

St Kenelm's C of E Primary School



Positive Handling Policy

October 2023

Nurturing each and all. Guiding, Trusting, Inspiring and Celebrating

Our Vision, Values and Ethos

Our Vision

Nurturing each and all. Guiding, Trusting, Inspiring and Celebrating.

(The Parable of the Lost Sheep, Matthew 18. 10-14)

Our vision is to celebrate and support all individuals on their life journey within a Christian ethos. We aim to provide a nurturing environment inspiring all to achieve their full potential and flourish through personal discovery within a caring, trusting community.

Our Values

Respect, Honesty, Friendship, Compassion, Thankfulness & Wisdom.

Values are fundamental expressions of what we think and believe. As a school we encourage children to think about personal and social values and to develop their capacity to be active and effective citizens.

Our Ethos

St Kenelm's School demonstrates the major Christian values in the ways children are cared for and in the care and respect the children are expected to show towards all other people, the world beyond the school and their immediate surroundings. As a school, we celebrate the diversity of the wider community and are committed to the principles of inclusion and equal opportunity.

Being kind, helpful and tolerant to each other in line with New Testament teaching underpins the school's ethos.

Following Jesus, our Good Shepherd, our hope is that children will grow into good shepherds themselves; treating each other with love, kindness, care and respect, as they would want to be treated themselves.

This policy should be read alongside the school Behaviour Policy and Allegations Against Staff Policy

Statement of Intent

The policy aims to help staff in school to develop plans to support children whose behaviour challenges, to reduce the incidents and risk associated with that behaviour; and to promote and safeguard the welfare of children in our care. This Policy has been informed by joint guidance issued by the Department of Health and Department for Education Children and Young People with Learning Disabilities, Autistic Spectrum Disorder and Mental Health Difficulties (January 2017).

This policy aims to provide guidance in relation to all children with learning disabilities, autistic spectrum disorders and mental health issues who may respond with challenging behaviour (verbal and non-verbal) when confronted with situations that they do not understand. The likelihood of such behaviour can often be anticipated by those that know the child best. Measures to prevent or address this can be developed with the involvement of the child and their family, careful assessment and where appropriate multi-agency planning and support. A preventative approach to supporting children whose behaviour is challenging is always preferable and restraint should only be used when it is appropriate and necessary by trained staff and in line with the law, core values and ethical principles.

Preventative Strategies

The school actively promotes positive behaviour management strategies and seeks to develop good relationships at all levels thus reducing the need for the use of physical intervention wherever possible. In this policy, the term 'reasonable force' is used to describe physical intervention by staff members that may be required in schools from time to time to protect and keep children safe. This is in-line with DFE guidance.

All staff will seek to follow strategies likely to reduce the need for force in dealing with difficult pupils, based on the age of the child and context in which they are applied. They will endeavour at all times to:

- Move calmly and confidently
- Make clear, simple statements, telling the child to stop and the consequences of failing to do so
- Intervene early
- Communicate with the child throughout the incident
- Try to maintain eye contact
- If necessary, summon another adult before the problem escalates
- If necessary, remove the 'audience' from the immediate location

Staff should remain calm and consistent and never give the impression that they have lost their temper or are acting from anger or frustration. When the school is aware that an individual child is likely to behave in a disruptive way that may require the use of reasonable force, the school will draw up an Individual Risk Assessment, consult parents and plan proactive and reactive measures appropriately.

Formal Risk Assessments and Positive Handling Plans

These will be used for working with children who exhibit behaviour that challenges staff working in school.

Risk management is an integral part of positive behaviour management planning. All children who have been identified as presenting a risk should have a Positive Handling Plan that includes details of the settings and situations which increase risk. It should also detail any strategies which have found to be effective for that individual, along with any responses which are not recommended. Positive Handling Plans should be a result of multi-professional collaboration, including parents, and included in any Pastoral Support Plan or IEP or EHCP (where relevant to the child's needs).

What is Reasonable Force?

- The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
- Force 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 force 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 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.

Who can use Reasonable Force?

- Members of staff have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom.
- Head teachers and authorised school staff may also use such force as is reasonable given the circumstances when conducting a search without consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Schools can also identify additional items in their school rules which may be searched for without consent. Force cannot be used to search for these items.
- This power applies to any member of staff at the school. It can also apply to people whom the Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying children on a school organised visit.

