

Use of Reasonable Force and Positive Handling Policy



King Henry VIII 3-19 School Ysgol 3-19 Brenin Harri'r VIII

We believe in the limitless capacity for everyone to achieve great things.

Effective from: September 2023
Approved by Governors: July 2023
Next Review Due: July 2024

1. Policy Statement

The aim of this school's policy is to assist all staff in the school to deal effectively with challenging behaviour; to ensure that staff are protected from harm and that pupils are protected from any form of physical restraint or intervention which is inappropriate.

This policy provides direction on the powers of school staff in using force, as set out in Section 93 of the Education and Inspections Act 2006. These powers commenced in October 2010 and replaced section 550A of the Education Act 1996. This guidance should be seen within the framework of Welsh Assembly Government Circular 3/99, Inclusion and Pupil Support (47/2006), Welsh Office Circular 37/98, 41/2010, ("The Use of Force to Control or Restrain Pupils" Safe and Effective Intervention) The Welsh Assembly Guidance, ("Framework for Restrictive Physical Intervention Policy and Practice-March 2005") and the Department of Health "Guidance on restrictive physical interventions for people with learning disability and autistic spectrum disorder in health, education and social care settings". In addition, it should be considered alongside the overall suite of guidance from Welsh Government including those for exclusions, tackling bullying and the ALN Code of Practice and the Local Authority's Policy on Safeguarding.

Every pupil is entitled to learn and every teacher is free to teach in an environment that is safe, secure and free from distraction. The guiding principles to achieve this should be established in the school's policy on Relationships and Behaviour.

Staff at King Henry VIII 3-19 School are committed to providing the highest standards in protecting and safeguarding the welfare of pupils entrusted to its care. We recognise there is a need to act when there is an obvious risk of safety to pupils, staff and property.

For the most part this is achieved through the development and fostering of good relationships, through our Relationships Policy and behaviour management staged response. However, in exceptional or extreme circumstances this may involve the use of reasonable force.

There may be young people within the school whose challenging behaviour may require a risk assessment to be undertaken. The Local Authority's preferred template for a behaviour risk assessment can be found in appendix 2.

It should be emphasised that if used at all, reasonable force/restrictive physical intervention should be seen in the context of a further positive action of care and concern. In line with Welsh Government guidance, it is used as a 'last resort' option and in the most extreme cases. Other strategies will always have been attempted first.

As best practice regarding positive handling, this policy should be considered alongside other relevant school policies, specifically those involving behaviour, health and safety and child protection.

2. What is The Legal Use of Restrictive Physical Intervention to Control Pupils?

Teachers and other persons authorised by the Headteacher to have charge of pupils may use reasonable force to prevent pupils:

- causing injury to themselves or others;
- 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);

- causing serious damage to property;
- causing disruption by engaging in behaviour which is seriously prejudicial to good order and discipline.

Reasonable force has no legal definition but:

- Staff must take into account the circumstances of the incident, age, sex and development of the pupil;
- The degree of force must be proportional to the seriousness of the situation, behaviour or consequences it is intended to prevent, and always be the minimum force needed;
- Force could not be justified for a trivial misdemeanour or a situation that could be resolved without it;
- Everyone has the right to self-defence provided they do not use a disproportionate degree of force.

3. Objectives Of This Policy

To provide all staff, governors, parents / carers and pupils with an understanding of care and control and the use of force (positive handling).

To emphasise that the use of positive handling is:

- Part of a positive care and control approach to discipline and welfare as a last resort, or a necessary expedient option to be used in extreme circumstances;
- To ensure that all members of staff or authorised persons who may have to positively handle pupils clearly understand the options and strategies open to them;
- To use the minimum force required, provide maximum care and hold pupils for the minimum time when the pupils needed to be supported in a crisis.

4. Who Can Use Reasonable Force?

We recognise that most of the time the use of force/positive handling will be used infrequently, that is, as a last resort to maintaining a safe environment.

The staff to which this power applies are defined in section 95 of the Act. They are:

- any teacher who works at the school, and any other person whom the Headteacher has authorised to have control or charge of pupils;
- includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
- can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents / carers accompanying pupils on school-organised visits).

5. Circumstances When Reasonable Force Might Be Appropriate

Before using force, staff should, wherever practicable, tell the pupil to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not act out of anger or frustration, or in order to punish a pupil, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

Restrictive physical intervention is only to be used to prevent serious harm and is consistent with the promotion of an individual's welfare. The application of restrictive physical intervention must always be an option of last resort and must always be the minimum action necessary to manage the situation as safely as possible and taking account of any known health problems.

