



Positive Handling Policy

Maltby Lilly Hall Academy
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MLT Policy on the use of Reasonable Force

STATEMENT

Staff at Maltby Learning Trust Academies are trained to look after the students in their care. Staff have a duty to intervene in order to prevent students from hurting themselves or others and are able to use 'reasonable force' in order to do so. There may also be situations in which a student seriously disrupts the good order of the school or causes damage to property. If a member of staff ever needs to intervene physically, they will follow this Positive Handling Policy

INTRODUCTION

Within Maltby Learning Trust Academies, student and staff welfare is paramount. In order to safeguard the wellbeing of both students and staff it is sometimes necessary for staff to use 'reasonable force' through the application of 'Positive Handling' techniques to defuse situations in which students and/or staff could potentially be at risk. This policy defines 'reasonable force' the types of circumstance in which it can be used, and the responsibilities of those involved.

This policy is not intended to provide a guide to 'Positive Handling' techniques – these are comprehensively outlined in the 'Team-Teach' manual provided during training

The Maltby Learning Trust takes its duty of care towards students, employees and visitors to its academies seriously. Staff protection is an important part of child protection; both depend upon confident and competent staff who feel supported by their management. This policy has a clear focus:

- The first and paramount consideration is the welfare of the students in our care.
- The second is the welfare and protection of the adults who look after them.

DEFINITIONS

The term 'Positive Handling' includes a wide range of supportive strategies for managing challenging behaviour. Included in this framework are a small number of responses which may involve the appropriate use of force to control or restrain a student.

The term 'reasonable force' is used to define the level of force used in controlling a potentially dangerous situation. This policy defines what the Maltby Learning Trust defines as 'reasonable force' – this is informed by the DFE guidance 'The Use of Reasonable Force' July 2013.

The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with students. Force is usually used either to control or restrain. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

'Reasonable in the circumstances' means using no more force than is needed. As mentioned above, schools generally use force to control students and to restrain them. Control means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom.

Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.

School staff should 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 student.

POSITIVE BEHAVIOUR MANAGEMENT

Any use of reasonable force at Maltby Learning Trust Academies is conducted within a framework of positive behaviour management. The school Behaviour Policy is intended to reward effort and application and encourage students to take responsibility for improving their own behaviour. Part of our preventative approach to risk reduction involves looking for early warning signs, learning and communicating any factors which may influence bad behaviour and taking steps to divert behaviours leading towards foreseeable risk. Further details on the approaches taken to this area can be found in the 'Positive Behaviour Policy'.

ALTERNATIVES TO THE USE OF REASONABLE FORCE

A member of staff who chooses not to use reasonable force can still take effective action to reduce risk. They can:

- Show care and concern by acknowledging unacceptable behaviour and requesting alternatives and reason.
- Give clear directions for students to stop.
- Remind students about rules and likely outcomes.
- Remove an audience or take vulnerable students to a safer place.
- Make the environment safer by moving furniture and removing objects which could be used as weapons.
- Use positive touch to guide or escort students to somewhere less pressurised.
- Ensure that colleagues know what is happening and get help.

WHO CAN USE REASONABLE FORCE?

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 headteacher has temporarily put in charge of students such as unpaid volunteers or parents accompanying students on a school organised visit.

WHEN CAN REASONABLE FORCE BE USED?

Reasonable force can be used to prevent students from hurting themselves or others, from damaging property, or from causing disorder.

In a school, force is used for two main purposes – to control students or to restrain them.

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

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used:

Schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;

- prevent a student behaving in a way that disrupts a school event or a school trip or visit;
- prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a student from attacking a member of staff or another student, or to stop a fight in the playground; and
- restrain a student at risk of harming themselves through physical outbursts.

Schools cannot:

- use force as a punishment – it is always unlawful to use force as a punishment

POWER TO SEARCH STUDENTS WITHOUT CONSENT

In addition to the general power to use reasonable force described above, headteachers and authorised staff 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
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force **cannot** be used to search for items banned under the school rules which is not one of those mentioned above. Separate guidance is available on the power to search without consent – see the 'Positive Behaviour Policy'.

COMMUNICATING THE SCHOOL'S APPROACH TO THE USE OF FORCE

MLT Academies have a 'Positive Behaviour Policy' which is available to staff, parents and students through the academy websites. This is updated on an annual basis. The Maltby Learning Trust Board requires academy behaviour policies to include the power to use reasonable force in order to ensure that child and staff safety can be assured.

