



Northstar
New School

Positive Handling Policy 2023-2024

This policy was reviewed on:

Date: 20 August 2022

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Policy will be reviewed on: August 2024

This policy was ratified/reviewed by Governors
on:

Date: 14 September 2022

Frequency of review: Every 2 year(s)

Note: This document uses the most current Government information and guidance at the time of writing. It may change according to Government policy. References used in devising this policy: The Human Rights Act (1998) / DfE Circular 10/98

1 | Guiding Principles & Legal Framework

Positive Handling should be limited to emergency situations and used only in the last resort. Section 550A of the Education Act 1996 and DfE Circular 10/98 allow teachers, and other members of staff at a school who are authorized (see Appendix 5) by the Headteacher, to use such force as is reasonable in circumstances where the pupil may need to be prevented from engaging in behaviours which are likely to cause injury to themselves, others or damage to property. The guidance extends this to maintaining good order and discipline, for both on-site and off-site activities.

Positive Handling should only be used when all other strategies which do not employ force have been tried and found unsuccessful 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, which is underwritten by paragraph 58.7 of School Teachers' Pay and Conditions Document 2002. Together with the legislative framework this enables teachers and other members of staff in the school, authorised by the Headteacher (see Appendix 5), to use such force as is reasonable in the circumstances, to prevent a pupil from:

- Committing an offence
- Causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- 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.

2 | What does it mean to restrain a child?

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 proper use of Positive Handling requires skill and judgement, as well as knowledge of non-harmful methods of

restraining.

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 associated with the intervention 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.

3 | Why use restraint?

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

4 | General aims

The staff at Northstar New School recognise 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.

Our policy on the use of reasonable force is part of our overall pastoral care procedures and closely related to our policies on managing pupil behaviour in the "Behaviour Policy" and also to the 'Anti bullying' policy.

The aims:

- To protect every person in the school 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.

5 | Risk Assessment

Although most young people in the school may never require any form of Positive Handling, staff may have to deal with some young people who exhibit inappropriate, and distressing behaviour. It is therefore necessary to carry out individual pupil risk assessments. We will attempt to reduce risk by managing:

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

6 | Environmental Risk Assessment

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

7 | Individual Risk Assessments

The school's respect for the rights of the individual takes into consideration the context of The Human Rights Act (1998) and The United Nations Convention on the Rights of the Child (1991). The school's ethos and the guidance in this policy is 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 learn in an environment free from ridicule
- The right not to be discriminated against in his/her enjoyment of those rights.

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);
- Ensuring that additional support can be summoned if appropriate.
- If Positive Handling is likely to be necessary this should be included in the pupil's Individual Education Plan (IEP) together with 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

8 | 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
- Reassure the young person; tell them you're there to help
- Tell them you're listening to them, ask them to sit and talk
- If possible summon another adult
- Continue to communicate with the pupil throughout the incident
- Tell them what you are going to do before you do it
- Make it clear that restraint will be removed as soon as it ceases to be necessary and when they are calm and safe
- 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. *

9 | Recording

In addition to an incident report staff should record all incidents of restraint in the form in accordance with the schools Policy.

Details should include:

- Name of pupil(s)
- Staff member(s) involved
- Antecedents
- De-escalation strategies
- Time of restraint & duration
- Outcome of restraint

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

10 | 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 care under safeguarding. The LADO may be notified if required.

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.

It is our intention to inform all staff, pupils, parents and governors 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.

11 | Appendix 1

When might it be appropriate to use reasonable force?

1. Committing an offence
2. Causing personal injury to, or damage to the property of, any person (including the pupil himself); or
3. 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/assaults a member of staff, or another pupil;
- A pupil is in danger and at risk of harm
- 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.

12 | Appendix 2

Strategies

All teachers 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.
- Remain calm
- Intervene early.
- Try to maintain eye contact.
- If necessary summon help before the problem escalates.
- Remove audience from the immediate location.

There are situations where staff should not intervene without help.

Assistance should be sought when dealing with:

- A physically large pupil,
- More than one pupil, or
- When the teacher 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;
- Involve contact with sexually sensitive areas.

During any incident the member of staff 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
- Holding
- Diverting a pupil in a different direction
- Leading a pupil by the hand or arm
- Shepherding a pupil away by placing a hand in the centre of the back

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
- Prolong a hold

13 | Appendix 3

Training

1. It is the responsibility of the Headteacher to ensure that staff are fully informed of the school policy and understand what authorisation entails.
2. It is the responsibility of the Headteacher to arrange training or guidance to staff, possibly through a senior member of staff.
3. An up-to-date list of authorised staff should be maintained within school and teachers should know who they are.
4. There are no government approved training techniques for Positive Handling.

14 | Appendix 4

Authorised Staff

From section 550A of The Education Act 1996:

9. The Act allows all teachers at a school to use reasonable force to control or restrain pupils. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the Head teacher to have control or charge of pupils. Those might include classroom assistants, care workers, midday supervisors, specialist support assistants, education welfare officers, escorts, caretakers, or voluntary helpers including people accompanying pupils on visits, exchanges or holidays organised by the school.

10. Head teachers should identify people, other than teachers, whom they wish to authorise to have control or charge of pupils and therefore be able to use force if necessary. Authorisation may be on a permanent or long term basis because of the nature of the person's job, or short term for a specific event such as a school trip. The Head should explicitly inform the people concerned, and ensure that they are aware of and properly understand what the authorisation entails. To ensure that, Heads may find it helpful to arrange for a senior member of the teaching staff to provide training or guidance. They should keep an up-to-date list of authorised people and ensure the teachers know whom they are.