their reaction to events as well as others and at times may place themselves or others at risk through their uncontrolled behaviour. Within the college environment, by virtue of their day to day knowledge and contact with young people, staff are well placed to be able to intervene, support and protect these young people who are not able to control themselves.
- 1.13. The designated safeguarding lead will oversee any incident relating to the implementation of the college policy. In the case of this member of staff being absent, the relevant college leader will deputise for this role.
- 1.14. The college will help to develop better strategies for the management of young people's behaviour if they are identified as needing support to control their challenging behaviour in inappropriate contexts.
- 1.15. This policy acknowledges the legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN). Any force used on disabled or SEN children must both be in accordance with this policy and take into account the information and understanding of the needs of the pupil concerned.
- 1.16. Since the Children Act 1989, there has been a common misconception that any physical contact with a child is in some way unlawful. This is not true. First, everyone has the right to defend themselves against attack provided that a disproportionate degree of force is not used to do so. Secondly, any member of staff may intervene in an emergency if a student is at immediate risk of injury or on the point of inflicting injury on someone else. Thirdly, teachers retain the power to use 'reasonable force' in order to control or restrain students in the situations referenced at 1.2 above.
- 1.17. It is concerning this third category, where circumstances may be less extreme, that teachers have become uncertain about what they are entitled to do. The position is set out in section 93 of the Education and Inspections Act 2006.

2. The Legal Framework

- 2.1. Section 93 of the Education and Inspections Act 2006 and the Department of Education's guidance on "Use of Reasonable Force: Advice for headteachers, staff and governing bodies" (2013) make it clear that a teacher may use such force as is 'reasonable in the circumstances' in order to prevent a student from doing - or continuing to do - any of the following:

- 2.1.1. committing a criminal offence (or, for children under the age of criminal responsibility, behaving in a way that would be an offence if they were older);
 - 2.1.2. injuring themselves or others;
 - 2.1.3. causing damage to property (including their own) or persons (including themselves);
 - 2.1.4. engaging in behaviour prejudicial to maintaining good order and discipline at the college.
- 2.2. The legislation (s.93(3)) states that this only applies where a teacher is on the college premises or has lawful charge of the student elsewhere (e.g. on a field trip or other authorised out-of-college activity).
- 2.3. The legislation also applies to non-teaching staff who have been authorised by the Head teacher (on either a long or short term basis) to have control or charge of students (e.g. classroom assistants, care workers, midday supervisors, caretakers and voluntary helpers including parents put in charge of pupils on school trips).
- 2.4. **The DfE guidance sets out that 'reasonable force'** will be no more force than is need. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. Relevant considerations which must be taken into account:
- 2.4.1. the use of force can be regarded as 'reasonable' only if all the particular circumstances warrant it - otherwise it is unlawful; therefore, physical force must not be used to prevent a trivial misdemeanour or in a situation that could clearly be resolved without it;
 - 2.4.2. the degree of force used must be in proportion to the circumstances of the incident and the seriousness of the behaviour (or the consequences it is intended to prevent); it should always be the minimum needed to achieve the desired result.
 - 2.4.3. Whether it is reasonable to use force, and in what degree, might also depend on the age, understanding and gender of the child. Any disability or special educational needs should also be carefully considered.
- 2.5. Circumstances in which control or restraint may become necessary, for example:
- 2.5.1. a student attacks a member of staff or another student;
 - 2.5.2. students are fighting;
 - 2.5.3. a student is engaged in, or about to commit, deliberate damage or vandalism to property;
 - 2.5.4. a student is causing, or at risk of causing, injury or damage by accident (e.g. by rough play or the misuse of dangerous materials/objects);

- 2.5.5. a student is running on a corridor or stairway in a way which might cause an accident or injury;
- 2.5.6. a student persistently refuses to obey an order to leave the classroom;
- 2.5.7. a student is behaving in a way that is seriously disrupting a lesson;
- 2.5.8. a student absconds from a class or tries to leave the college and could be at risk if not kept there.

3. Practical considerations

- 3.1. **Before intervening physically**, a teacher should - where practicable - tell the student to stop misbehaving and what will happen if she/he does not. The teacher should attempt to communicate with the student throughout the incident and make it clear that physical restraint, if used, will stop as soon as it ceases to be necessary.
- 3.2. **A teacher should not intervene without help** (except in an emergency), for example when dealing with an older or physically large student, or more than one student, or if she/he might be at risk of injury. In these circumstances, she/he should remove other students who might be at risk and summon help from colleagues (or, where necessary, the police). The teacher should inform the student(s) that she/he has sent for help and, until this arrives, attempt to verbally defuse the situation or prevent it from escalating.
- 3.3. **Teachers should take a calm, measured approach to a situation**, and never give the impression that they have lost their temper, or are acting out of anger, frustration or to punish the student.

