



BINCOMBE VALLEY PRIMARY SCHOOL AND COMMUNITY NURSERY

Positive Handling Policy

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Safeguarding Statement: The school is committed to safeguarding children and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Equality Statement: We have carefully considered and analysed the impact of this policy on equality and the possible implications for pupils with protected characteristics, as part of our commitment to meet the Public Sector Equality Duty (PSED) requirement to have due regard to the need to eliminate discrimination, advance equality of opportunity and foster good relations.

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Appropriate Governing Body Committee: Infrastructure Committee

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Signed: Peter Marsden

In all circumstances positive handling and reasonable force must be used as a last resort

1. Introduction

This policy should be read in conjunction with all other policies and not as a standalone policy.

2. The Aims of the policy are:

1. To protect all children at Bincombe Valley Primary School against any form of physical restraint which is either unnecessary or inappropriate (to either the child or the circumstances) or excessive or unlawful.
2. To minimise the risk to staff of any accusation of improper conduct towards a child while assisting them to preserve good order, discipline, safety and a satisfactory environment in the school.

3. Definitions:

Restraint – to influence, check or control for the purpose of keeping within reasonable bounds, behaviour which would otherwise fall outside acceptable limits set by the necessity to avoid injury or harm to or by the person to whom the restraint is applied.

Behaviour – can be physical or verbal.

Injury or harm – can be physical or psychological and if physical can be to persons, animals or property.

Staff – for the purposes of this document only, the word staff is taken to mean persons who are authorised by the Headteacher to have control or charge of the children.

Section 550A of the Education Act 1996 allows staff and other people who are authorised by the Headteacher to have control or charge of children, to use such force as is reasonable in all circumstances to prevent a child from doing, or continuing to do, the following:

- Committing a criminal offence (including behaving in a way that would be an offence if the child was not under the age of criminal responsibility).
- Injuring themselves or others.
- Causing damage to property (including the child's own property).
- Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its children, whether that behaviour occurs in a classroom during a teaching session or elsewhere.
- This applies when the member of staff is on the school premises and when he or she has lawful control or charge of the children concerned elsewhere, e.g. on an educational visit or authorised out of school activity.

Every effort will be made to ensure that all staff in this school: (i) Clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where use of force is necessary. (ii) Are provided with appropriate training to deal with these difficult situations. Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether the behaviour occurs in a classroom during a teaching session or elsewhere within school (this includes authorised out-of-school activities).

DFE guidance 2013 states schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;

- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil.
- restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.

Power to search pupils without consent: In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for “prohibited items” (examples given in appendix 2).

Staff must be aware that they are responsible for:-

- Assessing risks related to individual circumstances which may arise in the course of their day-to-day duties and
- Making judgments about when the use of force is necessary and the degree of force which may be regarded as necessary to manage a situation.

4. Situations and incidents for Positive Handling:

Situations in which reasonable force might be appropriate or necessary to control or restrain a child could include:

1. Where action is necessary in self-defence or because there is an imminent risk of injury; or
2. Where there is a developing risk of injury, or significant damage to property.

Examples of situations may include:

- A child attacking a member of staff or another child / children.
- A child is causing, or is at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects.
- Children are fighting.
- A child is engaged in, or is on the verge of committing deliberate damage or vandalism to property.
- A child is running in a corridor in a way in which he or she might have or cause an accident likely to injure him or herself or others.
- A child leaves the school premises and is in immediate danger.
- Where a child is behaving in a way that is seriously disrupting a lesson.

5. Reasonable Force:

There is no legal definition of reasonable force; it will depend on the circumstances of the case.

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrants it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force, i.e. it could not be justified to prevent a child from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.
- The degree of force 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.

Physical intervention can take several forms. It may involve staff:

- physically interposing between children
- blocking a child's path
- holding
- pushing
- pulling
- leading a child by the hand or arm
- shepherding a child away by placing a hand in the centre of the back
- In extreme circumstances: using more restrictive holds or taking any necessary action that is consistent with the concept of 'reasonable force', e.g. to prevent a young child running off the pavement onto a busy road or to prevent a child hitting someone or throwing something.

