



**POSITIVE HANDLING
POLICY
(Use of Reasonable Force)**

September 2021

Date for review: September 2022

Statement of Intent

The **James Montgomery Academy Trust (JMAT)** believes that it is important to establish a safe, secure and stable environment to enable pupils to grow, develop and learn. In order to achieve this, the JMAT recognises that, in certain circumstances, managing violence through control and restraint may be necessary.

This policy acknowledges that situations will arise in which staff members will be required to use positive handling, and in some cases reasonable force, in order to manage conflict when other measures have failed to do so.

The aim of this policy is to ensure that actions such as positive handling and reasonable force are used in a correct and safe manner, which is in accordance with the relevant legislation and national guidance.

The JMAT understands that (when applicable) observing social distancing and other COVID-secure measures may be difficult if there is a requirement for positive handling as part of a behaviour incident with a child. Risk assessments must always be followed in the situation of positive handling and any risk to staff and child minimised as much as practically possible. However, it will not be possible when working with many pupils who have complex needs, it is important that these pupils' educational and care support should be provided as normal.

Legal framework

This policy complies with the following legislation, including, but not limited to:

- The Education Act 2011
- The Children Act 1989
- The Equality Act 2010

This policy will also have due regard to the following guidance:

- DfE 'Use of reasonable force in schools' reviewed July 2015
- DfE 'Working together to safeguard children' 2018
- **DfE 'Keeping children Safe in Education' September 2021**

The JMAT will implement this policy in conjunction with our Child Protection & Safeguarding Policy, Health and Safety Policy, Behaviour Policy, and Equality Policy.

What is reasonable force?

Keeping Children Safe in Education 2021 states:

'There are circumstances when it is appropriate for staff in schools and colleges to use reasonable force to safeguard children and young people.'

The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a young person needs to be restrained to prevent violence or injury.

'Reasonable' in these circumstances means 'using no more force than is needed'.

The use of positive handling, may involve either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom.

What is positive handling?

For the purpose of this policy, 'positive handling' is the positive application of reasonable appropriate and necessary force with the intention of protecting pupils and limiting damage to property.

The legal framework and national guidance often refer to the 'use of reasonable force'. For the purpose of this policy, the JMAT shall use the term 'positive handling' whenever possible.

Positive handling is used throughout schools in the JMAT in order to:

- Restrain a pupil who has lost emotional self-control until the situation is diffused.
- Limit the amount of harm that the pupil involved can do to their self or others.
- Demonstrate to pupils that they are within a safe environment in which adults can contain pupil's anger and other erratic emotions.
- Protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful.

Positive handling will be limited to emergency situations and used only as a measure of last resort.

Where positive handling is required, the JMAT will abide to the following guidance:

- Initial intervention will always be without force.
- Any physical intervention will follow other appropriate actions.
- Staff will take a calm and measured approach in all situations.
- Failure to positively handle a pupil who subsequently gets injured, or injures another pupil, could lead to an accusation of negligence.

Positive handling will never be invasive, humiliating, flirtatious in nature or take a form which could be seen as punishment.

Positive handling will be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing the pupil to regain self-control.

Staff members will always use actions which are appropriate and in proportion to the circumstances of the incidents.

All incidents which involve positive handling will be reported to the Headteacher, recorded on RecordMy and communicated to the pupil's parent/carers.

All members of staff are allowed to use positive handling where they believe it to be appropriate, as long as all necessary precautions are taken. The schools in the JMAT are able to use positive handling in situations when:

- Disruptive children must be removed from the classroom, and have previously refused to leave.
- Members of staff need to control disruptive pupils on school trips, or similar.
- Members of staff must prevent a pupil from leaving a classroom when doing so would lead to a risk to their safety.
- A pupil is attacking a member of staff or another pupil.
- A pupil is at serious risk of harming themselves and a member of staff must intervene to prevent this.

Physical intervention will never be used as a substitute for good behavioural management in accordance with the JMAT's Behaviour Policies.

Children with SEN and Disabilities

When using positive handling in response to risks presented by incidents involving children with SEND or with medical conditions, JMAT schools will, when considering the risks, carefully recognise the additional vulnerability of these groups.

By planning positive and proactive behaviour support, for instance through drawing up individual behaviour plans for more vulnerable children, and agreeing them with parents and carers, we can reduce the

occurrence of challenging behaviour and the need to use positive handling.