The types of force used could include:

- passive physical contact resulting from standing between pupils or blocking a pupil's path;
- active physical contact such as:
 - leading a pupil by the hand or arm;
 - ushering a pupil away by placing a hand in the centre of the back;
 - using more appropriate restrictive holds, which in more extreme circumstances, may well require specific expertise or training.

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil running off the pavement onto a busy road or preventing a pupil from hitting someone with a dangerous object.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a pupil. Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

We recognise that some children may not be able to control their reaction to events as well as others and at times may place themselves or others at risk through their uncontrolled behaviour. As indicated previously, reasonable force might be appropriate when action is necessary in self-defence or because of imminent risk of injury, e.g.

- Pupil attacks a member of staff, another pupil, attempt self-injury, or where pupils are fighting;
- Pupil running in stairway or corridor in a way that is likely to cause injury to self or others;
- Pupil absconds from a class or tries to leave school and who would be judged to be at risk if not kept in the classroom or at school.

There is a serious and developing risk of damage to property, including the pupil's own property, e.g.:

- Pupil is causing or about to cause deliberate damage or vandalism;
- Pupil is causing or at risk of causing injury or damage by accident, rough play, misuse of dangerous materials or objects.

Where pupil's behaviour is seriously prejudicial to good order and discipline, e.g.:

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

Wherever possible early support from colleagues will be sought. Single handed intervention increases the risk of injury to both parties and does not provide the person intervening with the support of a colleague acting as a witness/critical friend.

Strategies other than force would therefore need to be considered. Examples are outlined below:

- Providing the disruptive pupil with a choice of locations to exit to;
- Giving clear directions;
- Allowing 'take-up' time thus allowing a 'face-saving' opportunity;
- Removing the audience, i.e. requesting that other pupils leave the room.

6. Procedures and practical considerations during specific incidents

Wherever practicable staff are expected to:

- Use a calm and measured approach;
- Tell the pupil to stop, offer them a choice, remind them of consequences, let them know what will happen if she/he does not stop;
- Seek assistance from other colleagues at an early as stage as possible;
- Try to defuse the situation by talking with the pupil and prevent further escalation;
- Try to remove the pupil from the peer audience;
- Staff who become aware that another member of staff is intervening physically with a pupil have a responsibility to provide a presence, and to offer support and assistance should this be required;
- Attempt to communicate with the pupil throughout the incident;
- In as calm a manner as possible, explain that the reason for intervention is to keep the pupil and others safe;
- Make it clear that positive handling will stop as soon as the pupil calms and a dynamic risk assessment indicates it is no longer necessary;
- If it is not possible to control the extreme pupil without risk of injury to yourself or others, remove the other pupils who may be at risk and summon assistance.

It is good practice for staff to:

- Give the impression they are in control;
- Give the impression they have not lost their temper or are not acting out of anger or frustration;
- Give the impression they are not trying to punish the pupil;
- Call for assistance;
- Intervene with the support of a colleague acting as a critical friend;
- Implementing Team Teach help protocols so that another member of staff takes over the strategic lead of the incident, if he/she feels it is appropriate to do so.

7. Application Of Force During Specific Incidents

Methods that staff may use in appropriate circumstances where a dynamic risk assessment judgement supports this:

- Passive Physical Intervention:

- Physically interposing themselves between pupils;
 - Blocking a pupil's path;
 - Using classroom furniture to restrict movement.
- Active Physical Intervention:
 - Leading by the arm;
 - Shepherding a pupil away by a light touch on the elbow or near the shoulder;
 - "Assertive guiding" – remembering this is the positive application of force to control a pupil and would be used in rare circumstances, e.g. if the pupil is in extreme danger and no other alternative is available, or where reasonable force is used to assist a pupil's movement.

Restrictive Physical Interventions:

- Holding – for security and to reduce anxiety where there is potential risk, even if the pupil is not yet out of control. The purpose is to defuse or prevent escalation.

When intervening staff should take care that their actions should in no way be capable of being interpreted as aggressive. All holds are devised to minimise the risk of injury. They should not cause pain. It is important that these techniques have been delivered by appropriately qualified Team Teach instructors in line with Team Teach protocols.

Where pupils are presenting with more challenging behaviour which may require more restrictive holds at advanced level, it is important that these techniques have been delivered by appropriately qualified Advanced Team Teach instructors in line with Team Teach protocols.

