

Mayville Primary School

Positive Handling Policy

Introduction

It is important to remember that the majority of children in schools behave very well and conform to the expectations of the school and community.

1. To protect the interests and well being of children for whom staff have a shared responsibility
2. To protect staff in the fulfilment of their responsibilities to children
3. To protect the local authority who ultimately has responsibility for the actions of its staff.

The Education Act 1997 (Section 4) clarified the use of physical force by teachers and others authorised by the Headteacher of a school, to control or restrain pupils. The clarification was achieved through the addition of Section 550A to the Education Act 1996. This section became operational on 1 September 1998 and applies to all schools.

Section 550A restates principles derived from statute which have in the past been misinterpreted and builds upon the clarification of physical contact between staff and young people made by Sir Herbert Lamming (Chief Inspector, Social Services Inspectorate) in his letter to Directors of Social Services in 1997. Essentially the guidance derived from section 550A clarifies the common misperception that physical contact with a child is in some way unlawful. It states clearly that where necessary force can and should be used to control and restrain children and young people.

This **policy** sets out to define the circumstances in which staff may judge it necessary and appropriate to use the application of force to control and or restrain a child or young person.

School Ethos

At St Lawrence we believe that a reward based rather than a punishment orientated ethos is more likely to bring about desired behaviour. Similarly the use of any form of force as a punishment as well as being unlawful is unlikely to induce **positive** attitudes and behaviour in children and young people. Such an environment

will be one where rewards and personal affirmation are more frequent than sanctions and disapproval. It will also be one where sanctions are applied flexibly and in the context of the individual needs of the child or young person.

Staff are encouraged to develop relationships with pupils based on mutual trust and respect. Such relationships will be the firm foundation for communicating expectations regarding individual learning targets as well as managing all behaviours.

Definitions

In considering the use of reasonable force to control and or restrain children and young people it is essential that there is clarity about the terms that are used to describe physical interventions when they occur. For the purposes of this **policy** and resulting guidance the following definitions will be used to describe:

- Escorting: - Accompanying for protection or guidance. The level of compliance from the child or young person being escorted and the degree of physical force being used by the member(s) of staff will determine whether this act should be considered as a restraint i.e. was the child or young person being overpowered in order to be escorted.
- Holding: - To assert authoritatively. The degree of force used in relation to the level of co-operation and compliance being displayed by the child or young person that determines when holding becomes restraining. The higher the level of force the more likely the action will be deemed restraint. Ultimately it will rest upon whether the young person was overpowered and had no choice but to remain in the hold.
- Restraint: - Physical control as defined by the application of force with the intention of overpowering the child or young person to prevent them from harming themselves or others or damaging property.

The impact of section 550A on the action teachers and other staff authorised by the Headteacher to have control or charge of pupils is that they are expected to use reasonable force to prevent a child or young person from doing or continuing to do any of the following;

Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);

- Injuring themselves or others

- Causing damage to property (including pupils own property);
- Engaging in behaviour prejudicial to maintaining good order and discipline at school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

The provision applies when a teacher or authorised person is on school premises, and when he or she has lawful control of the children and young people concerned elsewhere e.g. on a field trip or other organised out of school activity.

Section 550A does not specifically detail what action staff should take to protect him/herself from attack. However everyone has the right to defend themselves against attack provided they do not use a disproportionate degree of force to do so. The judgement about the degree of force will always be made in the context of the perceived physical threat i.e. how badly injured would the person be if they had not taken steps to defend themselves.

Where the aim of physical intervention is to maintain good order it is essential that the member of staff takes into consideration the extent to which any such action might exacerbate the situation. The age and understanding of the pupil must be taken into account. Physical intervention should not be used to replace good behavioural management.

Planning for Incidents

There are a wide variety of incidents in which reasonable force might be appropriate, or necessary, to control or restrain a child or young person. Generally there will be two main categories:

- a) Where action is necessary in self defence or because there is an imminent risk of injury for example;*
 - A pupil attacks a member of staff, another pupil or is self harming

- Pupils are fighting

b) Where there is an assessment that risk of injury, or significant damage to property for example:

- A pupil is engaged in, or is on the verge of committing deliberate damage to property.
- A pupil is causing, or at risk of causing injury or damage by accident by rough play, out of control behaviour or the misuse of objects.
- A pupil is running in a corridor or on a stairway in a way, in which he or she might have or cause an accident likely to injure him or herself or others.
- A pupil tries to leave the school without permission and such an action is judged to put them at risk within the community.
- Where a pupil is behaving in a way that is compromising good order and discipline:
 - A pupil persistently refuses to obey an instruction to leave the classroom.
 - A pupil behaves in a way that is seriously disrupting a lesson i.e. that learning becomes impossible for other members of the class.

Reasonable Force

There is no legal definition of reasonable force however consideration of what constitutes reasonable force will always depend on all circumstances in the case. In determining what constitutes reasonable force the following factors need to be taken into account:

- 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 this is not the case. Therefore the use of force to prevent a pupil from committing a trivial misdemeanour or where resolution of the issue could be achieved without the use of force cannot be justified.
- The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequence it is intended to prevent. Any use of force must always be the minimum required to achieve the desired result.
- Where force is applied it should be done in a manner that attempts to reduce rather than provoke a further aggressive reaction.
- The number of staff involved should be the minimum necessary to control / restrain the child or young person, whilst minimising the risk of injury to all parties.

- Where the use of force is in self-defence if a person had done only what he or she honestly and instinctively thought was necessary, that would be the most potent evidence that only reasonable force was used.

Positive handling by staff can take several different forms. It might involve staff in any of the following:

- Breaking up a fight
- Blocking a pupils path
- Holding pushing or pulling
- Escorting the pupil by the hand or arm
- Restraining a pupil

Every physical intervention should be planned and conducted within the context of recognised strategies for the use of reasonable force. Only in exceptional circumstances, where there is an immediate risk of serious injury should a member of staff act / take any necessary action that is consistent with the concept of reasonable force.

Staff should not act in a way that might reasonably be expected to cause injury, for example by:

- Holding a pupil around the neck, by the collar, or in any other way that might restrict airways and circulation.
- Slapping, punching or kicking
- Twisting or forcing limbs against a joint
- Tripping a child or young person
- Holding a child or young person by the hair or ear
- Holding a pupil in a prone position (except in exceptional circumstances)

During the course of any physical intervention use of the voice is likely to be the most effective tool available to staff in seeking to de-escalate the situation. Holds and restraints should be chosen with this in mind and staff should attempt to communicate with the child or young person at all times.

It is vital that a **written record** of any occasion when the use of force has been made is established, The record should include:

- The name(s) of the pupils involved
- The name(s) of all staff involved including witnesses
- When and where the incident occurred

- The reason that force was used and the nature of the force used, degree and type of hold
- The antecedents, detail of incident including what was said, duration
- Pupils response and outcome of incident
- Details of any injuries including marks to the skin
- Details of damage to property.

The report should be kept securely within the school and individual staff should retain a copy for their own use.

The record should be used to assist all concerned with planning to avoid repetition of the incident that caused the use of force. Similarly the record should be used to analyse what worked well and how it might be replicated as part of a planned response to out of control behaviour in the future. The outcome of all such planning should be captured in a written plan that is shared with the child /young person and their parents or carers.

Staff involved in an incident should be provided with support. They may need time to reflect upon their involvement in the incident and calm themselves before continuing with their duties. Similarly pupils involved in an incident will need time to calm down and reflect upon their part in it. It is only when pupils are provided with the opportunity to consider alternatives to the behaviour that caused the incident that any learning will take place.