In other cases staff should not act in a way that might reasonably be expected to cause injury. For example, by:

- Holding a child around the neck, or by the collar, or in any other way that might restrict the child's ability to breathe
- Slapping, punching or kicking a child
- Twisting or forcing limbs against a joint
- Tripping up a child
- Holding or pulling a child by the hair or ear
- Holding a child face down on the ground

Staff members (and any adult within school) must not:

- Touch or hold a child in a way that might be considered indecent.

6. Procedures:

1. Before taking action – as soon as a member of staff has decided to exercise physical restraint s/he should:
 - give clear instructions warning the child of the consequences of failure to comply (e.g. 'If you carry on doing that, I'll have to stop you') – whatever warning is used must not contain any threat of assault.
 - if at all possible, **unless in an emergency**, summon a second colleague - the presence of a colleague may help to calm the situation thus reducing the need for physical restraint. It also reduces the risk of the first member of staff suffering physical violence and additionally provides a witness.
2. During the exercise of physical restraint staff must:
 - use only minimum physical force.
 - use only such force for the minimum period necessary.
 - keep talking to the child to try to calm the situation.
 - avoid any action which could be regarded as punishment.
 - keep his or her temper under control.
 - seek to avoid any injury to the child.
 - cease the use of restraint as soon as safety is re-established.

3. After the exercise of physical restraint, follow the recording procedures detailed below.

7. Recording Procedures:

All incidents where restraint or force has been used should be recorded on a Record of Positive Handling (including Restraint) form and where an injury has occurred, a Local Authority Accident/Incident form.

Immediately after the incident, the member of staff must report the matter to the Headteacher (or most senior member of staff) and provide a written report before the end of the school day, which includes:

- The name(s) of the child(ren) involved and when and where the incident took place.
- The name of any other staff or children who witnessed the incident.
- The reason that force was necessary (e.g. to prevent injury to the child, another child or member of staff).
- How the incident began and progressed, including details of the child's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long.
- The child's response and the outcome of the incident.
- Details of any injury suffered by the child, or a member of staff and of any damage to property.

Staff may find it helpful to seek advice from a senior colleague or when completing the report.

The Headteacher will inform parents of an incident involving their child and give them an opportunity to discuss it.

Where necessary, arrangements will be made for appropriate care, counselling and medical advice for any child(ren) and staff concerned with, or involved in, the incident.

8. Complaints Procedures:

1. If a parent or child, or member of staff, wishes to complain about a particular use of physical restraint, this complaint should, in the first instance, be addressed to the Headteacher. The Headteacher will then investigate all appropriate evidence and, if satisfied that no other course of action was available and that no policies of the establishment, the LA and the governing body, have been breached s/he should notify the complainant of the outcome of the investigation, notify the LA and the chair of the Governing Body, and record the outcome of the investigation in the pupil file.
2. If the complainant is not satisfied with the outcome or the handling of the complaint, then s/he may refer the matter to the Governing Body. For all other staff s/he may use the School's Complaints Procedure.
3. In the event of a complaint against the Headteacher, this should be made to the Governing Body. For all other staff, the School's Complaints Procedure should be followed.

Bincombe Valley Primary School
Record of Positive Handling (Including Restraint)

Date of incident:				Time of incident:			
Pupil Name:		Class:		Year Group :		D.o.B:	
Member(s) of staff involved:							
Adult witnesses to restraint:							
Pupil witnesses to restraint:							
Outline of event leading to positive handling (including restraint) – including other strategies tried and reasons for using positive handling rather than another strategy:							
Outline of incident of positive handling (including restraint method used if appropriate):							
Outcome of positive handling:							
Description of any injury(ies) sustained by pupil (or other persons) and any subsequent treatment:							
Date parent/carers informed of incident:				Time: Method:			
By whom informed:							
Date when copy of this form was shared with parent:							
Outline of parent/carers response:							

Name & signature of staff member completing report:		Date:	
Signature of Head:		Date:	
Brief description of any subsequent inquiry/complaint or action:			

Appendix 2

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.