

# Cherry Tree Academy



## Positive Handling Policy

**Reviewed:** September 2021

**Date of next review:** Annual Review

This policy has been written with due regard to the Equality Act 2010. For the purposes of this policy the term 'Physical Management' replaces the term 'Reasonable Force' in many contexts and examples.

At Cherry Tree Academy we strive to create an environment in which both children and adults feel happy, safe, secure and valued. We aim to ensure a whole school approach to behaviour is known and understood by all staff, children, parents/carers and outside agencies.

Schools have a duty of care to their pupils. This may involve all staff, on very rare occasions, having to physically intervene with pupils to prevent them harming themselves, others or damaging property.

The use of physical management upon any pupil by a member of staff is a serious matter, and should only be considered as a last resort. However, the law is clear and the ASC (Academy Standards Committee) / Waterton Academy Trust, has a responsibility to all concerned, to support any member of staff who as a last resort uses reasonable force in accordance with the law, and the guidance contained within this policy.

### Aims of the Policy

The aims of this Positive Handling Policy are to:

- Provide clarification on the use of physical management in school
- To enable staff to feel more informed and confident about the use of physical management when they believe it to be necessary (and as a last resort)
- To make clear the responsibilities of Executive Headteacher / Head of School, senior staff and ASC (Academy Standards Committee), in respect of this power.

This policy is drawn from advice contained in the document 'Use of Reasonable Force – Advice for Headteachers, staff and governing bodies' issued July 2013 by the Department for Education.

This policy should be read in conjunction with the Behaviour Policy, as well as the Child Protection and Safeguarding Policy. Both of which are available on the school website and copies are available on request from the school office.

### What the Law Says

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:

- Committing a criminal offence.
- Causing personal injury to themselves or another.
- Causing damage to property belonging to them or another, including the school.
- Any behaviour prejudicing the maintenance of good order and discipline in the school.

## **Who may use physical management?**

The staff to which this lawful power is granted are defined in the Act. Through this policy, the Executive Headteacher expressly gives authority to:

All staff who have control or charge of pupils (including teaching staff, teaching assistants, special needs assistants, admin staff) who work at the school.

**Only in circumstances where the safety of the child or other children becomes an imperative.**

## **What is physical management / reasonable force?**

The term 'reasonable force' or 'physical management' covers the broad range of actions that may be used by school staff that involves a degree of physical contact with pupils.

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.

Physical management is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

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

As mentioned above, schools generally use physical management to control pupils and to restrain them. Control means 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 a classroom.

Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

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.

## **Schools can use physical management:**

- In situations where a pupil (including one from another school) is on school premises or elsewhere, in the lawful control or charge of a staff member – for example on a school visit.
- To remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- To prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- To 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;

- To prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;
- To 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.**

### **Deciding whether to use physical management**

As a general rule staff should only use physical management when:

- All other de-escalation procedures have proven to be ineffective.
- The potential consequences of not intervening are sufficiently serious to justify it.
- The chance of achieving the desired outcome by other non-physical means are low; and the risk associated with not using force outweighs the risk of using it.

Staff do not require parental consent to apply reasonable force / physical management on a pupil. However parents / carers will always be informed when this has been the case.

### **Using Physical Management**

Before using force, staff should - where practicable - instruct the pupil / pupils to stop and explain why, articulating the implications to safety of themselves or others. Care should be taken to avoid giving the impression that the member of staff is angry or frustrated, or are acting to punish the child.

Appropriate use of physical management will range from physical passive presence in between pupils, to blocking a pupil's path, ushering them by placing a hand in the centre of the back, leading them by the hand or arm, to in more extreme circumstances using appropriate restraining holds. Particular attention will be given to individuals' needs which arise from statements of SEN or disability.

Whilst it is highly desirable that staff should avoid acting in any way which might reasonably be expected to cause an injury, in truly exceptional circumstances it is recognised that it may not always be possible to avoid. Any such injury caused will be properly investigated by the school and will require justification.

### **Types of incidents where physical intervention may be required**

(As described in Circular 99/9 and the Department of Education 2002)

These fall into three broad categories

- 1) Action due to imminent risk of injury;
- 2) Action due to developing risk of injury or significant damage to property;
- 3) Action where a pupil is behaving in a way that compromising good order and discipline.

