



We are all part of God's vine and are rooted in His rich soil. We are nurtured and supported so that we may grow and spread out into the world to love and to serve.

I am the vine; you are the branches. If you remain in me and I in you, you will bear much fruit. John 15:5

GORING CE PRIMARY SCHOOL Positive Handling Policy (The Use of Reasonable Restraint for the Protection of Children and Staff) (Previously known as Physical Intervention Policy)

Policy Approved by the Safeguarding Governor on ...01 February 2023

Signed Chair of Governing Body

Review Date ...February 2025

To conform with the requirements of GDPR (General Data Protection Regulation) all data is handled according to the terms of our Privacy Notice. A copy of this is available on our school website.

Key Points

Goring CE Primary School takes seriously its duty of care towards pupils, employees and visitors. Touch is a sensitive issue requiring careful judgement. To safeguard both children and staff, we use the OCC guidance and appropriate training (specifically Team Teach) within the resources available.

This policy has a clear focus.

- The paramount consideration is to safeguard the welfare of the child
- And to safeguard the welfare of staff and others working in school who act in good faith

The policy aims to help staff in school to support children whose behaviour challenges, to reduce the incidents and risk associated with that behaviour; and to promote and safeguard the welfare of children in their care.

Eliminating the inappropriate use of restraint is vital and important in relation to children who are still developing both physically and emotionally as any trauma at this stage in their development could be damaging and have long term consequences. This Policy has been informed by joint guidance issued by the DoH and DfE 'Children & Young People with Learning Disabilities, Autistic Spectrum Disorder & Mental Health Difficulties' (January 2017).

This policy aims to provide guidance in relation to all children with learning disabilities, autistic spectrum disorders and mental health issues who may respond with challenging behaviour (verbal and non-verbal) when confronted with situations they don't understand. This can cause anxiety and fear however; the likelihood of such behaviour can often be anticipated by those that know the child best. Measures to prevent or address this can be developed with the involvement of the child and their family, careful assessment and where appropriate multi-agency planning and support. A preventative approach to supporting children whose behaviour is challenging is always preferable and restraint should only be used when it is appropriate and necessary by trained staff and in line with the law, core values and ethical principles.

Background

In July 2013 the Department for Education issued new guidance on the use of reasonable force in schools. This provided clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of headteachers and governing bodies in respect of this power.

Corporal punishment is strictly forbidden. The law since 1987 forbids the use of any degree of physical contact which is intended to punish a pupil, or which is intended to cause pain or injury or humiliation.

Authorised Adults

- Any member of staff at the school
- People whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

Purpose

Underpinning this policy are the beliefs that everyone has the right to:

- Recognition of their unique identity
- Be treated with respect and dignity
- Learn and work in a safe environment
- Be protected from harm, violence, assault and acts of verbal abuse

Pupils and their parents attending school can expect:

- Individual consideration of pupils needs by trained staff who have a responsibility for their learning and protection
- To be informed about the school rules, policies and the expected conduct of all pupils and staff

This policy recognises that schools have a duty of care towards their pupils and staff. It is therefore necessary and appropriate for a school to proactively plan for challenging behaviour to prevent injury or damage.

Legal Framework

The Best Interest Principle

The welfare of the child should be the paramount consideration – the first thing people should think about and take precedence over any other consideration.

Duty of Care

Anyone who is lawfully authorised to work with children has a duty of care, Schools owe a duty of care to pupils. Negligence involves a breach of that care and there must be some ensuing damage or injury relating to it.

As the statutory power to use force is held by members of staff no school should have a policy of no physical contact, because this could make staff feel deprived of that power or hinder their exercise of it. Health and Safety legislation requires a duty of care towards employees and access to appropriate physical restraint and de-escalation training.

Reasonable and Proportionate

The degree of force used should be the minimum to achieve the desired result. Training provides techniques which rely on a combination of psychology and biometrics to reduce the amount of force required.

Absolutely Necessary

When making decisions and acting in good faith for the interests of the child, staff deserve support. If staff fail to take action and a child comes to harm, they could be liable for any damage which ensues.

Lawful Defences

Rather than making accusations against staff, the focus should be on lawful defence. Reasonable and proportionate actions in the best interests of the child under Human Rights legislation should be 'absolutely necessary'.

Health and Safety

If hazardous behaviour presents a significant risk of injury to people, there is a Health and Safety issue to be addressed, Hazardous behaviour should be regarded just as seriously as hazardous equipment. Dangerous occurrences should be reported to the person responsible for Health and Safety in the school. Trade Union safety representatives should also be informed.

When considering a pupil's behaviour staff should think of the following questions:

- Can we anticipate a Health and Safety risk to this pupil's behaviour?
- Have we got the information we need to conduct a risk assessment?
- Have we produced a written plan as a result?
- What further steps can we take to prevent dangerous behaviour from developing?

