



Policy on Positive Handling



1:1 Legal Framework

Common Law, Criminal Law, Children Act 1989,

Positive handling should only be used as a last resort

Dfee Circular 10/98 Section 550A of the Education Act 1996

It enables teachers and other persons, authorized by the Principal, to use such force as is reasonable in the circumstances, to prevent a pupil from doing, or continuing to do, any of the following

Committing an offence

Injuring themselves or others

Causing damage to property (of any person including the pupil himself)

Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere

Section 550A does not cover all the situations in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene. The purpose of Section 550A is to make it clear that teachers, and other authorised staff, are also entitled to intervene in other, less extreme, situations.

Types of Incidents

There are a wide variety of situations in which reasonable force might be appropriate, or necessary, to control or positively handle a pupil. They will fall into three broad categories:

| |
|---|
| Approved by: N Dann Approved on: April 2010 Reviewed date: April 2011, April 2012 2014, April 2015, April 2016, August 2016, June 2017 Review June 2018 Responsibility for review: C Belchem |
|---|



- A. where action is necessary in self-defence or because there is an imminent risk of injury;
- b. where there is a developing risk of injury, or significant damage to property;
- c. where a pupil is behaving in a way that is compromising good order and discipline.

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

- a pupil attacks a member of staff, or another pupil;
- pupils are fighting;
- a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;

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 a way that is seriously disrupting a lesson.

Reasonable Force

There is no legal definition of 'reasonable force'. So it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

There are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore

| |
|---|
| Approved by: N Dann Approved on: April 2010 Reviewed date: April 2011, April 2012 2014, April 2015, April 2016, August 2016, June 2017 Review June 2018 Responsibility for review: C Belchem |
|---|



physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.

- 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 used should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, understanding, and sex of the pupil.

What does it mean to positively handle a child?

Handling is the positive application of force with the intention of protecting the young person from harming himself, or others or seriously damaging property. The proper use of positive handling requires skill and judgement, as well as knowledge of non-harmful methods of positive handling.

Why use positive handling

Positive handling should avert danger by preventing or deflecting a young person's action or perhaps by removing a physical object, which could be used to harm him/herself or others. Positive handling skillfully applied may be eased by degrees as the young person calms down in response to the physical contact. It is only likely to be needed if a young person appears to be unable to exercise self control of emotions and behaviour.

General aims

The staff at Headstart recognises that the use of reasonable force is only one of the strategies available to secure pupil safety/well-being and also to maintain good order and discipline.

The aims

- a. To protect every person in the school community from harm.
- b. To protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful?

| |
|---|
| Approved by: N Dann Approved on: April 2010 Reviewed date: April 2011, April 2012 2014, April 2015, April 2016, August 2016, June 2017 Review June 2018 Responsibility for review: C Belchem |
|---|



- c. 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.
- d. To give full support to staff who have been assaulted or have suffered verbal abuse from pupils or others.

Risk Assessment

Hopefully most young people in Headstart will never require any form of positive handling; staff may have to deal with some young people who exhibit disturbed, distressed and distressing behaviour. It is therefore necessary to carry out risk assessments.

We will attempt to reduce risk by managing:

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

Environmental Risk Assessment

We will complete a risk analysis within the school and put in place strategies to minimise these risks in identified locations.

Individual Risk Assessment

If we become aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, it is our intention to plan how to respond if the situation arises. Such planning needs to address:

Managing the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used if necessary);

Involving the parents to ensure that they are clear about the specific action the school might need to take;

Briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance);

| |
|---|
| Approved by: N Dann Approved on: April 2010 Reviewed date: April 2011, April 2012 2014, April 2015, April 2016, August 2016, June 2017 Review June 2018 Responsibility for review: C Belchem |
|---|



Ensuring that additional support can be summoned if appropriate.

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:

Tell the pupil who is misbehaving to stop and state possible consequences of failure to do so;

If possible summon another adult;

Continue to communicate with the pupil throughout the incident;

Make it clear that handling will be removed as soon as it ceases to be necessary;

Appropriate follow-up action should be taken, which may include:

Providing medical support

Providing respite for those involved

* A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper or are acting out of anger or frustration when handling a problem.*

Recording

Staff should record all incidents of handling in accordance with School Policy and report these to the Principal.

Details should include:

Name of pupil(s)

Staff member(s) involved

Factors necessitating physical intervention

| |
|--|
| Approved by: N Dann Approved on: April 2010 Reviewed date: April 2011, April 2012 2014, April 2015, April 2016, August 2016, June 2017 Review June 2018 Responsibility for review: C Belchem |
|--|



The strategies which were employed prior to using physical intervention

How physical intervention was effected

Outcome of the positive handling

Any other action taken in the management of the incident

Parents/carers should be contacted as soon as possible and the incident explained to them. This action should also be recorded.

Complaints

We all have a duty of care to the young people in our school and cannot escape our legal responsibilities by avoiding taking appropriate and necessary action. Involving parents when an incident occurs with their child, together with a clear policy adhered to by the staff, and should help to avoid complaints from parents. 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, has the right to be supported in making a formal complaint to the police and, if necessary, taking private action against an assailant.

It is our intention to inform all staff, pupils and parents about these procedures and the context in which they apply.

We will review this policy on a yearly basis.

Remember that adhering to the principles and procedures referred to in this policy statement is part of effective practice and should minimise risk to young people in our care and enhance our own self-protection.

6:1 Statement for Parents

Approved by: N Dann
Approved on: April 2010
Reviewed date: April 2011, April 2012 2014, April
2015, April 2016, August 2016, June 2017
Review June 2018
Responsibility for review: C Belchem



In keeping with our home/school partnership, we will inform all parents/carers of our policy on Positive handling. The statement will be included in the school prospectus.

The statement will highlight:

- Our emphasis on care and protection for everyone within our school community
- Our belief that positive handling will be needed on very rare occasions.
- Our endeavour to handle situations with care and responsibility.
- Our intent to apply follow-up and repair strategies.

The statement will outline:

- When staff are authorised to use reasonable physical intervention.
- What steps will be taken after an incident has been dealt with.
- The responsibilities of staff, pupils and parents/carers in resolving situations.

Approved by: N Dann
Approved on: April 2010
Reviewed date: April 2011, April 2012 2014, April
2015, April 2016, August 2016, June 2017
Review June 2018
Responsibility for review: C Belchem