



# **Victoria Primary School Academy**

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Policy for

## **Positive Handling and Restraint**

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Prepared by:	Adopted by Local Governing Body	Signed	Review Date
Principal	Mar 2023	Chair of Local Governing Body	Mar 2024

# Physical Restraint Policy

This policy is designed to serve the interests of children and school staff. It is based on, and should be read alongside DfEE Circular 10/98, DfES/DoH Joint Guidance on the use of RPI for Pupils with Severe Behaviour Difficulties (September 2003) and other school policies on Behaviour and Anti-Bullying.

In this policy, the term "staff" refers to teachers, teaching assistants, mid-day assistants and support staff alike.

At Victoria Road Primary School we aim:

- To develop in children a sense of self-discipline and an acceptance of responsibility for their own actions
- To create conditions for an orderly community in which effective learning can take place, in which there is mutual respect between all members, and where there is proper concern for the environment.

This should be achieved through the provision of a relaxed, pleasant atmosphere, in which children are encouraged to give of their best, both in the classroom and in extra-curricular activities and are stimulated to fulfil their potential.

However, we also acknowledge that there are times when behaviour may require staff intervention to ensure the safety of the pupil, pupils and staff and that this may require the use of physical interventions and positive handling.

## The Legal Framework

The Education Act 1996, Section 550A (DfEE Circular 10/98), states that reasonable force and restraint may be used to prevent a pupil from doing, or continuing to do, any of the following:

- committing a criminal offence;
- injuring themselves or others;
- causing damage to property (including the pupil's own property);
- engaging in behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session, or elsewhere.

DfEE Circular 10/98, gives examples of situations which may fall within the categories above:

- A pupil attacks a member of staff, or another pupil;
- Pupils are fighting;
- A pupil is engaged in, or is on the verge of deliberate damage or vandalism to property;
- 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 (*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 a classroom;
- A pupil is behaving in a way that is seriously disrupting a lesson.

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

At Victoria Road Primary School only staff who have received appropriate Team Teach training are authorised to use positive handling techniques at the school. An up to date list of people trained in Team Teach techniques is provided as an appendix to this policy.

Staff will always consider carefully whether physical intervention is necessary or if other options could be used to defuse the situation. Staff will always try to deal with a situation through other strategies before using force. All staff need to develop strategies and techniques for dealing with difficult pupils and situations, which they should use to defuse and calm a situation. Advice and support will be sought from the LA Behaviour Support Service.

However **ALL** staff have the right to defend themselves against attack, providing they do not use a disproportionate degree of force to do so. Unplanned physical interventions may also take place in urgent or emergency situations e.g. if a pupil was at immediate risk of injury or on the point of injuring someone else. These interventions must be reasonable and absolutely necessary and proportionate responses to the risks assessed.

## **Planning for Incidents**

Where we are aware that a pupil may be likely to behave in a way that may require physical control or restraint, the school adopts a proactive approach to managing these incidents by ensuring that an IEP, Risk Assessment or Positive Handling Action Plan has been undertaken and that appropriate planning is in place to:

- Manage the pupil (e.g. reactive strategies to de-escalate a conflict and where necessary the holds to be used when there is no other way)
- Involve the parents to ensure that they are clear about what specific action the school might need to take
- Briefing staff to ensure that they know exactly what action they should be taking
- Ensuring that additional support can be summoned where necessary
- The use of medical advice to ensure the safety of pupils with specific health needs.

At Victoria Road Primary School we adopt the following principles when deciding when to use physical restraint as an option:

- only physically intervene where there is clearly no alternative approach that would work in the circumstances (i.e. where there is an immediate emergency to resolve);
- only physically intervene when defending or protecting;
- only use the minimum amount of force required for the shortest amount of time;
- always make sure that the pupil is safe throughout any period of physical contact or restraint - stop if a child shows sign of difficulty in breathing, sudden change in colour, distress, vomiting;
- always record incidents of use of force and evaluate with the member of staff concerned the interventions to inform future management of the pupil/similar situations.

## **Reasonable Force**

There is no legal definition of reasonable force. Circular 10/98 gives some clarification of what might constitute reasonable force, but the Circular stresses that it will always depend on the circumstances. The Circular explains that physical force cannot be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.

**It is advised that wherever possible, another member of staff is present if staff need to use reasonable force in order to assist and/or act as witness.**

## Physical Intervention

Physical Intervention may involve:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- pushing or pulling, but only in exceptional circumstances to avoid danger;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back; or (in extreme circumstances) using more restrictive holds.

Types of physical intervention that are **not** acceptable would include:

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

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

## Recording Incidents

All incidents where physical force has been used by a member of staff (except minor or trivial incidents) will be carefully recorded and evaluated in the 'bound and numbered book' located in the Front office.

At Victoria Road Primary School we keep an up-to-date record of all incidents involving positive handling techniques. Immediately following any such incident, the member of staff concerned should tell the Principal, or a senior member of staff and provide a written report as soon as possible afterwards. That should include:

- the names of the pupil(s) involved and when and where the incident took place;
- the names of any other staff or pupils that witnessed the incident;
- the reason that force was necessary, e.g. to prevent injury to the pupil, other pupils or members 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.

## **Complaints**

Involving parents when an incident occurs with their child, planning for the possibility of incidents occurring and making the school's Positive Handling Policy available to parents should help in avoiding complaints from parents. However, we accept that it will not always prevent complaints from occurring. A dispute about the use of force by a member of staff may lead to an investigation, either under the schools disciplinary procedures or by the Police and Social Services Department under Safeguarding procedures. DfEE 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 lead to a disciplinary hearing or a criminal prosecution, or in a civil action brought by the pupil or parent cannot be ruled out. In these 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 the court, would have regard to provision 550A. It would also be likely to take account of the school's policy on restraint, whether that policy had been followed and the need to prevent injury, damage, or disruption, in considering the circumstances of the case.

## **Training**

Some members of staff have undertaken training in the use of physical restraint through Team Teach which is the preferred method of training in restraint techniques recommended by the LA. A comprehensive list of who has been trained is kept on the Single Central Register. Training is updated every three years in line with Team Teach guidelines. Further staff are trained on a needs led basis. This is generally informed by internal risk assessments that identify a specific need or by the recruitment induction process. The school will ensure that regular training and updating of training is available to all staff on a regular basis.