Using positive handling and reasonable force effectively

- The decision to physically intervene during a situation is down to the professional judgement of the member of staff and always depends on the circumstances.
- Staff will always calmly communicate the reasons for their actions to the pupil and explain why it was necessary in a non-threatening manner.
- Staff will never give the impression that they are acting out of anger or are punishing the child.
- All teachers will develop strategies and techniques for dealing with difficult pupils and situations, which they will use to diffuse and calm a situation.
- In non-urgent situations, staff will always try and deal with a situation through other strategies before using force.
- Staff members will always avoid acting in a way that could cause injury; however, dependant on the circumstances, this may not always be possible.
- Where a member of staff believes that they are at risk, such as where an injury is likely to occur, they will not intervene in an incident without help and assistance of another staff member.
- If a staff member believes a child is suffering from symptoms of coronavirus, they must assess the risk in carrying out positive handling in this situation. In these circumstances, it is suggested that other methods are used to defuse the situation until the parent arrives to take them home.
- Emergency intervention is necessary when there is a high risk of pupils being injured or property being damaged.
- If emergency intervention is required, a member of staff will use other methods of defusing the situation, without physically intervening, until assistance arrives.
- Following the event, the pupil involved may be subject to separate disciplinary procedures, in which strategies should be formed to help avoid reoccurrence of such incidents.
- Where necessary, external agencies, such as the LA or the police if a crime has been committed, will be informed of the incident.

Positive handling techniques which present an unacceptable risk and are therefore **will not be used in JMAT schools** include:

- The 'seated double embrace' where two staff members force a pupil into a sitting position and lean them forward whilst a third staff member monitors their breathing.
- The 'double basket-hold' in which a pupil's arms are held across their chest.

Reporting and recording incidents

A detailed written report will be kept of any incidents where force is used, parents should have access to this log on request. In addition, a **physical intervention** log should be made on the child's chronology on RecordMy.

The written report of the incident must be thorough, including as much detail as possible as to what had happened before, during and after the incident, and describing any injuries incurred due to the event.

The /Headteacher will make the decision as to whether it is appropriate to inform the pupil's parents/carers of the details of an incident.

Any allegations against staff will be dealt with as a matter of urgency, and in accordance with the procedures outlined in the JMAT's Allegations Against Staff Policy.

The Headteacher will be responsible for conducting a thorough investigation to find out the correct details of what occurred; this may include talking to other pupils about the incident, for instance those who witnessed the event.

Informing parents when force has been used on their child

It is good practice for schools to speak to parents about serious incidents involving the use of positive handling. In deciding what is a serious incident, teachers should use their professional judgement and consider the:

- pupil's behaviour and level of risk presented at the time of the incident
- degree of force used
- effect on the pupil or member of staff
- the child's age

What happens if a pupil or parent complains when positively handling is used?

- All members of staff will be made fully aware of the consequences and legal retributions that can occur following the use of positive handling and force.
- All complaints regarding the use of positive handling or force will be investigated in a thorough and speedy manner.
- The person making the complaint is responsible to prove that their allegations are true, and therefore, it is not for the member of staff to prove that their actions were made reasonably.
- In extreme circumstances, parents/carers may take civil action or pursue a criminal prosecution.
- In the case where a member of staff has acted within the law, this will provide a defence to any civil or criminal prosecution.
- Members of staff accused of using excessive force will not be automatically suspended as a response to the allegations.
- Careful consideration will be given to whether the case warrants a person being suspended until the allegation is resolved.
- The governing body will always take into account whether a staff member has acted within the law when considering whether or not to take disciplinary action against a staff member involved in an incident.
- Where a member of staff is suspended, the JMAT will ensure that the staff member has access to a named contact that can provide support and guidance.
- The JMAT will provide pastoral care to any member of staff who is subject to a formal allegation.

Staff training

The Headteacher will conduct regular safeguarding training for all members of staff which focuses on the most effective positive handling strategies and use of reasonable force techniques.

In JMAT schools where positive handling is required to be used for the safety of children (and staff) then staff should have the required training (normally TeamTeach). Only techniques and strategies which have been previously discussed with the Headteacher and safely demonstrated will be used. When Team Teach training has been carried out then the school should follow all Team Teach regulations and guidance with regard to recording and reporting incidents of holding/restraining.

Staff will be made aware of subsequent risks of their actions and fully understand when it is appropriate and necessary to use such actions.

Monitoring, Evaluation and Policy review

The policy will be promoted and implemented throughout the JMAT schools.

This policy will be assessed for its implementation and effectiveness **annually** by the **DSL**.

The scheduled review date for this policy is **September 2022**.