

# St Elizabeth's Catholic Primary School



## Positive Handling Policy

Policy reviewed – September 2016

Due for renewal- September 2017

Signed by Chair of Governors

All staff members have a legal power to use reasonable force to prevent pupils committing a criminal offence, injuring themselves or others or damaging property, and to maintain good order and discipline.

Staff members can sometimes be worried that using force will lead to false allegations of unreasonable or unlawful conduct in the form of a complaint or legal action. But if the force used is reasonable all staff will have a robust defence against any accusations. This policy is intended to help staff feel more confident about using force when they think it is right and necessary.

Whether the force used is reasonable will always depend on the particular circumstances of the case and the test is whether the force used is proportionate to the consequences it is intended to prevent. This means the degree of force used should be the minimum needed to achieve the desired result.

Force is generally used for two different purposes – to control pupils and to restrain them.

- Control can mean either passive physical contact (e.g. standing between pupils or blocking a pupil's path) or active physical contact (e.g. leading a pupil by the hand or arm, or ushering a pupil away by placing a hand in the centre of the back).
- When members of staff use "restraint" they physically prevent a pupil from continuing what they were doing after they have been told to stop. The use of restraint techniques is usually used in more extreme circumstances, such as when two pupils are involved in a fight and physical intervention is needed to separate them.

The judgement on whether to use force and what force to use should always depend on the circumstances of each case and – crucially in the case of pupils with SEN or disabilities – information about the individual concerned.

We make risk assessments where it is known that force is more likely to be necessary to restrain a particular pupil, such as a pupil who's SEN and/or disability is associated with extreme behaviour.

A procedure is in place for recording each significant incident in which a member of staff uses force on a pupil, and for reporting these incidents to the pupil's parents as soon as practicable after the incident.

Members of staff should not put themselves at risk. An individual would not be seen to be failing in their duty of care by not using force to prevent injury, if doing so threatened their own safety.

It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.

There is no statutory definition of 'reasonable force'. Whether the force used is reasonable will always depend on the circumstances of individual cases. Deciding on whether the use of force is justified will depend in part upon the context in which the misbehaviour takes place. The test is whether the force used is proportionate to the consequences it is intended to prevent.

## **Pupils with Special Educational Needs and/or Disabilities**

We will develop positive handling plans for individual pupils who, through a special need or disability, are assessed as being at greatest risk of needing restrictive physical interventions in consultation with the pupil and parents.

### **Deciding if use of force would be appropriate**

Force should be used as a protective measure and never as a disciplinary penalty. The judgement on whether to use force and what force to use should always depend on the circumstances of each case and – crucially in the case of pupils with SEN and/or disabilities – information about the individual concerned.

Decisions on whether the precise circumstances of an incident justify the use of force must be reasonable. Typically such decisions have to be made quickly, with little time for reflection. Nevertheless, staff need to make the clearest possible judgement about:

- a.** the chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified;
- b.** the seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used. The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified; and
- c.** the relative risks associated with physical intervention compared with using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force may be justified.

*Examples of situations that particularly call for judgments of this kind include:*

- a.** *a pupil attacks a member of staff, or another pupil;*
- b.** *pupils are fighting, causing risk of injury to themselves or others;*
- c.** *a pupil is committing, or on the verge of committing, deliberate damage to property;*
- d.** *a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or object;*
- e.** *a pupil absconds from a class (or detention<sub>2</sub>) or tries to leave school other than at an authorised time. Refusal of a pupil to remain in a particular place is not enough on its own to justify use of force. It would only be justifiable where allowing a pupil to leave would:*
  - i.** *entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property; or*
  - ii.** *lead to behaviour that prejudices good order and discipline, such as disrupting other classes;*
- f.** *a pupil persistently refuses to follow an instruction to leave a classroom;*
- g.** *a pupil is behaving in a way that seriously disrupts a lesson; or*
- h.** *a pupil is behaving in a way that seriously disrupts a school sporting event or school visit.*

In these examples use of force is likely to be construed as reasonable (and therefore lawful) if it was clear that the behaviour was sufficiently dangerous or disruptive to warrant physical intervention of the degree applied and could not realistically be dealt with by any other means.

## **Risk assessments**

The Leadership team will regularly assess the frequency and severity of incidents requiring use of force that are likely to occur in their school. The Leadership Team may also wish to take account of the outcomes of multi-agency assessments carried out for particular pupils. These assessments will help to inform decisions about staff training

## **Using force**

Before using force staff should engage the pupil in a calm and measured tone, making clear that their behaviour is unacceptable and setting out how the pupil could choose to change their behaviour. Staff should not give the impression of acting out of anger or frustration, or to punish a pupil, and should make it clear that they only intend to use physical intervention as a last resort to ensure that the situation is addressed as safely as possible.

The use of force must always be proportionate to the level of risk and should always be reduced at the earliest possible time.

Force is generally used for two different purposes – to control pupils and to restrain them. By control we mean passive physical contact (e.g. standing between pupils or blocking a pupil's path) or active physical contact (e.g. leading a pupil by the hand or arm, or ushering a pupil away by placing a hand in the centre of the back). Control can also mean more forceful action.

Restraint means the use of restraint techniques and is usually used in more extreme circumstances, such as when two pupils are involved in a fight and refuse to separate without physical intervention. This can involve using appropriate restrictive holds, which may require specific expertise or training.

## **Governing body**

Our governing body monitors the recording and reporting to parents of *significant* incidents where a member of staff has used force on a pupil. The record must be made as soon as practicable after the incident.

## **Injuries to Pupils and Staff**

Serious incidents involving use of force may result in injuries to the pupil or to staff. Immediate action should be taken to provide first aid for any injuries and to access medical help for any injuries that go beyond first aid. These incidents can be upsetting to all concerned, so it is also important to ensure that staff and pupils are given emotional support.

### **Involving Parents and Other Agencies**

The letter to parents informing them about the use of force can also be used to engage them in discussing the incident and for setting out a suggested future course of action. It is good practice for parents to be involved in agreeing appropriate support arrangements. It is advisable to agree an individual behaviour plan with parents of pupils whose behaviour is associated with SEN and/or disabilities. Such plans would include strategies to prevent and deal with any recurrence of behaviour that could lead to the use of force.

#### **We will also:**

- a.** ensure that relevant multi-agency partners are kept informed. This could include local authority children's services, Well Young Persons, Child and Adolescent Mental Health Services or the Youth Offending Team (if the pupil is already under their supervision or has been identified by the YOT as being at risk of becoming engaged in criminal or anti-social behaviour);
- b.** hold the pupil to account where their poor behaviour has resulted in force being used, so that he or she recognises and repairs the harm caused or which might have been caused. The consequences of this behaviour may involve the use of sanctions which need to be considered in accordance with the school's behaviour policy. As well as disciplining the pupil, this may involve giving them the opportunity to repair the relationships with staff and pupils involved in the incident as well as developing their social and emotional skills. In some cases, an incident might lead to a decision to exclude a pupil.

### **Dealing with complaints and allegations regarding the use of force**

Schools need to make clear that parents and pupils have a right to complain about actions taken by school staff, including any use of force. If a specific allegation is made against a member of staff then we will follow the guidance set out in *Safeguarding Children and Safer Recruitment in Education*

Other complaints will be dealt with under the school's complaints procedure.

*If a member of staff uses reasonable force as defined in this guidance and in line with our training they will have a robust defence against any false allegations of unreasonable or unlawful conduct which form the basis of a complaint or legal action.*