



Holly Park School Positive Handling Policy

The 1997 Education Act (Section 4) clarified the position about the use of physical force by teachers, and others authorised by the Headteacher of a school, to control or restrain children.

This policy links with the UN Rights of the Child

Article 3

The best interests of the child must be a top priority in all things that affect children.

Article 36

Governments must protect children from all other forms of bad treatment.

This provision applies when a teacher, or other authorised person, is on the school premises, and when he or she has lawful control or charge of the pupil concerned elsewhere e.g. on a field trip or other authorised out of school activity.

The Act allows all teachers at a school to use reasonable force to control or restrain children. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the Headteacher to have control or charge of children. Those might include classroom assistants, care workers, midday supervisors, specialist support assistants, education welfare officers, escorts, caretakers, or voluntary helpers including people accompanying children on visits, exchanges or holidays organised by the school.

Corporal punishment is illegal in all circumstances.

The Headteacher will identify people, other than teachers, whom they wish to authorise to have control or charge of children and therefore be able to use force if necessary. Authorisation may be on a permanent or long term basis because of the nature of the person's job, or short term for a specific event such as a school trip. The Headteacher will explicitly inform the people concerned, and ensure that they are aware of and properly understand what the authorisation entails. To ensure that, The Headteacher will keep an up-to-date list of authorised people and ensure the teachers know who they are. Anyone who is authorized must have completed the Team teach training.

I. Action in self-defence or in an emergency

Everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene. The purpose of this policy is to make it clear that teachers, and other authorised staff, are also entitled to intervene in other, less extreme,

situations.

2. Types of Incidents

Staff who are authorised by the Headteacher to have control or charge of children (see below), are permitted to use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
- injuring themselves or others;
- causing damage to property (including the pupil's own property);
- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its children, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

There are a wide variety of situations in which reasonable force might be appropriate, or necessary, to control or restrain a pupil. They will fall into three broad categories:

- a. where action is necessary in self-defence or because there is an imminent risk of injury;
- b. where there is a developing risk of injury, or significant damage to property;
- c. where a pupil is behaving in a way that is compromising good order and discipline.

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

- a pupil attacks a member of staff, or another pupil;
- children 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 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 in which he or she might have or cause an accident likely to injure him or herself or others;
- a pupil absconds from a class or tries to leave school (N.B. 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 order to leave a classroom;
- a pupil is behaving in a way that is seriously disrupting a lesson.

Staff should be acting in the 'best interests of the young person.' They would act in order to safeguard the young person, staff or other pupils.

3. Reasonable Force

There is no legal definition of 'reasonable force'. So it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

There are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanor, or in a situation that clearly could be resolved without force.
- The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, understanding, and sex of the pupil.

4 Practical considerations

If a specific pupil is likely to behave in a way that may require physical control or restraint regularly, a plan of how to respond if the situation arises will be created as part of the child's behaviour plan. This planning will address:

- managing the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used);
- involving the parents to ensure that they are clear about what specific action the school might need to take;
- briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance);
- ensuring that additional support can be summoned if appropriate;
- the safest way to hold children with specific health needs.

A member of staff authorised to hold/ restrain pupils should always consider safeguarding themselves before acting. They should also consider any implications if they are lone working.

Before intervening physically a teacher should, make a dynamic risk assessment thinking about what they see and what they need to do. Wherever practicable, try to stop the behaviour, and say that they now need to keep the child safe. The teacher should continue attempting to communicate with the pupil throughout the incident, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

Sometimes a teacher should not intervene in an incident without help (unless it is an emergency). For example, when dealing with an older pupil, or a physically large pupil, or more than one pupil, or if the teacher believes he or she may be at risk of injury. In those circumstances the teacher should remove other children who might be at risk, and summon assistance from a colleague or colleagues, or where necessary phone the Police. The teacher should inform the pupil(s) that he or she has sent for help. Until assistance arrives the teacher

should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

5 Carrying Pupils

Staff should not be carrying pupils or pick pupils up off the floor.

6 Application of Force

Physical intervention can take several forms. It might involve staff:

- physically interposing between children;
- blocking a pupil's path;
- holding;
- pushing;
- pulling;
- leading a pupil by the hand or elbow;
- shepherding a pupil away by placing a hand in the centre of the back; or by the elbow or, (in extreme circumstances) using more restrictive holds.

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force': for example to prevent a young pupil running off a pavement onto a busy road, or to prevent a pupil hitting someone, or throwing something.

In other circumstances staff should not act in a way that might reasonably be expected to cause injury, for example by:

- holding a pupil around the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;
- slapping, punching or kicking a pupil;
- twisting or forcing limbs against a joint;
- tripping up a pupil;
- holding or pulling a pupil by the hair or ear;
- holding a pupil face down on the ground.

Staff should always avoid touching or holding a pupil in a way that might be considered indecent.

Where the risk is not so urgent the teacher should consider carefully whether, and if so when, physical intervention is right. Teachers should always try to deal with a situation through other strategies before using force. All teachers need developed strategies and techniques for dealing with difficult children and situations which they should use to defuse and calm a situation. In a non-urgent situation force should only be used when other methods have failed.

That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline, and there is no direct risk to people or property. As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated.

The age and level of understanding of the pupil is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older children. It should never be used as a substitute for good behavioural management.

In all circumstances the member of staff should –keep positive, keep in control and keep focused.

Any need for restraint should then involve the pupil being seen (as soon as possible after the incident) by a first aider. The member of staff should also be seen by a first aider.

7 Recording Incidents

It is important that there is a detailed, written report of any occasion (except minor or trivial incidents) where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint. This report should be written as soon after the event as possible.