4. The application of force

- 4.1. **The DfE guidance suggests physical intervention can take many forms such as:**
 - 4.1.1. physically interposing between students or blocking a student's path;
 - 4.1.2. leading a student by the arm;
 - 4.1.3. (in extreme circumstances) restraining pupils.
- 4.2. Teachers should always avoid touching or holding a student in a way that might be considered indecent.
- 4.3. **In exceptional circumstances, where there is an immediate risk of injury**, (e.g. to prevent a student running onto a busy road, hitting someone or throwing something) staff may need to take the necessary action that is consistent with the concept of 'reasonable force'.
- 4.4. **Teachers must seek to avoid acting in a way that might reasonably be expected to cause injury**, for example by:

- 4.4.1. holding a student around the neck or in any way that might restrict breathing;
 - 4.4.2. slapping, punching, kicking, tripping or forcing limbs against a joint;
 - 4.4.3. holding or pulling a student by the hair;
 - 4.4.4. holding a student face down on the ground; or
 - 4.4.5. touching or holding a student in a way that might be considered indecent.
- 4.5. The following physical restraint 'holds' should never be used:
- 4.5.1. the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
 - 4.5.2. the 'double basket-hold' which involves holding a person's arms across their chest;
 - 4.5.3. the 'nose distraction technique' which involves a sharp upward jab under the nose.
- 4.6. **Where the risk is not so urgent**, the teacher should:
- 4.6.1. consider carefully whether - and if so when - physical intervention is right;
 - 4.6.2. always attempt to deal with the situation through strategies other than force;
 - 4.6.3. use force only when other methods have failed.
- 4.7. A key issue is establishing good order, and so any action which could exacerbate the situation should be avoided. The age and level of understanding of the student is very relevant in these circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older students. It should never be used as a substitute for good behavioural management.

5. Recording incidents

- 5.1. **Immediately following an incident where force is used** the colleague involved should tell the designated safeguarding lead or head teacher, and then provide a written report as soon as possible afterwards and within 24 hours. This may help to prevent any misunderstandings, and will be helpful should there be a complaint.
- 5.2. **Parents will be informed of the incident**, and given the opportunity to discuss it. The head teacher/designated safeguarding lead will decide whether parents should be told immediately, or at the end of the college day, and whether they should be informed orally or in writing.

6. The possibility of a complaint

- 6.1. The use of force might lead to an investigation either under disciplinary procedures or child protection procedures with the possibility of a disciplinary hearing, a criminal prosecution or a civil action.

- 6.2. If this happens, it is for the disciplinary panel or court to decide if the use and degree of force was reasonable in all the circumstances of the case. In reaching their decision, they would have regard to the provisions of section 93 and the DfE guidance. Also, it is likely that they would take into account (i) the college's policy regarding restraint, (ii) whether this had been followed, and (iii) the need to prevent injury, damage or disruption.
- 6.3. 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.
- 6.4. Reference will be made to part 4 of the Keeping Children Safe in Education Guidance, September 2019: “Allegations of Abuse made against Teachers and Other Staff”.

7. Physical contact with students in circumstances not covered by Section 93 Education and Inspections Act 2006

- 7.1. There are situations, other than those covered by section 93, where physical contact with a student may be appropriate or necessary - for example in PE lessons, sports coaching, or if a member of staff has to administer first aid. Also, young children, or those with SEN may need staff to provide physical prompts to help. Touching may be appropriate to comfort a child in distress. However, there may be some children for whom touching is particularly unwelcome perhaps because of their cultural background or because they have been abused, and all staff should receive information on these.
- 7.2. Colleges should bear in mind that physical contact between teachers and students of the opposite sex can sometimes be misconstrued, especially as students reach adolescence.
- 7.3. All staff should be given a copy of this college policy, including new staff at induction and should expect to be reminded of the policy from time to time.
- 7.4. This college policy will be reviewed on an annual basis in order to maintain legislative, central government, local changes, and up-date best practice strategies.

8. Links to relevant sources of information

- 8.1. <https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>
- 8.2. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/835733/Keeping_children_safe_in_education_2019.pdf