8. Situations where staff should not normally intervene without help.

A member of staff should not intervene in an incident without help unless it is an emergency. Schools should have communication systems that enable a member of staff to summon rapid assistance when necessary. Help may be needed in dealing with a situation involving an older or physically stronger pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils who might be at risk and summon assistance from other authorised staff, or where necessary phone the police.

Staff may not carry out action that might reasonably be expected to injure by:

- Holding a pupil around the neck, or by the collar, or in any other way that might restrict the ability to breathe;
- Slapping, punching or kicking a pupil;
- Twisting or forcing limbs against a joint;
- Tripping a pupil;
- Holding or pulling the pupil by the hair.

Other considerations for non-urgent situations where the risk to people or property is not imminent, staff should:

- Consider carefully whether positive handling is the right course of action;
- Try to deal with the situation through other strategies before using force;

- Try to defuse and calm the situation to establish good order, the use of positive handling could lead to an escalation of the problem;
- Take into account the age, understanding, personal characteristics of the pupil;
- The use of positive handling to enforce compliance is likely to be increasingly inappropriate with older pupils;
- Never use force as a substitute for effective behaviour management strategies;
- In non-urgent situations force should only be used when all other methods have failed.

9. Use of Time Out, Relocation Rooms and Seclusion

Sometimes, pupils may need some time to recover following an incident and at King Henry VIII 3-19 School, the advice would be that pupils are given reflection opportunities in a supportive manner with an appropriate adult present.

King Henry VIII 3-19 School does not condone the use of seclusion whereby “pupils are kept alone in a room against their will” as a form of behaviour management.

It may use safe spaces for pupils who may need to decompress after an incident, or whilst an incident is investigated. King Henry VIII 3-19 School may also use resources such as Relocation Rooms to respond to behaviours, once pupils are calm and ready to use such spaces

10. Reporting and Recording Incidents

In the event of an injury as a result of an incident at school, immediate steps must be taken to secure appropriate medical attention. This is particularly important if any advanced holds have been used. These injuries should be reported and recorded in accordance with Monmouthshire Local Authority policy.

All incidents that result in restraint (where a child has to be held) will be recorded in detail using Form R, or if a Positive Handling Plan is in place, then a record of the incident will be recorded in the schools ‘Bound and Numbered Book’ and the Positive Handling Plan reviewed accordingly.

Restraint is “the positive application of force with the intention of overpowering the client” (DOH 4/93 Section 5.2). Welsh Assembly Government (March 2005) guidance defined the term “Restrictive physical interventions” as, “direct physical contact between persons where reasonable force is positively applied against resistance, either to restrict movement or mobility or to disengage from harmful behaviour displayed by an individual”.

The member of staff concerned will report the matter orally to the Designated Safeguarding Person, as soon as possible. The incident will be recorded in the School’s Bound and Numbered Book by staff at the earliest opportunity. This will be shared with the Headteacher.

Staff may wish to seek advice from a senior colleague or their professional association when compiling a report. A written report should be completed within 24 hours of the incident’s occurrence, and should be signed and dated. Staff are advised to keep a copy of the report for themselves.

Senior staff will tell parents / carers about the incident by the end of the school day. However, if parents / carers cannot be reached a letter will be sent to inform them of the incident on the day of the incident and

offer them the opportunity to discuss the matter. Other witnesses to the incident, staff, pupils, should also sign and date the incident report.

When positive handling has been used and pupils have been held using techniques such as the wrap, single or double elbow or the half shield, Form R will also be completed and signed by the member(s) of staff involved. Reports will also be completed and attached from other members of staff present and the pupil(s) involved. The Incident Report will be signed by the Head, teacher involved and a copy will be sent to the Principal Officer Inclusion.

The Bound and Numbered Book and any incident reports will be reviewed by the Headteacher, DSL and the Governing Body on at least an annual basis to consider control measures and possible training or further training needs etc.

A copy of the Form R will be placed in the pupil's file and sent to the Local Authority Officer responsible for provision of training re. Physical Intervention.

11. Debrief Following Serious Incident

Pupils and members of staff will be checked for any sign of injury and first aid will be administered if required.

The pupil and staff member/s involved will be given time to become calm while staff continue to supervise him/her. When the pupil regains complete composure, a senior member of staff will discuss the incident with the pupil and try to ascertain the reason for it. The pupil will be given the opportunity to explain things from his/her point of view. All necessary steps will be taken to re-establish the relationship between the pupil and the member(s) of staff involved in the incident. In cases where it is not possible to speak to the pupil on the same day, the debriefing will occur as soon as possible after the pupil returns to school.