Formal Risk Assessments and Positive Handling Plans

Staff at the school should routinely assess behaviour which presents a significant risk of injury to people and the following steps should be taken:

Positive Handling Plans

All children who have been identified as presenting a risk should have a Positive Handling Plan that includes details of the settings and situations which increase risk. It should also detail any strategies which have found to be effective for that individual, along with any responses which are not recommended. Positive Handling Plans should be a result of multi-professional collaboration, including parents, and included in any Pastoral Support Plan or IEP or EHCP (where relevant to the child's needs). Parents should consent to the plan wherever possible, though it may be necessary to implement a Positive Handling Plan without parental consent.

Positive Behaviour Management

The school will reward effort and encourage pupils to take responsibility for improving their own behaviour, wherever possible. When incidents do arise, alternatives to physical intervention requiring reasonable force must be used in the first instance.

Responding to unforeseen emergencies and the use of reasonable force

The best planning systems cannot cover every eventuality and school staff should recognize there are unforeseen emergencies or situations where staff will need to respond at pace,

Physical intervention should be:

- a. In the best interests of the child
- b. Reasonable and proportionate
- c. Intended to reduce risk
- d. The least intrusive and restrictive of those options which are likely to be effective
- e. Staff must avoid touching or restraining a pupil in any way that could be interpreted as sexual or inappropriate conduct

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 circumstance of the case. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.

There are two relevant considerations:

- the use of force can be regarded as reasonable only if the circumstances of the incident warrant it. The use of any degree of force is unlawful if the 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. Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder.
- 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 used should always be the minimum needed to achieve the desired result. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

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. Reasonable adjustments will be made for disabled children and children with special educational needs (SEND).

Practical Considerations

- Before intervening physically an authorised adult should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if he or she does not.
- The adult 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 is needed and adults should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.
- Sometimes an authorised adult should not intervene in an incident without help (unless it is an emergency). For example, when dealing with a physically large pupil, or more than one pupil, or if the adult believes he or she may be at risk of injury.
- In those circumstances the adult should remove other pupils who might be at risk and summon assistance from a colleague or colleagues.
- The adult should inform the pupil(s) that he or she has sent for help.
- Until assistance arrives the adult should continue to attempt to defuse the situation orally and try to prevent the incident from escalating.

Application of Force

Adults should always try to deal with a situation through other strategies before using reasonable force. The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances. Staff should always consider the following: is the force necessary, is it reasonable and is it proportionate.

Physical intervention can take several forms. It might involve:

- physically interposing between pupils.
- blocking a pupil's path.
- holding.
- pushing.
- pulling.
- leading a pupil by the hand or arm.
- shepherding a pupil away by placing a hand in the centre of the back (not pushing roughly or violently).

(in extreme circumstances) using more restrictive holds.

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 onto 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, punching, 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 face down on the ground.

Certain recognised restraint techniques present an **unacceptable risk** when used on children and young people and so should not be used. The techniques in question are:

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing.
- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

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

Types of Incident

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

1. where action is necessary in self-defence or there is an imminent risk of injury.
2. where that is a developing risk of injury, or significant damage to property.
3. where a pupil is behaving in a way that is compromising good order and discipline.

Situations that fall within the three categories are:

- a pupil attacks a member of staff, or another pupil.
- pupils are fighting.

- a pupil is engaged in committing deliberate damage or vandalism to property.
- a pupil is causing, or at risk of causing, injury to themselves or others by rough play or by misuse of materials or objects.
- a pupil absconds from a class or tries to leave the school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school);
- a pupil is behaving in a way that is seriously disrupting a lesson or assembly.

Use of Floor Holds

When all preventative steps have been attempted the use of floor holds may become necessary. OCC does not sanction prone (front ground) intervention being used but does acknowledge that a pupil may unintentionally become face down. If this occurs the approved face up hold should be instigated as soon as safely possible or, if it is safe to do so, the pupil be released and the hold re-attempted.

Any use of the prone restraint should be notified to OCC immediately as a notable incident setting out the reason that this hold was employed and the reasons another hold would not have been appropriate to safeguard the child and/or others, Notification must be sent to the child's social worker and IRO if the child is looked after and to the Local Authority

Designated Officers if not looked after via

lado.safeguardingchildren@oxfordshire.gov.uk

Where a floor hold is part of a positive handling plan, members of staff who have received the necessary additional training should be identified to carry it out.

Incident Reporting and Follow-up Actions:

When an incident involving the use of force has been used, this policy recommends that it is recorded as soon as possible and within 24 hours of taking place. All incident records must be stored securely (and entered on CPOMS) as an agreed accurate action of events for all those involved. Serious incident reports should not be completed until the individuals concerned have recovered from the immediate effects of the incident. Each incident should be reviewed by the Head Teacher who will instigate further action as required.

