



ROBERT MELLORS
PRIMARY ACADEMY

POSITIVE HANDLING POLICY (use of reasonable force)

APPROVING BODY	LAB
DATE APPROVED	28/9/2021
VERSION	1.0
SUPERSEDES VERSION	15/10/2020
REVIEW DATE	September 2022
LINKED LEGISLATION	Section 93 of the Education and Inspection Act (2006)

Objectives

At Robert Mellors Primary Academy we aim to provide a safe, caring and friendly environment for all our pupils to allow them learn effectively, improve their life chances and help them maximise their potential. We aim for all children to understand and to demonstrate that they can make a positive difference in; their work, their relationships, their community and to the world around them.

We take the safety of our pupils and staff very seriously. We believe that all pupils and staff have the right to be and feel safe whilst at school or on a school-run activity.

This policy should be read in conjunction with our Behaviour, and Safeguarding/Child Protection policies.

Minimising the Need to Use Reasonable Force

As a school we are firmly committed to creating a calm and safe environment which minimises the risk of incidents arising that might require the use of reasonable force.

Our school values and rules alongside the PSHRE curriculum have been developed to help the children to explore and strengthen their emotional responses to situations.

We only use reasonable force as a last resort and always attempt to de-escalate any incidents as they arise to prevent crisis point being reached. Staff are skilled in promoting and rewarding positive behaviour and utilise a range of appropriate techniques in the management of a class environment.

Staff only use reasonable force when the risks involved in doing so are outweighed by the risks involved by not using force.

Staff Authorised to Use Reasonable Force

Under Section 93 of the Education and Inspection Act (2006) the head teacher of our school is empowered to authorise those members of his/her staff who are enabled to use reasonable force.

Here at Robert Mellors Primary Academy the head teacher has empowered the following members of staff to use reasonable force:

- Teachers and any member of staff who has control or charge of pupils in a given lesson or circumstance have permanent authorisation.
- Other members of staff such as site management and administrative teams also have the power to use reasonable force if a circumstance should arise in which immediate action should be taken.

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Deciding Whether to Use Reasonable Force

Under English law, members of staff are empowered to use reasonable force to prevent a pupil from or stop them continuing:

- causing personal injury to, or damage to the property of, any person (including the pupil himself); or,
- 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.
- committing any offence;

All members of staff will make decisions about when, how and why to use reasonable force. To help staff in making decisions about using reasonable force the following considerations may be useful:

- whether the consequences of not intervening would seriously endanger the wellbeing of a person;
- whether the consequences of not intervening would cause serious and significant damage to property;
- whether the chance of achieving the desired outcome in a non-physical way is low;
- the age, size, gender, developmental maturity of the persons involved.

Staff are trained to understand that physical intervention is only one option and for behaviours involving extreme levels of risk it may be more appropriate to gain support from other agencies, including the police.

Staff are kept informed and have a duty to inform others about the plans around specific pupils who can present risks to themselves and others. This may include information about SEND, personal circumstance and temporary upset.

Using Reasonable Force

Physical restraint is only used when there is no realistic alternative but that does not mean waiting until the danger is imminent at which point safely managing it may be significantly reduced. National guidance is clear on this point.

If necessary staff have the authority to take immediate action to prevent harm occurring even if the harm is expected to happen some time in the predictable future.”

Para 10 Page 4 Dept of Health -1997 – “The control of children in the public care: Interpretation of the Children Act 1989:HMSO

It does mean staff have to conduct a risk assessment and choose the safest alternative.

Proactive Physical Interventions

Behaviour Plans are put in place for pupils who are known to display behaviours that may lead to them becoming distressed or violent. In these circumstances it may be reasonable to withdraw the child to a safer place when the pattern of behaviour begins, rather than wait until the child is distressed and out of control. The overriding factor is that action is taken in the interest of the child to reduce rather than increase the risk.

