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## PURPOSE OF THIS POLICY

The Avon Valley School enjoys a longstanding and excellent reputation for excellent pastoral care of students which in turn leads to good academic achievement. The very positive relationships between staff and students are instrumental in achieving these standards and supporting our school mission. We are very fortunate that incidents requiring approaches from staff outlined in this policy are extremely rare.

However, the purpose of the policy is to provide appropriate guidance to staff in dealing with the very exceptional circumstance where the use of reasonable force may be required.

## INTRODUCTION

This policy, produced in November 2017, should be read in conjunction with other school policies relating to the interaction between adults and students. Its contents are available to parents and students via the school website. This policy includes information on the use of reasonable force to control or restrain students. The responsible person for implementation is the Headteacher.

Every effort will be made to ensure that all staff in this school:

- clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where reasonable force is necessary and
- are provided with appropriate training to deal with these difficult situations.

## IMPLICATIONS OF THIS POLICY

The 1996 Education Act (Section 55OA) stipulates that reasonable force may be used to prevent a student from doing, or continuing to do, any of the following:

- engaging in any behaviour prejudicial to maintaining good order and discipline at the school among any of its students, whether the behaviour occurs in a classroom during a teaching session or elsewhere within the school (this includes authorised out-of-school activities)
- self-injuring
- causing injury to others
- committing an offence

Individual members of staff cannot be required to use physical restraint. However, teaching and non-teaching staff work in loco parentis and should always operate with an appropriate 'Duty of Care', they could be liable for a claim of negligence if they fail to follow the guidance within this policy.

The application of any form of physical control places staff in a vulnerable situation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow the policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

Reasonable force will only be used as a last resort when all other behaviour management strategies have failed or when students, staff or property are at risk.

Where a student is known to be highly volatile, and it is considered that there is a high probability that behaviour may escalate to a situation where restraint is required, a Risk Assessment and a Positive Handling Plan will be completed for the individual which will then be attached to the child's SIMS record, kept in the student's file and shared with all staff.

## DEFINITIONS OF POSITIVE HANDLING

- Positive Handling refers to the use of the minimum degree of force necessary, for the shortest period of time, to prevent a student harming himself, herself, others or property.
- The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled, and the nature of the harm they might cause.

Useful terms in this context are:

### 1. **Physical contact:**

Situations in which proper physical contact occurs between staff and students, e.g.: in the care of students with learning disabilities; in games/PE; to comfort students.

### 2. **Physical intervention:**

This may be used to divert a student from a destructive or disruptive action, for example guiding or leading a student by the hand, arm or shoulder with little or no force.

### 3. **Physical control/restraint:**

This will involve the use of reasonable force when there is an immediate risk to students, staff or property. It is important to note that the use of 'reasonable force' should be seen as a last resort. All such incidents must be recorded and stored in an accessible way. The level of compliance from the student determines whether or not the interaction is an intervention or a control/restraint.

## UNDERPINNING VALUES

Everyone attending or working in this school has a 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.

Students attending this school and their parents have a right to:

- individual consideration of student needs by the staff who have responsibility for their care and protection;
- expect staff to undertake their duties and responsibilities in accordance with the school's policies;
- be informed about school rules, relevant policies and the expected conduct of all students and staff working in school;
- be informed about the school's complaints procedure.

The school will ensure that students are given support to understand the need for and to respond to

## AUTHORISED STAFF

All teachers are authorised to use reasonable force (within the context of DFE-00295-2013; Use of reasonable force - Advice for Headteachers, staff and governing bodies - July 2013), and those non-teaching staff specifically authorised by the Headteacher to have control or charge of students. Authorisation is not given to volunteers, governors, students or parents.

The Headteacher is responsible for making clear to whom such authorisation has been given, in what circumstances and settings they may use force and for what duration of time this authorisation will last. The Headteacher will ensure that those authorised are aware of, and understand, what the authorisation entails. Those whom the Headteacher has not authorised will be told what steps to take in the case of an incident where control or restraint is needed.

