



The Unity of Titchmarsh, Warmington and Nassington Schools

Care, Physical Restraint and Positive Handling Policy

General Policy Aims

Staff at Titchmarsh, Warmington and Nassington Schools recognise that the use of reasonable force is only one of the last in a range of strategies available to secure pupil safety / well-being and to maintain good order and discipline. This policy should therefore be read in conjunction with our Behaviour and Child Protection policies.

Specific Policy Aims

- To protect every person in the school community from harm.
- To protect all pupils against any form of physical intervention that is unnecessary, inappropriate, excessive or harmful.
- To provide adequate information and support for staff so that they are clear as to what constitutes appropriate behaviour and to deal effectively with violent or potentially violent situations

The Legal Framework

Physical restraint can be defined as the positive application of force for the purpose of overcoming a subject's resistance with the aim of:

1. Preventing the actual or imminent assault of self or others.
2. Stopping and/or preventing serious damage to property.
3. Effecting a lawful arrest.

It differs from force used in self-defence by way of its applied intention. For example, defensive force used to protect oneself from a serious and imminent assault will be a reactive response whereas positive handling can be considered a pro-active use of a force option.

There are three main laws that govern the use of physical force in the UK:

Common Law (not statute law, past case law judgements/progressive case law)

Section 3(1) of the Criminal Law Act 1967

Section 76 of the Criminal Justice and Immigration Act 2008

The Education and Inspections Act 2006 (C.40 Part 7 Ch 1 Pt 93) provides clarity for school staff in understanding the use of reasonable force in an educational setting:

Power of members of staff to use force:

(1) A person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of preventing a pupil from doing (or continuing to do) any of the following, namely—

- (a) committing any offence,
- (b) causing personal injury to, or damage to the property of, any person (including the pupil himself), or
- (c) prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

Other relevant legislation and guidance:

The Human Rights Act (1998)

Health and Safety at Work Act (1974)

The Children Act 1989, 2004

Use of Reasonable Force Guidance 2013 (DFE – non-statutory)

Section 3(1) of the Criminal Law Act 1967 states that:

‘A person may use such force as is reasonable in the circumstances in the prevention of crime, or in effecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large’

This would apply to anyone in school above the age of criminal responsibility (10 years old). In instances relating to a child under 10, Common Law defence is available where those who use force will use their ‘private defence’ which allows them to use reasonable force to protect others. (Examples of possible situations are given in Appendix 2)

Definition of reasonable force in the Unity of Titchmarsh, Warrington and Nassington Schools.

When exercising a lawful excuse, the law only allows that a **reasonable** amount of force is permitted.

Reasonable force is based on two issues – any force applied must be both necessary and proportionate in the circumstances:

Necessary – the need or necessity to use force is based on what a reasonable person would think is necessary to do when confronted with the situation.

Proportionate – any force used must be proportionate to what it is intended to prevent. The standard is best defined in terms of what is reasonably proportionate to the amount of harm likely to be suffered by the person or likely to result if the intervention is not made.

Positive handling, therefore, is the positive application of force with the intention of protecting the child from harming themselves or others or seriously damaging property.

Why use positive handling?

Positive handling should avert danger by preventing or deflecting a child's action or perhaps by removing a physical object, which could be used to harm him / herself or others. It is only likely to be needed if a child appears to be unable to exercise self-control of emotions and behaviour.

It is not possible to define every circumstance in which positive handling would be necessary or appropriate and staff will have to exercise their own judgement in situations which arise within the above categories. Staff should always act within the Unity's policy on behaviour and discipline, particularly in dealing with disruptive behaviour.

Staff should be aware that when they are in charge of children during the school day, or during other supervised activities, they are acting **in loco parentis** and should, therefore, take reasonable action to ensure pupils' safety and well-being.

Failure to physically restrain a pupil who is subsequently injured or injures another, could, in certain circumstances, lead to an accusation of negligence. At the same time staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention but should be proactive in taking action, such as seeking help and support, to minimise the risk and impact on others.

Alternative Strategies

There are some situations in which the need for positive handling is immediate and where there are no equally effective alternatives (e.g., is a pupil about to run across a road). However, in many circumstances there are alternatives e.g., use of de-escalation techniques such as:

- The broken record in which an instruction is repeated until the pupil complies
- Use of a distracter, such as a loud whistle, to interrupt the behaviour (such as a fight) long enough for other methods of verbal control to be effective
- Withdrawal of attention (audience) e.g., if an action such as damage to property is threatened
- Other techniques designed to defuse the situation, such as the avoidance of confrontation, or use of humour (in these cases the incident can be dealt with later when emotions are no longer running high)
- The employment of other sanctions consistent with the Unity's policy on behaviour.

Use of positive handling

Positive handling should 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. It should never take a form which could be seen as a punishment.

Staff are only authorised to use reasonable force in applying positive handling, with the reminder that any force employed is **necessary** and **proportionate**. However, as a general rule, only the force necessary to stop or prevent the behaviour should be used, in accordance with the guidelines below.

There are some forms of physical intervention, which may involve minimal physical contact, such as blocking a pupil's path or the staff member physically interposing him or herself between the pupil and another pupil or object. However, in some circumstances, direct physical contact may be necessary.