A lead member of the Governing body for behavioural policy and strategy can also be informed at this time.

The purpose of recording an incident is to ensure that policy guidelines have been followed, to inform parents/carers, to prevent misunderstanding of an incident and provide a record for future enquiry.

All staff should be aware of the whistle-blowing policy and how to escalate concerns regarding the mis-use of restraint as necessary.

When a serious incident occurs, it can be upsetting for all involved and may result in injuries to children or staff. Immediate action must be taken to provide first aid for any injuries or medical attention for more serious injuries. Emotional support for children and staff should also be considered after the incident has occurred.

Recording Incidents

- It is important that there is a detailed, contemporaneous, written report of any occasion where force is used. (It may help prevent any misunderstanding or misrepresentation of the incident).
- Immediately following an incident, the adult concerned should tell the headteacher or a senior member of staff and provide a written report as soon as possible afterwards. That should include:
 - the name(s) of the pupil(s) involved.
 - when and where the incident took place.
 - the names of any adults or pupils who witnessed the incident.
 - the reason that force was necessary.

- how the incident began and progressed, including details of behaviour, what was said by each of the parties, 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.
- keep a copy of the report.
- the headteacher or senior member of staff will decide when to advise the parent(s) of the pupil and will arrange to meet with the parent(s).

Post Incident Support Structure for Pupils and Staff

Following a significant incident, the school should offer support to all involved. All injuries should be reported and recorded using the school systems and CPOMS. Time needs to be given to repair relationships and accept that even when following guidelines and doing the right thing, things can still go wrong. Pupils and staff should have the opportunity to express their feelings, suggest alternative courses of action for the future and appreciate the perspective of others.

Parents must also be informed of incidents as soon as it is reasonably possible. There may be further agreed reviews to the child's positive handling plan and multi-agency partners may be involved, for example CAMHS or LCSS.

Complaints

Parents and pupils have the right to complain about actions that may be taken by school staff. If a specific allegation is made against a member of staff, then the school must refer them to their own complaints and safeguarding policies and procedures.

All complaints about the use of force will be thoroughly, speedily, and appropriately investigated.

Where a member of staff has acted within the law—that is, they have used reasonable force to prevent injury, damage to property or disorder—this will provide a defence to any criminal prosecution or other civil or public law action.

When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true—it is **not** for the member of staff to show that he/she has acted reasonably.

Suspension will not be an automatic response when a member of staff has been accused of using excessive force. The document "Dealing with Allegations of Abuse against Teachers and Other Staff" (see Associated Resources section below) will be used where an allegation of using excessive force is made against a teacher. The school will consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

If a decision is taken to suspend a teacher, the school will ensure that the teacher has access to a named contact who can provide support.

The governing body will always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher. The school will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

Staff Training

OCC's preferred approach is for whole staff/team training but it should be proportionate to the level of risk and exposure that staff may have to the most challenging children. Further opportunities should be arranged for staff to practice their training between the main sessions.

The Head Teacher will consider whether members of staff require any additional training to enable them to carry out their responsibilities and will consider the needs of the pupils when doing so. The majority of staff have been specially trained by Team Teach. Team Teach is an accredited award-winning provider of positive behaviour management training, equipping individuals and teams in a variety of settings to deal with challenging behaviours, in ways that lead to desirable outcomes and positive relationships at work and in daily life.

Further Information

OCC Model Positive Handling Policy for all Schools and Similar Children Settings

Dated September 2019, (due for review 2022-2023). Refer to this document for fuller information on the legal framework, health & safety guidance, definitions, training, incident reporting and post incident support.

Departmental National Advice, Guidance & Legislation

Education and Inspections Act, Section 93 (2006)

Section 100 of the Children & Families Act 2014

United Convention on the Rights of the Child (1991)

DfE Behaviour & Discipline in Schools Guidance for Headteachers and Staff (2016)

DfE The Use of Reasonable Force (2013)

DfE Screening, Searching and Confiscation – Advice for Headteachers, Staff and Governing Bodies (2014)

DfE Keeping Children Safe in Education for Schools and Colleges (2019 & subsequent updates to 2022)

DfE Supporting Pupils with Medical Conditions 2015

DoH & DfE jointly Children and Young People with Learning Disabilities, Autistic Spectrum Disorder and Mental Health Difficulties (2014 & 2017)

Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)

NICE Guideline 2015

Associated resources (external links)

Police and Criminal Evidence Act 1984 (PACE) Code G: Revised Code of Practice for the Statutory Power of Arrest by Police Officers (& subsequent updates)