



Introduction

This document outlines the operational management of positive handling (sometimes called control and restraint or team teach) in Kelsey Primary School.

Linked Policies

This policy should be read in conjunction with the following policies:

- Accidents / Illness
- Behaviour
- Child protection
- Complaints
- Confidentiality and Data Protection
- Freedom of Information
- Health and Safety
- Inclusion
- Safeguarding
- Special Educational Needs
- Social networking

Aims

The positive handling policy is designed to:

- Ensure that all members of the school community are aware of the guidelines and procedures that can be used in extreme circumstances to protect children and staff.
- Ensure that these procedures are clearly and unambiguously stated.
- Put in place a framework for managing and supporting children **BEFORE** it is necessary to resort to positive handling.

Legal Framework

DfEE Circular 10/98 'Section 550A of the Education Act 1996: The use of force to control or restrain pupils'

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INTRODUCTION

Section 550A of the Education Act 1996 clarifies the powers of teachers and other staff who have lawful control or charge of pupils to use reasonable force to prevent pupils from committing a crime; causing injury or damage; or causing disruption. It also makes clear that physical contact with pupils may also be appropriate or necessary in other circumstances.

The aim of our school policy is to set in place clear guidance in which physical intervention might be appropriate and the factors that teachers and other members of staff should bear in mind when deciding whether to intervene.

In certain instances, **where all other responses have been exhausted**, physical intervention may be necessary and in the best interests of the pupil and others.

Corporal Punishment - The Law forbids a teacher to use any degree of physical contact that is deliberately intended to punish a pupil, or which is primarily intended to cause pain or injury or humiliation. It is therefore the policy of this school that no member of staff should use corporal punishment in the management of children.

AUTHORISED STAFF

All members of staff who are authorised by the Headteacher to have control or charge of pupils may use reasonable force to control or restrain pupils. (However, the law is rather vague on what constitutes reasonable force).

However, only those staff who have received the accredited team teach qualification are authorised to use reasonable force to control or restrain previously identified children.

Kelsey Primary school will ensure that as a minimum there are at least two members of staff with current positive handling / team teach training.

In addition where a member of staff is employed in a role where the use of team teach techniques is considered more likely e.g. as a 1to1 support worker – the school will review if that person require team teach training in **ADDITION** to the two individuals noted above.

ACTION IN SELF DEFENCE OR EMERGENCY

Section 550A does not list every situation in which it may be reasonable to use a degree of force. Everyone does have the right to defend themselves, provided they do not use a disproportionate degree of force to do so. Similarly in an emergency, if a pupil was at risk of injury or at the point of inflicting injury on someone else, any member of staff or voluntary helper would be entitled to intervene. Section 550A makes it clear that teachers and other authorised staff are also entitled to intervene in other, less extreme situations.

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TYPES OF INCIDENTS

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

- where action is necessary in self-defence or because there is imminent risk of injury
- where there is a developing risk of injury, or significant damage to property

Examples of situations that fall within these 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
- A pupil is running anywhere on the school premises in a way in which he or she might have or cause an accident likely to injure him/herself or others
- A pupil absconds from a class or tries to leave school; this applies if it is felt that the child will be at risk if not kept in the classroom or school – in most circumstances it is best to allow the child to leave, the school site is fully secured and gated.

PLANNING FOR INCIDENTS

School is sometimes aware that a particular pupil is likely to behave in a way that may require physical control or restraint.

The Headteacher will make all staff aware of any children who may be likely to behave in a way that requires physical control or restraint.

When a child is identified as likely to behave in such a way, staff and parents will be involved in drawing up a plan to give guidance as to how to respond if a situation arises.

The plan will include the following:

- Managing the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used)
- 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
- The school may need to take medical advice about the safest way to hold a pupil with specific health needs

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The School recognises that under certain circumstances it may be necessary for staff to use breakaway strategies. The breakaway techniques used will:

- Only be those which staff have received training in
- Be clearly identified within pupils' positive handling plans
- Involve the minimum use of pain or discomfort
- Be the least intrusive method consistent with the safety of pupils and teachers
- Be based on individual risk assessment

7 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 in Law:

- 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 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 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.

PRACTICAL CONSIDERATIONS

Before intervening physically a teacher should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if he or she does not. The teacher should continue attempting to communicate with the pupil throughout the incident, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach to a situation will be employed, and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

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APPLICATION OF FORCE

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

- Physically interposing between pupils
- Blocking a pupil's path
- Using recognised intervention and hold strategies

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force'; for example, to prevent a young pupil running off a pavement on to a busy road, or to prevent a pupil hitting someone, or throwing something.