Support Services will have their own policies for care and control of students. When working within the school it is the Headteacher's responsibility to ensure that colleagues from Support Services are aware of school policy and practice.

## STAFF TRAINING AND MANAGEMENT SYSTEMS FOR POSITIVE HANDLING

The school provides suitable training for all staff and the Headteacher retains a list of all those staff trained. This information is shared with staff and can be found on the staffroom notice board. The list is reviewed on an annual basis.

Guidelines for the provision and content of training are provided in Appendix 1.

In addition to training the school will put in place systems for ensuring:

- reduction in the occurrence of behaviours which precipitate the use of a physical control/restraint
- effective 'de-escalation' or 'de-fusion' which can avert the need for a physical control/restraint
- procedures for post-incident support and de-briefing for staff, children, service users and their Families

## DEALING WITH CHALLENGING BEHAVIOUR

As endorsed in the school's Behaviour Policy, staff consistently use positive strategies to encourage acceptable behaviour and good order. The policy of the school is to see positive handling as a proactive response to meet individual student needs. Positive handling measures will be most effective in the context of the mission and the overall ethos of the school, the way that staff exercise their responsibilities and the behaviour management strategies used.

In Appendix 2 we provide information on types of incident which may occur. Every effort will be made to resolve conflicts positively and without harm to students or staff, property, buildings or the environment. Where unacceptable behaviour threatens good order and discipline and provokes intervention, some or all of the following approaches should be taken **according to the circumstances of the incident** and in association with the DFE document: Use of reasonable force - Advice for Headteachers, staff and governing bodies

- Verbal acknowledgement of unacceptable behaviour with request for the student to refrain (this includes negotiation, care and concern).
- Possible further verbal reprimand stating:
  - that this is the second request for compliance;
  - an explanation of why observed behaviour is unacceptable;
  - an explanation of what will happen if the unacceptable behaviour continues.
- Warning of intention to intervene physically and that this will cease when the student complies, if possible summon assistance from on call.
- Physical intervention with the use of reasonable force to prevent a child harming him or herself, others or property. Wherever possible assistance will be sought from another member of staff (with training if possible). The approach of the school to a developing understanding in the school of "reasonable force" is contained in Appendix 3.

## RECORDING

### 1. Recording Incidents

Where physical control or restraint has been used, a record of the incident will be kept. This record should be made on the school Serious Incident Log. This is an electronic record, retained by the Headteacher's PA.

The 'Positive Handling Incident Report Form' will be completed as soon as possible after the incident, normally prior to staff going off duty and be signed by all staff involved and the Headteacher. After the review of the incident, copies of the form will be placed on the student's file. A Health and Safety Accident/Incident Form will be completed when injury has occurred to either members of staff or students. Where staff have been involved in an incident involving reasonable force they should have access to counselling and support.

### 2. Monitoring Incidents

Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documented following agreed procedures. Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Headteacher to the needs of any student(s) whose behaviour may require the use of reasonable force. Monitoring of incidents will take place on a regular basis by the Headteacher and SENCO and the results used to inform planning to meet individual student and school needs.

### 3. Action after an Incident

The Headteacher will ensure that each incident is reviewed and investigated further as required. If further action is required in relation to a member of staff or a student, this will be pursued through the appropriate procedure:

- Review of Behaviour Programme
- Child Protection Procedure (this may involve investigations by police and/or Social Services)
- Staff or Student Disciplinary Procedure
- School Behaviour Policy
- Exclusions Procedure in the case of violence or assault against a member of staff

The member of staff will be kept informed of any action taken. In the case of any action concerning a member of staff, he/she will be advised to seek advice from his/her professional association/union

## COMPLAINTS

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them.

Any complaints about staff will be investigated through the school's Complaints Policy. If necessary, the complaint will be dealt with by the Staff Disciplinary Procedures and/or Child Protection Procedures.