Reasonable and Proportionate

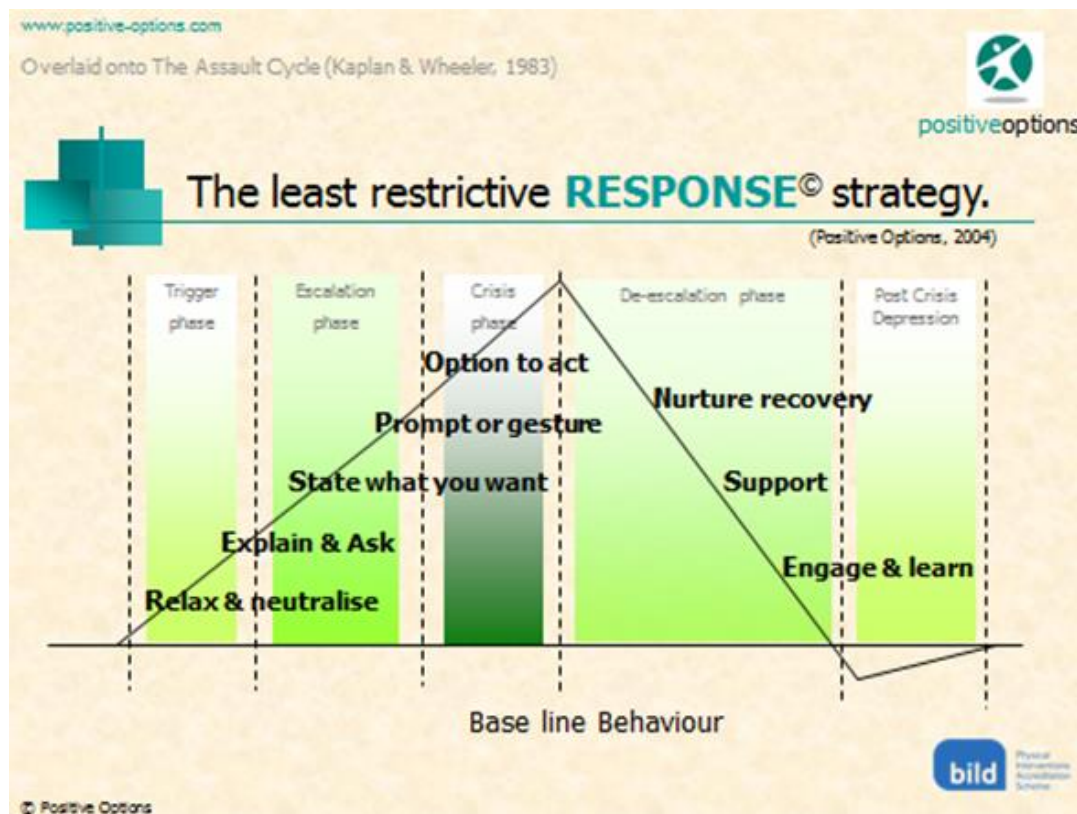
When using force members of staff only use the minimum amount of force required in achieving the required outcome. It is not to be done in anger.

When considering physical intervention staff think about the following questions:

- How is this in the best interest for the child?
- Why is a less intrusive prevention not preferable?
- Who do we need to act now?
- Why am I the best person to do this?
- Why is this absolutely essential?

If staff can answer these questions then it is more likely that physical intervention will be judged reasonable and proportionate.

Staff also use force within the context of existing good practice in non-physical skills and techniques, such as in the RESPONSE[®] Strategy:



Staff, where possible, avoid any type of intervention that is likely to injure a pupil, unless in the most extreme of circumstance where there was no viable alternative. Also, staff avoid using force unless or until another member of staff is present to support, observe or call for assistance.

Other considerations:

- Remove any audience or take other vulnerable pupils to a safer place.
- Make the environment safer by removing potential missiles.
- Use positive touch to guide or escort pupils to somewhere less pressured.
- Ensure that colleagues know this is happening and get help.

Help Protocols

The expectation of this school is that all staff support one another by offering help but this does not mean taking over a situation. Staff make clear what help they need and use the following scripts to make clear what sort of assistance they need.

Scripts that may be used include:

- **“How can I help?”** When looking to support a member of staff or child.
- **“More help available”** when a staff member has offered support, been told help is not needed but feels that they may need further support
- **“I am holding you safely until you can hold yourself safely”** when holding a child to ensure their safety and that of others around.
- **“I care too much about you to let you hurt.....yourself.....other people.....let yourself do something you would later feel bad about.....”** When a child is being held due to others being at risk, or they are at risk of hurting themselves, others, destroying property etc.