When can Reasonable Force be used?

Calm and measured responses will be considered before any force is applied in any situation. It is often inappropriate for a member of staff to intervene in an incident without help if he/she may be at risk of injury. In this event, he/she will remove other pupils who may be at risk and summon help from a colleague.

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

- In a school, force is used for two main purposes – to control pupils or to restrain them.
- 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.

‘School staff will always try to avoid acting in a way that might cause injury, but in extreme cases it may not be possible to avoid ...’ (DfE Guidance July 2013).

Using Reasonable Force

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

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, or to stop a fight in the playground.
- 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. Staff should never act in a way that might reasonably be expected to cause injury.

Staff should not intervene without help when dealing with a pupil where there is serious risk of injury. Instead, they should remove other pupils who might be at risk, summon assistance from colleagues, inform pupils that this is being done and continue to defuse the situation orally. In situations where pupils refuse to leave a classroom and are prejudicing good order and discipline, staff should send for assistance from senior staff. If necessary, reasonable force will be used to remove a disruptive child, if they refuse to follow an instruction to do so by senior staff. In keeping with the ethos of the school, reasonable force will only be applied as a last resort and in a way that preserves the dignity and respect of all concerned.

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 the following ‘prohibited items’:

- 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

Force cannot be used to search for items banned under the school rules, for example mobile phones.

Communicating the School's Approach to the Use of Force

At St Kenelm's C of E Primary School, we follow the government guidance on the use of force and are compliant with the following principles:

- Every school is required to have a Behaviour Policy and to make this policy known to staff, parents and pupils. The governing body should notify the Headteacher that it expects the school Behaviour Policy to include the power to use reasonable force.
- There is no requirement to have a policy on the use of force but it is good practice to set out, in the Behaviour Policy, the circumstances in which force might be used.
- Any policy on the use of reasonable force should acknowledge their legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).
- Schools do not require parental consent to use force on a pupil.
- Schools should not have a 'no contact' policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil or prevent them taking action needed to prevent a pupil causing harm.
- By taking steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

Using Force and Staff Training

We follow the principles of Team Teach in our school. Staff are trained in strategies to de-escalate situations with the aim that physical intervention is only used as a last resort. Staff are trained in techniques to use where physical intervention is required. Staff update their training (Team Teach) every three years with new staff trained as appropriate. A list of trained staff is held with the School Business Manager.

Managing an Incident

Staff and pupils will be given any necessary emotional support or medical aid required. Members of staff trained in first aid will check for any injuries where appropriate. Parents will be contacted as soon as possible after any incident and any complaints by parents dealt with in accordance with the school's Complaints Policy. Bearing in mind the following key points:

- School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Suspension will not be an automatic response when a member of staff has been accused of using excessive force.
- Senior school leaders will support their staff when they use this power. A member of staff who is subjected to physical violence or assault will be supported in taking any necessary action against an assailant.

Recording the use of Reasonable Force

A record of physical intervention must be made following any occasion on which reasonable force is used to restrain a pupil and must be passed to a member of the Leadership Team by the end of the day. The member of staff concerned must tell the Headteacher or a member of the Leadership Team and provide a short factual account as soon as possible on CPOMS. The written entry must include:

- Name(s) of pupil(s) concerned and when/where incident occurred
- Names of witnesses
- Reason why force was necessary
- The degree of force used and for how long
- How effective was the intervention
- How was the intervention in the best interest of the young person
- The pupils' response and outcome of the incident
- Details of any apparent injury to the pupil or damage to the property

A member of the Leadership Team will inform parents of the incident as soon as possible and offer them an opportunity to discuss it. Any incident will be reported to the Chair of Governors.

Telling Parents when Force has been Used on their Child

The Headteacher or a member of the Leadership Team will speak to parents about serious incidents involving the use of force and ensure the event is recorded on C-POMs. It is up to schools to decide whether it is appropriate to report the use of force to parents. 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 Complains when Force is used on them?

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance (see the 'Further sources of information' section below) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

- Where an allegation is made about a member of staff, the Headteacher (and if the allegation is against the headteacher, the Chair of Governors) will apply the Allegations Against Staff policy, seeking advice from the Local Authority Designated Officer (LADO).
- As the employers, the Governing Body has a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

Date: October 2023

Next Review Date: October 2026

Signed.....
Chair of Governors