In all circumstances other methods should be used if appropriate or effective positive handling should be a last resort. When positive handling becomes necessary:

DO

- Show that you care through demonstrating positive open body language
- Limit spoken language
- Give time and space, if possible
- Remove any other children from the area.
- Swap out with a colleague if they are better suited to deal with the incident (e.g. relationship, height)
- Use the minimum force necessary
- Involve another member of staff if possible
- Use simple and clear language
- Hold on the forearm
- Relax your restraint in response to the pupil's compliance

DON'T

- Act in temper (involve another staff member if you fear loss of control)
- Involve yourself in a prolonged verbal exchange with the pupil
- Attempt to reason with the pupil
- Involve other pupils in the restraint
- Touch or hold the pupil in sexual areas
- Twist or force limbs back against a joint
- Bend fingers or pull hair
- Hold the pupil in a way which will restrict blood flow or breathing e.g., compressing their ribcage

Slap, punch, kick or trip up the pupil

Post-Incident Actions

Positive handling often occurs in response to highly charged emotional situations and there is a clear need for debriefing after the incident, both for the staff involved and the pupil. **A member of the leadership team should be informed of any incident as soon as possible** and will take responsibility for making arrangements for debriefing once the situation has stabilised. An appropriate member of the teaching staff should always be involved in debriefing the pupil involved and any victims of the incident should be offered support, and their parents informed.

If the behaviour is part of an ongoing pattern, it may be necessary to address the situation through the development of a behavioural IEP, which may include an anger management programme, or other strategies agreed by the SENCO.

It is also helpful to consider the circumstances precipitating the incident to explore ways in which future incidents can be avoided.

All incidents should be recorded in a timely manner, when staff are feeling calm and composed (within 24 hours). All sections of this report should be completed so that in the event of any future complaint a full record is available. A member of the leadership team will contact parents as soon as possible after an incident, normally on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

Risk Assessments

If we become aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, we will plan how to respond if the situation arises. Such planning will address:

- Management of the pupil (e.g., reactive strategies to de-escalate a conflict, holds to be used if necessary)
- Involvement of parents to ensure that they are clear about the specific action the school might need to take
- Briefing of staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance)
- Identification of additional support that can be summoned if appropriate

Complaints

A clear policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of

force by a member of staff might lead to an investigation, either under disciplinary procedures or by the Police and social services department under child protection procedures.

It is our intention to inform all staff, pupils, parents and governors about these procedures and the context in which they apply.

Review

The Executive Headteacher will ensure that all staff are updated with the policy and that those trained by external trainers have regularly opportunities to review the training so that all staff are aware of where support is available in school, recognising that all staff have the right to use reasonable force when appropriate, necessary and proportionate but that not all staff may feel confident in doing so and will need to call on other colleagues for support in any situation.

This policy will be annually reviewed.

Appendix 1

Related Policies and Information

Training resources (React UK booklet and information pack in staff room)
Child Protection Policy
Behaviour Policy
Staff Code of Conduct
Whistleblowing Policy
Health and Safety Policy

Appendix 2

When might it be appropriate to use reasonable force?

Examples of situations that may require positive handling are when:

A pupil attacks a member of staff, or another pupil

Pupils fighting

A pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects

A pupil is running in a corridor or on a stairway in a way in which he/she might have or cause an accident likely to injure her/himself or other

A pupil absconding from a class or trying to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school)

A pupil persistently refuses to obey an order to leave an area

A pupil behaves in such a way that seriously disrupts a lesson

A pupil is likely to run away in an uncontrolled environment e.g., on a school visit (Trip Leaders should consider potential flight risks as part of their visit risk assessment and employ staff accordingly to minimise this fact).

Appendix 3 Use of Force Incident Report Form

USE OF FORCE INCIDENT REPORT FORM

1. Name of Person Restrained:									
2. Your Name:									
3. Date and Time of Incident									
Date (inc Day)						Time			
4. Location of Incident									
<input type="checkbox"/> Classroom		<input type="checkbox"/> Playground		<input type="checkbox"/> Hall		<input type="checkbox"/> Corridor			
<input type="checkbox"/> Reception		<input type="checkbox"/> Field/Garden		<input type="checkbox"/> Toilets		<input type="checkbox"/> Other (specify)			
5. Why was it necessary to restrain?									
<input type="checkbox"/> Harm to Self			<input type="checkbox"/> Harm to Others			<input type="checkbox"/> Damage to property			
<input type="checkbox"/> Other – Please specify									
6. Was any verbal reasoning / de-escalation used prior to the need to restrain?									
<input type="checkbox"/> Yes				<input type="checkbox"/> No					
Please expand: <i>(Or explain in your statement)</i>									
7. Were any weapons involved?									
<input type="checkbox"/> Yes				<input type="checkbox"/> No					
If 'yes', please stipulate what type of weapon was involved:									
<input type="checkbox"/> Knife		<input type="checkbox"/> Glass/Cup		<input type="checkbox"/> Chair		<input type="checkbox"/> Bottle		<input type="checkbox"/> Pen	
<input type="checkbox"/> Other (please specify):									
8. Which technique/s position of restraint did you use?									
9. Who else was involved in the restraint?									
Name(s):									
10. Please list any injuries to you									
11. Please list any injuries to the person restrained									



14. Adult statement – what occurred in your own words

Your statement must set out what happened; give details of your part in the use of force, any restraints you applied and how the incident was finally resolved. It must give details of any attempts made to de-escalate throughout the incident. Your statement should be completed independently of other staff involved in the incident.

The use of force must only be used when it is:

Reasonable in the circumstance, meaning:

- i. You believed that it was **absolutely necessary** &
- ii. **Proportionate** to the seriousness of the situation

When restraint was used, please tick your primary role:

- Right arm
- Left arm
- Supervising

Please provide as much detail as possible below, including:

Before the incident (i.e., what lead to the incident, any de-escalation techniques used), during the incident (i.e., what types of force were employed, duration of the restraint and why it was necessary), and after the incident (i.e., where pupil was relocated to and any injuries sustained).

Type here

Signed:

Date:

Pupil Statement:

Type here

Name

Signed

Date

Parent informed (Please date)

Face to face

Telephone

Letter

Action Points for Risk Assessment