The incident should be logged in a bound incident book – these are kept by the Headteacher and Deputy Head. Immediately following any such incident the member of staff concerned should tell the Headteacher or a senior member of staff and provide a written report as soon as possible afterwards. That should include:

- the name(s) of the pupil(s) involved, and when and where the incident took place;
- the names of any other staff or children who witnessed the incident;
- the reason that force was necessary (e.g. to prevent injury to the pupil, another pupil or member of staff);
- how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
- the pupil's response, and the outcome of the incident;
- details of any injury suffered by the pupil, another pupil, or a member of staff and of any damage to property.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

8. Informing parents

If a member of staff has had to use positive handling with a child, then the parent will be informed that same day either by phone or in person. A letter (Appendix I) will also be sent home.

Incidents involving the use of force can cause the parents of the pupil involved great concern. It is always advisable to inform parents (by telephone if necessary) of an incident involving their child, and give them an opportunity to discuss it. The Headteacher, or member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing. Reporting to parents should be logged also.

After any incident of restraint the first aider should check that both the pupil and member of staff are alright and record this in the accident book.

9. Complaints

Involving parents when an incident occurs with their child, plus a clear policy about physical contact with children that staff adhere to, should help to avoid complaints from parents. It will not 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. DfES Circular 10/95: Protecting Children From Abuse gives guidance about the latter, and about procedures for dealing with allegations against teachers.

The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a pupil or parent, cannot be ruled out. In those circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances. In that event, however, the panel, or court, would have regard to the provisions of section 550A. It would also be likely to take account of the school's policy on restraint, whether that had been followed, and the need to prevent injury, damage, or disruption, in considering all the circumstances of the case.

10. Physical Contact With Children In Other Circumstances

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by Section 550A of the 1996 Act. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, or CDT, or if a member of staff has to give first aid. Young children and children with special educational needs may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is in distress and needs comforting. Teachers will use their own professional judgement when they feel a pupil needs this kind of support.

There may be some children for whom touching is particularly unwelcome. For example, some children may be particularly sensitive to physical contact because of their cultural background, or because they have been abused. It is important that all staff receive information on these children. In addition, the school will need to develop clear common practice towards particular groups of children and events. There should be a common approach where staff and children are of different sexes. Physical contact with children becomes increasingly open to question as children reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

11 Monitoring and Review

11.1 It is the responsibility of the Governing Body to monitor the effective deployment of this policy. Whilst incidents are rare all incidents are reported by e-mail to the chair of governors as they occur. Incidents are reported termly to the full governing body via the Headteacher report.

11.2 This policy will be reviewed every two years.


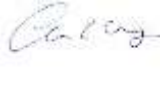
Document Control

Revision History

| Version | Revision Date | Revised By | Revision |
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|-----|-------------|------------|---|
| 1.0 | Autumn 2015 | Ann Pelham | Policy written in line with restraint training course |
| 1.1 | Spring 2016 | S&PW | Review & Ratified |
| 1.2 | Spring 2017 | S&PW | Review & Ratified |
| 1.3 | Spring 2019 | S&PW | Review & Ratified |
| 1.4 | Spring 2020 | S&PW | Review & Ratified |
| 1.5 | Spring 2021 | S&PW | Review & Ratified |
| 1.6 | Spring 2022 | S&PW | Review & Ratified |
| 1.7 | Spring 2023 | S&PW | Review & Ratified |

Signed by

| | Name | Signature | Date |
|--------------------|---------------|---|---------------|
| Headteacher | Ann Pelham |  | February 2023 |
| Chair of Governors | Clare Hegarty |  | February 2023 |

Distribution

| Shared with |
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| <ul style="list-style-type: none"> • Staff via school server • Parents via Website • Governors via committee meetings |

| Date for next review |
|----------------------|
| Spring 2025 |

Appendix I – Letter to parents



Bellevue Road, Friern Barnet, London N11 3HG

t: 020 8368 1434

f: 020 8361 6329

e: office@hollypark.barnetmail.net

Date:

Dear Parent/Carer

Today your son's/daughter's behaviour became extremely challenging and as such posed a health and safety risk to themselves, other children and /or staff. Staff supported him/her to reduce the risk and help him / her to calm down and regain control of themselves.

Here at Holly Park School we aim to provide a learning environment that is free from fear and safe from harm. We have policies and procedures followed by all our staff to try and secure the best learning and development for our children.

Although today we tried everything we could to calm them down and deescalate the situation, at some point during the incident it was necessary to use Team Teach techniques to hold them safely – we tried everything we could to avoid this, but it was decided that it was the best risk reduction option for everyone involved, including your son/daughter. Team Teach is the approach adopted to manage challenging and aggressive behaviour. Many of our teaching and non-teaching staff have been trained in the use of this approach and we keep a list of those staff authorised to use Team Teach after training from LA instructors. As a parent or guardian you should be assured that all staff are committed to providing a safe and productive learning environment for all. Staff will ensure that any physical intervention will happen wherever possible as a last resort.

Your son/daughter has been checked by school staff with a First Aid qualification and monitored since the incident, but we would ask that you keep an occasional eye on them for the next few hours to ensure they are O.K.

Should you wish to discuss the incident or how it was managed please contact school and I will be happy to talk to you about it.

Please sign and return the slip below to school as soon as possible. Thank you.

Please be assured that your son/daughter's health and safety is our highest priority and we will do all we can to safeguard their welfare whilst managing to the best of our ability such challenging behaviour.

Yours sincerely,

Headteacher

Behaviour Management and Team Teach

I confirm that I have received a letter about my child being held during an incident.

Signed

Parent/Carer of Date