



CHEETWOOD COMMUNITY PRIMARY SCHOOL

GUIDANCE ON THE USE OF POSITIVE HANDLING (REASONABLE FORCE)

Approved by the Governing Body

A handwritten signature in black ink, appearing to read 'A. H. [unclear]', is written over a horizontal line.

Signed
Chair of Governors
06/10/2021

To be reviewed Autumn Term 2022 (or following updated DfE guidance)

Judged to be GOOD by Ofsted in March 2018.

*"This is a highly inclusive school, where everyone feels safe, respected and valued.
Pupils enjoy school and are very keen to learn".*

This guidance is intended to provide clarification on the use of force to help Cheetwood staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of the headteacher and governing body in respect of this power.

1 What is reasonable force?

- 1) The term 'reasonable force' covers the broad range of actions used by most school staff at some point in their career that involves a degree of physical contact with pupils.
- 2) At Cheetwood Primary School the use of reasonable force is known as 'as **positive handling**' and the term is used as such in this guidance as it more appropriately reflects the school's approach and philosophy
- 3) Positive handling is usually used either to guide or control the behaviour of pupils. This can range from passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as guiding a pupil by the arm to safety out of a classroom, through to more extreme circumstances such as breaking up a fight, for example when two pupils are fighting and refuse to separate without physical intervention, or where a pupil needs to be contained to prevent violence or injury.
- 4) 'Reasonable in the circumstances' means using no more force than is needed.
- 5) Cheetwood staff will 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.

2 Who can use reasonable force?

- 1) All members of school staff have a legal power to use reasonable force to positively handle pupils.
- 2) 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/carers accompanying pupils on a school organised visit.

3 When can positive handling be used?

- 1) Positive handling is used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder.
- 2) The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and will always depend on the individual circumstances.
- 3) The following list is not exhaustive but provides some examples of situations where positive handling will and will not be used at Cheetwood:

Staff will use positive handling to:

- remove a disruptive pupil 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; and
- hold a pupil at risk of harming themselves through physical outbursts.

Staff will not:

- use force as a punishment – **this is unlawful**

4 Power to search pupils without consent

1) In addition to the general power to use reasonable force described above, the headteacher and staff at Cheetwood 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
- inappropriate images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force **will not** be used to search for items banned under the school rules eg mobile phones. Separate guidance is available on the power to search pupils and confiscate items.

5 Communicating the school's approach to the use of positive handling

- 1) Cheetwood Primary School is required by law to have a behaviour policy and has made this policy known to staff, parents/carers and pupils. The school's behaviour policy includes a section on the power to use reasonable force.
- 2) There is no legal 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. For example, our behaviour policy states that staff will physically separate pupils found fighting or that if a pupil repeatedly refuses to leave a room when instructed to do so, they will be physically removed.
- 3) The school recognises the additional vulnerability of pupils with SEND; we have considered our duties under the Equality Act 2010 and, as a result, will always put in place reasonable adjustments (for example, by planning positive and proactive behaviour support through individual behaviour plans for more vulnerable pupils, and agreeing these with parents/carers) in order to reduce the occurrence of challenging behaviour of SEND pupils that might lead to the need to use positive handling
- 4) The school does not require parental consent to positive handle a pupil.

6 Staff training and the use of Team Teach Positive Handling

The majority of staff at Cheetwood underwent Team Teach Positive Handling and de-escalation behaviour management strategies training in the spring term 2016 and this training was refreshed in January 2021. This training will enable staff to carry out their responsibilities in relation to the use of reasonable force as identified within this guidance.

Since 2016 a selection of bespoke Team Teach Positive Handling training has taken place for smaller teams of Cheetwood staff in order to enable them to respond more effectively and confidently with individual pupils who have more complex special needs and who may require physical intervention. Team Teach techniques seek to avoid injury when used on pupils, but it is possible that bruising or scratching may occur accidentally. This is not to be seen as a failure of professional technique but a regrettable and infrequent side effect of ensuring that pupils in this school remain safe.

As well as regular training, individual staff are also provided with appropriate support by senior leaders following the occasions that positive handling has been used. This support is outlined within a separate school document called "Support for Staff Following the Use of Positive Handling".

7 Telling parents/carers when positive handling has been used on their child

- 1) Incidents involving the use of positive handling will always be recorded on CPOMS. There is no legal requirement to speak to parents/carers about serious incidents involving the use of force, but this is recommended practice and so at Cheetwood all incidents where positive handling has been used will be reported to the respective parents/carers by a designated member of staff.
- 2) In deciding what is a serious incident, members of staff will always 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; and
 - the pupil's age.

8 If a pupil complains when they have been positively handled

- 1) All complaints about the use of positive handling will be thoroughly, speedily and appropriately investigated.
- 2) Where a member of staff has acted within the law – that is, they have used reasonable force to positive handle a pupil 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.
- 3) 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.
- 4) Suspension will not be an automatic response when a member of Cheetwood staff has been accused of using excessive force. The headteacher and/or governing body would refer to the "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance and involve appropriate personnel from the Local Authority where an allegation of using excessive force is made against a member of staff. This guidance makes clear that a member of staff will not be suspended automatically, or without careful thought.

5) The headteacher and/or governing body will consider carefully whether the circumstances of the case warrant a member of staff being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

6) If a decision is taken to suspend a member of staff, the school will ensure that this member of staff has access to a named contact who can provide support.

7) The governing body will always consider whether a member of staff has acted within the law when reaching a decision on whether or not to take disciplinary action against that member of staff.

8) As employers, schools and local authorities have 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.

9 Other physical contact with pupils

1) It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

2) Examples of where touching a pupil is proper or necessary are:

- holding the hand of a pupil from the younger year groups at the front/back of the line when going to assembly or when walking together around the school ;
- when comforting a distressed pupil;
- when a pupil is being congratulated or praised;
- to demonstrate how to use a musical instrument;
- to demonstrate exercises or techniques during PE lessons or sports coaching; and
- to give first aid.

10 COVID-19

It is inevitable that staff will come into much closer physical contact with a pupil during positive handling. This is an authorised action within the boundaries of this policy.

As long as staff are following the school's published safer working practices and taking all the protective measures required of them during the COVID-19 situation, this will mitigate the risk of transmission of the virus during any closer physical contact.

THIS GUIDANCE HAS BEEN DEVELOPED BASED ON THE LATEST DfE ADVICE "USE OF REASONABLE FORCE" JULY 2013 and "KEEPING CHILDREN SAFE IN EDUCATION" SEPTEMBER 2021.