This policy is a supplement to the individual academy behaviour policies, explicitly outlining the MLT approach to the use of force in its academies and the circumstances in which force might be used.

USING UNREASONABLE FORCE

Unreasonable force can be defined as a level of force which is disproportionate to the actions of a child. This includes the use of certain restraint techniques which an expert panel have decided present an unacceptable risk when used on children and young people. The techniques in question are:

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

STAFF TRAINING

Within MLT academies, 'Team Teach' is the preferred approach to the application of reasonable force. This is referred to as 'Positive Handling'. It is the policy of The Maltby Learning Trust that all specialist behavior staff working closely with SEMH students are trained in pre-emptive and responsive positive handling strategies and techniques of Team Teach, to complement the behaviour management approaches and strategies reflected in the School Positive Behaviour Policy. Further

details of the Team Teach approach can be found on the Team Teach website (www.team-teach.co.uk). Beyond these core teams, Principals will decide how many and which staff will receive training at what level; however, it should be noted that staff need to be sufficiently trained to enable them to meet the needs of the children in their care.

HEALTH & SAFETY

If dangerous behaviour presents a significant risk of injury to people, there is a legal Health and Safety issue to be addressed. Dangerous behaviour should be regarded just as seriously as dangerous equipment. Dangerous occurrences should be reported to the Principal and the person responsible for Health and Safety in the school. We all have a shared responsibility to identify risk, communicate potential risks and take active steps to reduce risk wherever possible. We recognise that it is not possible to entirely remove risk. Sometimes things go wrong even when we make the best efforts to do the right thing. Sometimes we are faced with unpalatable choices. In these circumstances we have to try and think through the outcomes of the options available, balance the risk and choose whatever course of action which seems to involve the least risk.

As a minimum requirement, in order to comply with health and safety legislation, each employee has a responsibility to ensure that they are conversant with the school policy and guidance, and to cooperate to make the school safer. It is also a requirement that they participate in training if they are directed to do so. This does not necessarily mean that all staff can be involved in all physical activities. The non-physical aspects of positive handling training are crucially important too.

When considering a student's behaviour staff should think about the following questions:

- Can we anticipate a Health and Safety risk related to this student's behaviour?
- Have we got all the information we need to conduct a risk assessment?
- Have we provided a written plan as a result?
- What further steps can we take to prevent dangerous behaviour from developing?

RISK ASSESSMENT

Informal risk assessments should be a routine part of life for staff working with students who may exhibit extreme behaviour. Responsible staff should think ahead to anticipate what may go wrong. If a proposed activity or course of action involves unacceptable risk the correct decision is to do something else.

Factors which might influence a more immediate risk assessment, and therefore a decision about how to intervene, might include the state of health and fitness of the staff member, their physical stature, competence, confidence and relationships with the students concerned. Confidence and competence are often related to the level of staff training. Other than in an emergency, staff should only attempt physical controls when they are confident that such an action will result in a reduction of risk. When faced by extreme behaviour, or even in a fight situation, the judgement may be that by becoming involved, the member of staff will increase the chance of somebody getting hurt. In this the correct decision is to hold back from physical controls.

GETTING HELP

At Maltby Learning Trust Academies a range of the following support structures will be in place:

- IEP's, PSP's and Behaviour Plans are kept on file to ensure all relevant information about students is available to all staff working with them.
- Regular updates on current issues and sharing of information to relevant staff working with the students.

- Use of help protocols and language to remind all staff of the availability of colleagues to offer help including during a crisis situation with a student.
- Debrief sessions after a crisis with the student(s) involved, reflecting on how crisis was managed by all involved and identifying any points for review or learning.
- Staff access to counselling sessions as and when required.

POSITIVE HANDLING PLANS

Risk management plans are regarded as an integral part of behaviour management planning. All students who have been identified as presenting a risk should have a "Positive Handling Plan". The plan details any strategies which have been found to be effective for that individual, along with any particular responses which are not recommended. If particular physical techniques have been found to be effective, they should be named, along with 'alerts' to any which have proved to be ineffective, or which caused problems in the past.

Where a child has additional needs, Positive Handling Plans should be considered alongside an IEP, EHCP or any other planning documents which relate to the student. They should take account of age, sex, level of physical, emotional and intellectual development, special need and social context. Positive Handling Plans should result from multi-professional collaboration and be included in the Pastoral Support Plan or IEP.