Examples of situations that fall into one of the first two categories are:

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

Examples of situations that fall into the third category are:

- A pupil persistently refuses to obey an instruction to leave a classroom
- A pupil is behaving in a way that is seriously disrupting a lesson

### **Acceptable Measures of Physical Intervention / Management**

The use of any degree of force can only be deemed reasonable if:

- a) It is delivered in accordance with the seriousness of the incident and the consequences which it is intended to prevent;
- b) It is carried out as the minimum to achieve the desired result;
- c) The age, and level of understanding of the pupil are taken into account;
- d) It is likely to achieve the desired result.

Wherever possible assistance will be sought from another member of staff before intervening.

### **Children with known challenging behaviours / links to SEN**

Some children that attend our school may display challenging behaviour linked to a particularly SEN. If a child is known to have these behaviours, a meeting between parents/carers, the Head of school and the Special Educational Needs Co-Ordinator (SENCo) will take place. The behaviour policy and positive handling policy will be explained in full to parents/carers. If required the child will have in place a risk assessment which has been agreed and signed by parents/carers. Training for Staff Physical restraint is an available option, only to be used when other means of dealing with the situation have failed. Staff are made aware of this policy and have training on safeguarding, that will ensure they are aware of their duties and the law. Some staff in school have received Team Teach training and this is repeated every 2-3 years. Advice is also taken from professionals, if needed, around helping a specific child or a specific physical management technique.

### **Recording Incidents**

Cherry Tree Academy will keep a record of each significant incident of the use of physical management to control and restrain. If a restraint has been used, then this will be documented in a bound and numbered book.

The purpose of recording is to ensure that policy guidelines are followed, to inform parents/carers, to inform future planning as part of school improvement

processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

Parents / carers will be informed of the incident. School will provide details of the incident and what type of physical management, if any, was used on the child. Each time an incident occurs procedures will be reviewed and recorded to potentially prevent a repeat of a similar incident.

### **Post-incident support**

- If injuries result from the application of physical management, medical help should be sought straight away. It is also important to ensure that staff and pupils are given emotional support.
- As soon as possible after the incident parents / carers should be informed by telephone and a meeting arranged with the Executive Headteacher or Head of school, where the situation will be explained.
- When assessing the incident, consideration may be given to involving multi-agency partners to offer support or advice.
- Where a pupil is responsible for injury to another, as well as holding him/her to account and issuing appropriate sanction, the pupil will be given the opportunity to repair the relationships with pupils and staff affected by the incident. The pupil will be offered appropriate support to help develop strategies for avoiding such crisis points in future. The parents / carers of the other child will be informed.
- Children who have been subjected to a physical management will be given the opportunity to discuss the incident with a member of staff at the first reasonable opportunity following the incident. Such discussions will offer pupils and staff fresh opportunities to work together and renew relationships that may be strained by the incident.
- Pupils will be informed of ways in which their behaviours could change in order to prevent a repetition of the incident.

### **Links between challenging behaviours and signs of abuse**

At Cherry Tree Academy we are aware that challenging and repeated negative or anti-social behaviours displayed by children can often be the signs of abuse. This could be child on child abuse or abuse by an adult. We are therefore vigilant as a staff to monitor behaviours and log any patterns or concerns in line with the safeguarding and child protection procedures in school. (See also Safeguarding & Child Protection Policy).

### **Other physical contact with pupils**

There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

Examples of where touching a pupil might be proper or necessary:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;

- To demonstrate exercises or techniques during PE lessons or sports coaching;
- To give first aid

### **Complaints and Allegations**

If a complaint is made against a member of staff about the use of force, the school will follow the guidance set out in Section Eight of the Use of Reasonable Force: Advice for Headteachers, staff and governing bodies DfE-000602011.

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 received by the Executive Headteacher from parents/carers, staff or any other persons regarding alleged ill treatment of pupils or injuries received by a student during the course of physical intervention must be investigated fully. The chair of Governors and Waterton Multi Academy Trust will be informed of complaints.

The Complaints Procedure is available on the school website or request from the school office.