

Ightham Primary School



Positive Handling Policy

Review details:

Next Review Date	December 2023
------------------	---------------

Version	Ratified by	Date	Signed
1.2	Full Governing Body	24 th November 2022	

Linked to the Behaviour Policy

Ightham Primary School adopts the guidance from ‘The Department of Education’.

- Staff must present themselves as good role models. This means that they should be aware of their own behaviour and attitudes.
- All pupils must be valued as unique individuals and treated with respect and dignity.
- It is the school’s aim to promote positive behaviour management; this should be constantly reinforced, thereby helping pupils to develop high levels of self-esteem.

Physical intervention is permitted when it is the only way to ensure everyone’s safety and to continue to provide education.

There may be occasions where pupils’ need to be restrained or physical intervention is necessary. This is likely to be as a result of some unexpected behaviour or because the child has lost control due to his/her special educational need or vulnerable state.

If physical intervention is required as part of a behavioural management plan, within an IEP, then it must be authorised by the parents and or/carers and be authorised by the most senior member of staff.

The Head Teacher authorises teachers and teaching assistants to use reasonable force to:

- prevent pupils from hurting themselves or others, from damaging property, or from causing disorder
- 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, such as running away from supervision, disrupting and preventing teaching taking place
- 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.

In addition to the general power to use reasonable force, the Head Teacher and authorised staff can "use such force as is reasonable given the circumstances to conduct a search for knives or weapons, alcohol, illegal drugs and stolen items'. A search for fireworks and pornographic images is also allowed. (Section 550ZB (5) of the Education Act 1996)

Staff cannot:

- use force as a punishment - it is always unlawful to use force as a punishment.
- Use force to search for other items banned under the school rules that are not listed by the Department for Education (see above).

What is reasonable force?

Force can be regarded as 'reasonable' only if the circumstances warrant it - otherwise it is unlawful. Therefore, physical force should not be used to prevent trivial misdemeanours.

The degree of force used must be in proportion to the incident and seriousness of the behaviour, or the consequences that it is intended to prevent.

It can be used for: Escorting, Holding and Restraint. (Section 550A of the Education Act 1996).

Procedures

- The minimum of force necessary should only be used.
- Only restrain the pupil for the minimum time necessary to restore safety and order.
- The Head Teacher must be informed at the earliest possible opportunity.
- Incidents must be recorded and countersigned by a second member of staff. This should then be signed by the Head Teacher or a member of the SLT.
- Parents/carers must be informed by the class teacher whenever a restraint has been used.
- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.

Annex 1

Background to using Department for Education information.

- Every school is required by law to have a behaviour policy and to make this policy known to staff, parents and pupils. The governing body should notify the Head Teacher that it expects the school behaviour policy to include the power to use reasonable force.
- 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.
- 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.
- All members of school staff have a legal power to use reasonable force. This power applies to any member of staff at the school. It can also apply to people whom the Head Teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying pupils on a school organised visit. (Section 93, Education and Inspections Act 2006)
- 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.
- Any policy on the use of reasonable force should acknowledge a 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. When written into an IEP, parental agreement is required.
- 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.
- Schools need to take their own decisions about staff training in order to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so.