In other circumstances staff should **not** act in a way that might reasonably be expected to cause injury, for example by:

- Holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe
- Slapping, pinching or kicking a pupil
- Twisting or forcing limbs against a joint
- Tripping up a pupil
- Holding or pulling a pupil by the hair or ear
- Holding a pupil's face down on the ground

Physical intervention will be discontinued if the pupil shows signs of any of the following:

- Difficulty breathing
- Rapid breathing
- Seizures
- Vomiting
- Choking
- Blue coloration to extremities
- Mottling, paleness or discoloration of the skin
- Painful swelling

Staff should always avoid touching or holding a pupil in a way that might be considered indecent.

Where the risk is not so urgent the teacher should consider carefully whether, and if so when, physical intervention is right. Teachers should always try to deal with a situation through other strategies and techniques for dealing with difficult pupils and situations which they should use to defuse and calm a situation.

That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline, and there is no direct risk to people or property. As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated.

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The age and level of understanding of the pupil is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older pupils. It should never be used as a substitute for good behavioural management.

Property is not as important as people. However, if there is significant risk involved in the damage of property or it may be used as a weapon to cause harm to people, it may be appropriate to intervene.

RECORDING INCIDENTS

Following an incident in which force has been used the member of staff concerned should tell the Head teacher or senior member of staff.

The member of staff concerned will, as soon as possible following the incident, provide a written report (using the format in the back of the team teach handbook – which Kelsey Primary School has adopted as its standard form) that includes the following:

- The name of the pupil(s) involved and when and where the incident took place
- The name of any other staff or pupils who witnessed the incident
- The reason that force was necessary (e.g. to prevent injury to the pupil, another pupil or member of staff)
- How the incident began and progressed including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied and for how long
- The pupil's response, and the outcome of the incident
- Details of any injury suffered by the pupil, another pupil, or a member of staff and of any damage to property (copy of current form used attached, also further sample form)

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

The school will inform parents, either orally or in writing, of an incident when force has been used on their child. The Headteacher or senior teacher, to whom the incident is reported, will decide on the seriousness of an incident and whether the parent should be informed straight away or at the end of the school day.

These records are kept in the positive handling folder in the locked filing cabinet in the head teacher's office. Records are to be kept for ten years following the incident. After which they must be destroyed by shredding. If a pupil has a team teach / positive handling record it would be appropriate to inform the secondary school to which the pupil is transferring at the end of Year six of the record, but not of the content.

PHYSICAL CONTACT WITH STAFF IN OTHER CONTEXTS

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by Section 550A of the 1996 Act. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, or DT, or if a member of staff has to give first aid.

Young children and children with special educational needs may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. Teachers will use their professional judgement when they feel a pupil needs this kind of support. It is always good practice to ensure this takes place in a classroom or on the field when other pupils and adults are present.

There may be some children for whom touching is particularly unwelcome. For example, some children may be particularly sensitive to physical contact because of their cultural background, or because they have been abused. Where appropriate, staff will receive information on these children.

EARLY YEARS – PHYSICAL CONTACT

When children first start school, there will be times when they do not want to stay and are clinging on to Parents/Carers or trying to follow them out of the classroom. On such occasions it may be necessary to physically take a child from the adult and pick them up and bring them to the relevant area. They may need to be cuddled/consoled at such times.

EXCEPTIONAL CIRCUMSTANCES

In cases where a course of action has been recommended to the school by outside agencies which is not incorporated in this Policy, the parent/carer will be consulted as to whether the action is to be implemented.

If agreement is reached between the school and parent/carer, written consent from the parent will be required prior to implementation.

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GUIDANCE FOR PHYSICAL CONTACT IN FOUNDATION STAGE/KEY STAGE 1

1. If a child needs changing, or is injured, leave the door open encourage the child to be as independent as possible.
2. If alone with a child, avoid cuddles – stick to hand holding or hand on shoulder.
3. Do not touch their head.
4. In Reception, in public, picking up, cuddles, sitting on laps is fine. This will be tailed off during Year 1, and replaced with holding hands.
5. If restraining a child from injuring another, a written report to be kept.
6. All voluntary helpers are to be made aware that there will be no physical contact.

Policy Information:

Date adopted by the governing body:	May 2016
Policy Written by:	Magnus Smedley (Headteacher)
Policy Review Date:	May 2021

Signed:

Chair of governors:

Headteacher:
