




## POSITIVE HANDLING (USE OF REASONABLE FORCE) POLICY

- Please note this policy is only for rare circumstances when positive handling strategies are required. Ordinarily, the behaviour policy will give details regarding the management of behaviour.

### Document Control

Description	By Whom	Date
Established	WM	November 2019
review	Debbie Beeston Alison Woodhouse	Jul 22
Approved by Executive Leadership Team		Jul 22
Next Full Review due		Jul 25

## Table of Contents

<b>Introduction.....</b>	<b>2</b>
<b>Our Approach to Best Practice .....</b>	<b>3</b>
<b>What is Positive Handling (Reasonable Force)?.....</b>	<b>3</b>
<b>When can Reasonable Force be used?.....</b>	<b>4</b>
<b>Who can use Reasonable Force?.....</b>	<b>5</b>
<b>Power to Search Pupils without Consent.....</b>	<b>6</b>
<b>Recording of Incidents and Support.....</b>	<b>6</b>
<b>Monitoring of the Effectiveness of the Policy.....</b>	<b>6</b>
<b>Complaint Procedures .....</b>	<b>6</b>
<b>Staff Training .....</b>	<b>7</b>
<b>Equality Impact Assessment .....</b>	<b>7</b>
<b>Related Legislation and Guidance Documents .....</b>	<b>7</b>
<b>Links with other Academy Trust Policies .....</b>	<b>8</b>
<b>Data Protection Statement .....</b>	<b>8</b>
<b>ANNEX A - RESTRAINT RECORDING FORM .....</b>	<b>10</b>

## Introduction

The Harmony Trust has a strong moral purpose to do what is best for children and families, which underpins our ethos. We aim to raise aspirations and attainment for all children, developing pupils with high self-esteem and responsibility. We are committed to the delivery of high-quality education by excellent staff, in a caring, supportive learning environment. We believe that this policy should be a working document that is fit for purpose, represents our ethos, enables consistency and quality across the Trust and our academies.

We want our pupils to come to school to enjoy the meaningful experiences that we offer and be in a safe and secure environment. We have a pastoral responsibility towards our pupils and must take reasonable steps to ensure that the welfare of pupils is safeguarded and that their safety is preserved. We have a duty to promote and secure good behaviour and discipline on the part of pupils in our Academies. On rare occasions it may be necessary for staff to use force as is reasonable to restrain or control a pupil. Such action will only be used as a last resort, when other behaviour strategies have not been successful in resolving the situation, and when the pupil, other pupils, members of staff, or property are at risk, or the pupil is seriously compromising good order and discipline.

It is important that we have a clear written policy about the use of reasonable force to restrain or control pupils and that this should be understood by all staff who have direct contact with pupils, (this includes teachers, TAs, Midday Supervisors, Site, cleaning, admin and catering staff) pupils and parents/carers.

Having such a policy provides clarification on the use of force to:

- Help Academy staff understand when and when it should not be used

- Help parents/carers to understand why in certain circumstances restraint may be required
- Provides clear guidance on the procedures in place to report incidents and to consult with parents/carers
- Give guidance on complaints procedures.

This policy will be distributed to all staff as part of a New Staff Induction Pack as it is an integral part of the Academy's Behaviour Policy. It will also be available to parents upon request. All staff are required to be conversant with this policy and will receive training to support them (see training section).

## Our Approach to Best Practice

We are committed to safeguarding our pupils and therefore we strive to achieve best practice where physical intervention is not necessary. We actively research, adopt and promote strategies to reduce physical intervention and positively influence behaviour.

Our staff fully understand the general importance of listening to and respecting children to create an atmosphere that is calm and supportive, especially when working with pupils who need additional support to regulate their emotions. Staff understand the importance of an individualised pupil centred approach to dealing with challenging behaviour as covered in our Behaviour Policy.

Use of reasonable force is, therefore, **seen as a last resort for the purposes of maintaining a safe and secure environment and for protecting our pupils**. If pupils are behaving disruptively or anti-socially every strategy will be used to manage behaviour positively to prevent a deterioration of a situation and the need to use reasonable force.

When faced with an incident, there is very little time for staff to think before having to make a quick and effective decision. Before acting, staff must assess the seriousness of the incident and these considerations must always be made with safeguarding at the forefront: safeguarding the pupil, other pupils and staff/ adults.

Staff must quickly assess, what if any alternatives can be applied to de-escalate the situation in the first instance. It is only following this risk assessment, and if no other alternative strategy is appropriate, that using safer handling techniques should be used. It is important to understand that if safer handling techniques are used, it could potentially result in injury, damage or disorder to others and the environment.

## What is Positive Handling (Reasonable Force)?

The term "reasonable force" covers a broad range of actions used by staff that involve a degree of physical contact with pupils. Force is usually used either to control or restrain a pupil. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or a situation where the pupil needs to be restrained to prevent violence or injury.

"Reasonable" means using no more force than is needed.

In terms of the above, "Control" means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact.

"Restraint" means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when pupils are fighting and refuse to separate without physical intervention and must only be used when there is no effective alternative strategy.

Effective control measures should be:

- Step 1 – Adult to demonstrate care & concern for the pupil and make it clear that this is inappropriate behaviour.
- Step 2 – The adult must make it clear that the inappropriate behaviour must stop by giving clear and calm directions to the pupil.
- Step 3 – Adult to remind the pupil of the Academy rules and expectations, including likely consequences.
- Step 4 – The adult should consider asking the pupil to move to a safer zone or alternatively move other pupils to keep them safe.
- Step 5 – The adult should consider if any furniture or resources need removing from the area in order to make the environment safer for all. (e.g. removal of items that could potentially be used as weapons)
- Step 6 – The adult at the incident must ensure that another appropriate adult and /or a level 2 trained staff member is called to assist

When a pupil is being restrained, staff will inform the pupil in a calm and gentle manner that the reason for the intervention is to keep the pupil and others safe. Staff will explain that as soon as the pupil is in control of their own behaviour they will be let go. Force should only be used if absolutely necessary in proportion to the circumstances. The incident must be recorded after the event. See Appendix A.

Staff must always try to avoid acting in a way that might cause injury to others and themselves. Incidents which lead to restraint are usually of a physical nature; whilst the aim is to always reduce the likelihood of harm, there is always a potential risk to both parties. In the likelihood of harm occurring, the Trust's accident, incident & near miss procedures are to be applied.

## When can Reasonable Force be used?

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder. In a school, force is used for two main purposes – to control pupils or to restrain them. The decision on whether or not to physically intervene is down to the professional judgement of the trained staff member concerned and always depends on the individual circumstances. Every effort will be first be used to avoid the need to use force.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used:

- To remove disruptive pupils from the classroom where they have refused to follow an instruction to do so
- To prevent a pupil behaving in a way that disrupts a school event, activity or a school visit or trip
- To prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others
- To prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the school or in the playground

- To prevent a pupil causing, or at risk of causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects
- To restrain a pupil at risk of harming themselves through physical outbursts
- To prevent a pupil from absconding from school if that pupil could be at risk
- **Schools cannot use force as a punishment - it is always unlawful to do so.** It is applied as an act of care and control with the clear intention of re-establishing verbal control as soon as possible and at the same time allowing the pupil to gain self-control.

The degree of force applied must be proportionate to the seriousness of the behaviour or the consequences it is intended to prevent and must be appropriate:

- Considering the age of the pupil
- Understanding of the pupil
- Reasonable adjustments for disabled pupils and pupils with special educational needs

In normal circumstances it should be the minimum necessary to achieve the desired results, for example:

- Blocking a pupil's path;
- Physically interposing between pupils;
- Holding a pupil in a safe and calming way such as a cuddle or sitting them on your knee and holding them lightly. Some children find a physical touch calming. Adults must ensure that they do this when another member of staff is present. This is not a trained restraining technique.
- Leading by hand or arm
- Shepherding a pupil away by placing a hand in the centre of the back or, in more extreme circumstances, using more restrictive holds
- Constantly trying to calm & defuse the situation by communicating with the pupil
- Seeking help from other staff to defuse the situation

## Who can use Reasonable Force?

All members of school staff have a legal power to use reasonable force (Education and Inspections Act 2006). This power applies to any member of trained staff at the school. The Trust do not expect any other adults to be in this position; if there are concerns raised regarding a pupil's behaviour, the adults should always seek the help of a member of academy staff immediately.

Wherever possible two members of staff will be present when positive handling is used. Other adults who may work or volunteer in school must not use any form of positive handling restraints.

All academies have specific members of staff who have received level 2 safer handling training (which is the actual physical restraint training part). These staff should ordinarily be called to undertake any restraint **unless there is a circumstance by which waiting for these persons to arrive**

**would lead to injury.** A lack of level 2 training should not prevent a member of staff intercepting in a potentially life-threatening situation (e.g. a child running into the road).

## Power to Search Pupils without Consent

In addition to the general power to use reasonable force as described above, Principals and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following items (Education Act 1996) – knives and weapons, alcohol, illegal drugs, stolen items, cigarettes, fireworks, pornographic images, any article that might be used to commit an offence, cause personal injury or damage to property.

## Recording of Incidents and Support

All incidents which involve the use of a physical intervention must be clearly and promptly reported by the member of staff involved. The Principal or Head of Academy is the designated member of staff with responsibility for maintaining these records. Attached at Annex A is a copy of the Restraint Recording Form that must be used.

A senior member of staff designated by the Principal must contact parents/carers as soon as possible after an incident, wherever possible on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

A senior member of staff designated by the Principal will oversee support provided for relevant staff and pupils after an incident. The pupils should be checked by a first aider whether any injuries were sustained or not. The child/ adult involved should receive first aid by the academy first aiders if needed. If necessary first aid forms must be completed, and injuries should be reported to the Trust (and HSE) if needed.

## Monitoring of the Effectiveness of the Policy

The monitoring of this policy and any physical restraint incident will be undertaken by the Principal, and any significant incidents of physical restraint, especially if they result in an injury to a pupil, staff member or property, must be reported to Jane Green, Head of Inclusion. Information will also be shared with the Compliance team if there are injuries or risk management considerations.

The practical application of this policy will be reviewed every three years or earlier if the need arises by the Assistant Director of Safeguarding, Estates & Compliance or a nominated Head of Service.

## Complaint Procedures

Incidents involving the use of force may cause concern to the parents/carers of the pupil involved. By Law it is up to the academy to decide if it is appropriate to report the use of force to parents/carers. Our Trust policy is to ensure that parents/carers are informed of an incident involving their child (other than a trivial incident) and provide an opportunity for them to discuss the situation.

In the event of a parent/carer having concerns or a complaint, it will be dealt with thoroughly, speedily and will be appropriately investigated by using the procedures as stated in the Trust Complaints Policy.

When a complaint has been made, the Trust Complaints Policy and procedures must be followed. This will support the case manager to determine if some fact finding needs to occur or a more detailed investigation.

Department of Education Guidance makes it clear that suspension must not be an automatic response when a member of staff has been accused of using excessive force (reference should be made to Keeping Children Safe in Education). Careful consideration must be given as to whether the circumstances of the case warrant a staff member being suspended until the allegation is resolved or whether alternative arrangements are more appropriate. If a decision is taken to suspend a staff member, the academy must ensure that the person has access to a named contact who can provide support. The academy will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

There is further information regarding procedures relating to allegations against members of staff/ adults in each academy's Child Protection and Safeguarding Policy.

## Staff Training

All staff receive training on expectations regarding this policy and the need to avoid the need for positive handling through de-escalation and positive behaviour management techniques.

- All staff receive information regarding this policy as part of their induction.
- All staff receive level 1 (legal briefing around the use of reasonable force) training every 2 years.
- A list of staff trained at level 2 (the use of physical holds as per safer handling training) will be available at the Academy.

## Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people because of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation. This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality in our academies.