All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. A senior member of staff will provide support to the member of staff involved.

12. Other Procedures Concerning Incidents

Help, support and reassurance will be given where appropriate to any individual/s involved.

Where possible an attempt will be made to help the pupil modify their behaviour.

Where possible the pupil should apologise, this should be meaningful or appropriate. If this cannot be undertaken then other consequences/sanctions reparations and monitoring should take place.

In extreme cases exclusion could be considered.

13. Planning for Incidents and Meeting Training Needs

If we are aware that a pupil is likely to require positive handling on more than one occasion in a term, we will plan how to respond in line with agreed protocols and guidance. This will include involving the parents / carers and any other relevant person to ensure they are clear about what specific action we might need to take and obtaining medical advice if the child has any specific health needs. A risk assessment and a

positive handling plan will be drawn up, in consultation with all concerned and included as part of the pupil's IDP or Pastoral Support Plan (PSP). It will be regularly reviewed by the ALNCO or assigned member of SLT on a termly basis. Staff involved will via the risk assessment, have identified their training needs in this area. In cases where it is known that a pupil will require positive handling appropriate training will be provided and commissioned by the school.

14. Arrangements for Informing Parents / Carers

At the outset of the introduction of this policy, all parents / carers/carers will be sent a letter outlining its introduction with information about how they can obtain their own copy.

Thereafter, a section about the school's legal duty to maintain a safe environment and the possible use of positive handling (as a very last resort) with pupil will be included in the school brochure/prospectus/report.

For some pupils there may be the need to use specific techniques to routinely manage their challenging behaviour. This will be recorded in their Positive Handling Plan. Such arrangements will be fully discussed with parents / carers/carers, on an individual basis, in advance of their implementation. All interventions will be routinely recorded and monitored.

All parents / carers will be informed by telephone after an incident where positive handling is used with a pupil. The school will ensure that a record of the communication is made, with a copy of the written communication kept in the pupil's file.

15. Physical Contact With Pupils In Other Circumstances

Staff must be sensitive to matters relating to culture and gender issues and any known individual characteristics or special circumstances relating to pupils.

Some physical contact may be necessary e.g. during P.E. lessons, sports coaching or Design Technology, or if a member of staff has to administer First Aid or medication.

Young children and children with ALN may need staff to provide physical prompts or help physical contact must always be age appropriate and done openly

16. Staff Training

As with other forms of professional development, decisions about training in physical intervention are best made by individual schools in the light of their particular needs and circumstances. The Headteacher will ensure that any such training is current and in line with local policy guidance. Where the risk assessment indicates a higher level of risk and that more restrictive strategies may be required then the school may need to seek further advanced training which would build on training delivered at intermediate level. This would be particularly true if there were issues related to weapons such as knives, dangerous objects. Whilst schools have the power to search on suspicion, it is just that "a power, not a duty". The power to search on suspicion adds another option which schools can choose when they suspect a knife or other weapon may have been carried onto the premises or may be carried on an off-site educational visit. It has the advantage of immediacy.

Headteachers are advised to report and seek support from the police any incidents where pupils are suspected of having knives and refusing to hand them to staff in a calm and orderly fashion.

17. Complaints

This policy should be read in accordance with WG Circulars 081/2012 and 47/2006; as such, those acting in accordance with it, providing they act in good faith, working within the authority guidelines, will be positively supported in their actions.

Involving parents / carers / care when an incident occurs, and having our clear policy that staff adhere about physical contact with pupils will help avoid complaints from parents / carers. Providing staff with training from an approved provider will also help.

All complaints will be recorded and followed up by the Headteacher or their representative in the first instance. Where appropriate the Authority will be notified/kept informed.

A complaint or dispute about the use of force by a member of staff might lead to an investigation under disciplinary procedures or by the Police under Child Protection procedures.

18. Review

This policy will be regularly monitored by the Headteacher and reviewed and updated annually. In the event of disputes over, or concerns about, techniques and methods being considered, a meeting will be held with one of the Local Authority Team Teach Instructors. In the event of the dispute not being able to be resolved the matter referred to the Local Authority's Officer with oversight of Positive Handling. If necessary, adjudication might be offered by an independent officer nominated by the South East Wales Regional Safeguarding Children Board.