## OTHER RELEVANT POLICIES

Other relevant policies that cross reference with this one are:

Behaviour Policy

Safeguarding and Child Protection Policy

DFE Guidance - 00295-2013 - Use of reasonable force: Advice for Headteachers, staff and governing bodies - July 2013

## REVIEW

This policy will be reviewed biennially.

## APPENDIX 1 – STAFF TRAINING

No member of staff will be expected to undertake the use of reasonable force without appropriate training. Prior to the provision of training, guidance will be given on action to be taken. Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development.

1. We will review our Behaviour Policy on a two-year cycle.
2. The Headteacher will assess the standard of behaviour management to be achieved within the school and ensure the provision of training that will enable this standard to be reached.
3. Training will be delivered on a needs-based approach and procedures will be in place to monitor incidents, following a behavioural audit and implementation of appropriate risk management procedures.
4. All training will include theory on at least the following:
  - Causes of challenging behaviour
  - Prevention strategies
  - Positive behaviour management
  - De-escalation
  - Risk Assessment
  - Behaviour Support Planning
  - De-brief following incidents
5. Physical techniques are not treated in isolation and the school is committed to ensuring that, as result of incidents, learning opportunities are created for children that allow them to 'own' and take responsibility for their behaviour.
6. In addition, procedures are also in place to ensure that appropriate support is provided for staff and that following an incident student/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.
7. All the techniques used take account of a young person's:
  - age
  - gender
  - level of physical, emotional and intellectual development
  - special needs
  - social contextand provide a gradual, graded system of responses.
8. Where appropriate, Positive Handling Plans are written for individual children and where applicable, these will be designed through multi-professional collaboration. These should be included in any Pastoral Support Plans/IEPs. Copies will be stored in individual student records held by the school SENCO and updated annually.
9. Risk Assessments need to be completed against each child when physical restraint may need to be used, in the context of identified target behaviour(s) and environments in which they occur. The assessment should identify the benefits and the risks associated with the strategies being proposed. Copies will be stored in individual student records held by the school SENCO and updated annually.

## APPENDIX 2 – TYPES OF INCIDENT

The incidents described in Circular 10/98 fall into three broad categories:

- Where action is necessary in self-defence or because there is an imminent risk of injury.
- Where there is a developing risk of injury or significant damage to property.
- Where a student is behaving in a way that is compromising good order or discipline.

Examples of situations, which fall within one of the first two categories, are:

- a student attacks a member of staff, or another student;
- students are fighting;
- a student is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- a student is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- a student is running in a corridor or on a stairway such that he or she might have or cause an accident likely to injure him or herself or others;
- a student absconds from a class or tries to leave school (NB: this will only apply if a student could be at risk if not kept in the classroom or at school).

Examples of situations which fall into the third category are:

- a student persistently refuses to obey an order to leave a classroom;
- a student is behaving in a way that is seriously disrupting a lesson.



## APPENDIX 3 – REASONABLE FORCE

The school will put in place systems for managing and reviewing the concept of reasonable force with reference to all the circumstances, including:

- the seriousness of the incident
- the relative risks arising from using a physical intervention compared with using other strategies
- the age, cultural background, gender, stature and medical history of the child or service user concerned
- the application of gradually increasing or decreasing levels of force in response to the person's behaviour
- the approach to risk assessment and risk management employed
- the distinction between:
  - **seclusion** where an adult or child is forced to spend time alone against their will in a locked room or room which they cannot leave (NB: this is not a permissible form of control).
  - **time out** which involves restricting the service user's access to all positive reinforcements as part of the behavioural programme
  - **withdrawal** which involves removing the person from a situation which causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities
- the distinction between planned physical interventions (where incidents are foreseeable in that they have occurred previously and a response planned following a risk assessment) and the use of force in emergency situations (which cannot reasonably be anticipated)
- first aid procedures to be employed and those responsible for implementation in the event of an injury or physical distress arising as a result of a physical intervention
- unacceptable practices that might expose service users or staff to foreseeable risk of injury or psychological distress.