## Related Legislation and Guidance Documents

This policy is related to the following legislation and guidance:

- Department of Education Non-Statutory Guidance on Use of Reasonable Force – Advice for Schools, Headteachers and Staff – July 2013
- HM Government Guidance - Reducing the Need for Restraint and Restrictive Interventions (Support for Children with Learning Disabilities, Autistic Spectrum Conditions and Mental Health Difficulties who are at risk of Restrictive Intervention) – June 2019.
- Education Act 1996
- Education and Inspections Act 2006

- Equality Act 2010
- Keeping Children Safe in Education – Statutory Guidance for Schools – September 2021 (and annual updates thereafter)

## Links with other Academy Trust Policies

This Positive Handling (Restraint of Pupils) policy is linked with other Trust policies, particularly –

- Behaviour Policy
- Safeguarding (including Child Protection) Policy
- Equality and Diversity Policy
- Staff Code of Conduct
- Accident Incident Reporting Policy
- Inclusion Policy
- Complaints Policy

All staff must be aware of the contents of these policies and the systems and procedures in place within our Academies.

## Data Protection Statement

The procedures and practice created by this policy have been reviewed in the light of our Data Protection Policy.

All data will be handled in accordance with the school's Data Protection Policy.

Data Audit For This Policy					
What ?	Probable Content	Why ?	Who ?	Where ?	When ?
Positive handling policy	Name, address, personal information related to the circumstance,	Required to be retained as part of safeguarding process	Principal / SLT, Trust central team, staff or other representative as required as part of the complaints process	Kept on file at academy (and Trust central where appropriate)	Held on file until child leaves school.

As such, our assessment is that this policy :



Has Few / No Data Compliance Requirements	Has A Moderate Level of Data Compliance Requirements	Has a High Level Of Data Compliance Requirements
		✓

## ANNEX A - RESTRAINT RECORDING FORM

### THE HARMONY TRUST

### RESTRAINT RECORDING FORM

1. Pupil's Name.....

2. Pupil's Class.....

3. Pupil's Age.....

4. Date of Incident..... Time.....

5. Location of Incident.....

6. Staff Member(s) involved in restraint.....

.....

7. Names of staff/adult and pupils who witnessed the incident.....

.....

8. Reason that restraint/ safer handling holds were necessary.....

.....

.....

9. De-escalation techniques used to try and defuse or calm the situation

.....

.....

**10. Description of reasonable force/safer handling holds used.....**

.....

**11. How was the safer handling technique applied.....**

.....

**12. How long was it used for.....**

**13. The pupil's response and eventual outcome.....**

.....

.....

**14. Details of any injuries suffered by the pupil or staff.....**

.....

.....

**15. Details of any damage to property.....**

.....

.....

**16. Details of any medical treatment required.....**

.....

**17. Time pupil checked by first aider .....**

**Name of First Aider .....**

**18. Parent informed (time, parent name, SLT member & method of communication)**

**Date..... Time.....**

**Method of communication .....**

**SLT member who contacted parent/ carer .....**

---

**Form completed by.....**

**Position within Academy.....**

**Date Completed ..... Time Completed .....**

**Completed Form to be returned to Designated Senior Staff Member as soon as possible and ideally the same day as the incident.**

## **ANNEX B - CONTINUATION SHEET FOR POST INCIDENT INFORMATION**

### **POST INCIDENT INFORMATION**

- 1. Was any post incident support offered to the pupil and if so what support ?**

.....

.....

- 2. Was any post incident support offered to the member of staff involved?**

.....

.....

- 3. Details of follow up, including contact with parents/carers of the pupil**

.....

.....

- 4. Details of any follow up involvement of external agencies.....**

.....

.....

Have the following actions taken place:

Action	Yes/No	Date applicable	Staff/ People involved	Comments
<b>Was there already a behavioural support plan in place?</b>  <b>Will one be written in light of the incident (s)?</b>				
<b>Has the existing behavioural support plan been reviewed and modified accordingly?</b>				
<b>Are all adults who work with the child fully aware of the post review plan and any agreed actions?</b>  <b>Are parents/ carers also fully aware of the plan/ actions going forward?</b>				
<b>Has an Accident Incident Report form been completed if any injuries have been sustained or reported?</b>				

- Copies of completed Annexes A & B must be placed in the Pupil's Personal Record file (CPOMS)
- Accident Incident forms must be sent to the Health & Safety e-mail inbox
- A copy of completed Annexes A & B must be sent to Jane Green (inclusion) for Trust monitoring & support purposes