Staff training

We ensure a wide range of staff receive physical intervention training to manage challenging behaviour. The staff have been trained in the use of the techniques of CRB (Coping with Risky Behaviours) which trains staff in both pre-emptive and responsive positive handling strategies.

This is a nationally accredited course fully accredited by the British Institute of Learning Disabilities (BILD) in accordance with DCFS and Department of Health guidance. Staff will be expected to attend a refresher course annually to update their skills and renew their certification every 3 years but this will be reviewed should the need arise.

These courses provide participants with an insight into recent legislation and guidance that could impact on policy and practice, as well as a range of physical and non-physical strategies to help manage the risks posed by children and young people’s behaviour.

Support and guidance in the form of consultation from the Local Authority is called upon in the case of any emerging needs as and when this is deemed necessary by the school leadership team.

Recording and Reporting Incidents

The governing body will ensure that a procedure is in place, and is followed by staff, for recording and reporting, *significant* incidents where a member of staff has used force on a pupil. The record is made as soon as practicable after the incident.

While ultimately only a court of law could decide what is ‘significant’ in a particular case, in deciding whether or not an incident must be reported, staff should take into account:

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- an incident where unreasonable use of force is used on a pupil would always be a significant incident;
- any incident where substantial force has been used (e.g. physically pushing a pupil out of a room) would be significant;
- the use of a restraint technique is significant;
- an incident where a child was very distressed (though clearly not over reacting) would be significant.

In determining whether incidents are significant, schools should consider:

- the pupil's behaviour and the level of risk presented at the time;
- the degree of force used and whether it was proportionate in relation to the behaviour;
- the effect on the pupil or member of staff.

Staff should also bear in mind the age of the child, any special education need or disability or other social factors which might be relevant.

Sometimes an incident might not be considered significant in itself, but forms part of a pattern of repeated behaviour. In this case, although there is no legal requirement to record such incidents, schools are advised to let parents know about them.

Records are important in providing evidence of defensible decision-making in case of a subsequent complaint or investigation. Staff may find it helpful to seek the advice of a senior colleague or a representative of their trade union when compiling a report.

Records used:

1. Bound and numbered book – to log incidents requiring physical intervention
2. CPOMS (from academic year 2020-2021)

Behaviour Support/Risk Assessment

All pupils identified as presenting risk should have a Behaviour Support Plan/Risk Assessment. This plan gives details of strategies found to be effective for de-escalation and details of triggers. The plan is shared with pupils and parents.

Post-incident support - debriefing

Following the use of physical intervention staff and pupils are supported, the immediate physical needs of all parties are endeavoured to be met and staff ensure that positive relationships are maintained.

Where necessary emotional or well being support is offered to staff and where necessary further training given.

Pupils are allowed time to calm down before they return to their classroom environments/routine. The incident is discussed with pupils and appropriate support and sanctions implemented. Sometimes it is more appropriate to discuss events with pupils later in the day when they are more receptive to discussion.

Parents are notified and appropriate action and support agreed for their child.

All incidents are logged.

Complaints and allegations

Robert Mellors Primary Academy fully recognises the contribution it can make to protect our children and support pupils and staff in school. The aim of the complaints policy is to provide clear guidelines for the handling of any complaints.

We make clear to pupils that they have a right, and are able, to question/complain about the use of reasonable force.

We ensure that mechanisms are in place for pupils, parents, carers and staff to voice the opinions, comments or concerns.

See complaints policy.

Complaints and allegations will be taken seriously and we will be investigated by the Head Teacher and outcomes discussed with the relevant parties. Appropriate procedures will be followed and Governors involved if necessary.

Monitoring and review

This policy will be monitored regularly and reviewed by the governing body at least annually or as required. Next review due September 2022 unless there is need to review or update it earlier.

The Head Teacher is responsible for the implementation of this policy and the Safeguarding Link Governor, who also has responsibility in this area.

Further information

Can be found in the Nottinghamshire County Council's policy on the same subject, entitled 'Keeping Classrooms Safe for Learning and Teaching'.