RESPONDING TO UNFORSEEN EMERGENCIES

Even the best planning systems cannot cover every eventuality and the school recognises there are unforeseen or emergency situations in which staff have to think on their feet. It is not enough to thoughtlessly apply rules without thinking through the likely consequences. The key principles are that any physical intervention should be:

- In the best interest of the child;
- Reasonable and proportionate;
- Intended to reduce risk;
- The least intrusive and restrictive of those options available which are likely to be effective.

TELLING PARENTS WHEN FORCE HAS BEEN USED ON THEIR CHILD

It is good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools to decide whether it is appropriate to report the use of force to parents. This should be done as soon as possible after an incident has occurred and by the end of the school day.

In deciding what is a serious incident, teachers should use their professional judgement and consider the:

- student's behaviour and level of risk presented at the time of the incident;
- degree of force used;
- effect on the student or member of staff; and
- the child's age.

RECORDING

Whenever reasonable force is used, the incident must be recorded using the individual academy's recording system – this is normally the 'Team Teach' Bound and Numbered Book and/or the CPOMS system. The bound and numbered book must be kept securely in a known location. All staff

involved in an incident should contribute to the record which should be completed within 24hrs. The details recorded on the forms are then kept confidentially.

Staff should:

- Read through the school Record carefully.
- Take time to think about what actually happened and try to explain it clearly.
- Complete names in full.
- Sign and date forms.
- Records will be retained and cannot be altered. They will be kept for many years and could form part of an investigation at some point in the future.
- Serious Incident Reports should not be completed until the individuals concerned have recovered from the immediate effects of the incident. They should not be rushed. A record is written into the incident book. This refers to supporting sheets and other relevant information.

MONITORING AND EVALUATION

The Principal will ensure that each incident is reviewed and instigates further action as required. Maltby Lilly Hal Academy Incident Reports are open to external monitoring and evaluation.

Following an incident, consideration may be given to conducting a further risk assessment, reviewing the Positive Handling Plan, Positive Behaviour Policy or this Positive Handling Policy. Any further action in relation to a member of staff, or an individual student, will follow the appropriate procedures.

WHAT HAPPENS IF A STUDENT COMPLAINS WHEN FORCE IS USED ON THEM?

All complaints about the use of force should be thoroughly, speedily and appropriately investigated. Where a member of staff has acted within the law – that is, they have used reasonable force 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.

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.

Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Where an allegation of the use of excessive force is made the 'Policy on Managing Allegations Against Staff' should be consulted and advice taken from the Chief Executive Officer. This policy makes clear that a person must not be suspended automatically, or without careful thought. Academies must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

Consideration should always be made as to whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

As employer, the MLT has a duty of care towards its 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.

WHAT ABOUT OTHER PHYSICAL CONTACT WITH STUDENTS?

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

Examples of where touching a student might be proper or necessary:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed student;
- When a student 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.

FREQUENTLY ASKED QUESTIONS

Q: I'm worried that if I use force a student or parent could make a complaint against me. Am I protected?

A: Yes, if you have acted lawfully. If the force used is reasonable all staff will have a robust defense against any accusations.

Q: How do I know whether using a physical intervention is 'reasonable'?

A: The decision on whether to physically intervene is down to the professional judgement of the teacher concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. School staff should expect the full backing of their senior leadership team when they have used force.

Q: What about school trips?

A: The power may be used where the member of staff is lawfully in charge of the students, and this includes while on school trips.

Q: Can force be used on students with SEN or disabilities?

A: Yes, but the judgement on whether to use force should not only depend on the circumstances of the case but also on information and understanding of the needs of the student concerned.

Q: I'm a female teacher with a Year 10 class - there's no way I'd want to restrain or try to control my students. Am I expected to do so?

A: There is a power, not a duty, to use force so members of staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their students and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

Q: Are there any circumstances in which a teacher can use physical force to punish a student?

A: No. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.

FURTHER SOURCES OF INFORMATION

Other DfE advice and guidance you may be interested in:

- *Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002)*
- *Guidance on the Use of Restrictive Physical Interventions for Students with Severe Behavioural Difficulties (2003)*
- *Screening, searching and confiscation – advice for headteachers, staff and governing bodies.*
- *Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools*
Associated resources (external links)
- *Police and Criminal Evidence Act 1984 (PACE) Code G: Revised Code of Practice for the Statutory Power of Arrest by Police Officers*