
Welling School: Positive Handling Policy

Rationale

At Welling School we have high expectations in all that we do including student behaviour. We also recognise our responsibility and duty to care for and support one another as adults and students. In general it is important that adults working in school avoid physical contact with students but it is neither desirable nor possible to have a total 'no contact' policy as there are a variety of situations where this would not be responsible (eg providing first aid, demonstrating use of a musical instrument, demonstrating sports techniques). One such occasion where contact may be necessary is where there is a need for appropriate positive handling or the use of reasonable force, both of which are permitted in law (DFE Use of Reasonable Force Non Statutory Guidance 2013) to prevent students from hurting themselves or others, from damaging property in such a way that it could cause serious injury to themselves or others or from causing disorder. It is recognised that in practice the use of reasonable force will be a rare event.

Purpose

The purpose of this policy is to:

- i) Explain the rights of staff to use reasonable force when necessary
- ii) Explain the nature of reasonable force
- iii) Set out the circumstances in which reasonable force may be justified
- iv) Explain the reporting and recording procedure
- v) Set out the complaints process

Guidelines

The rights of staff

All members of staff have a legal power to use reasonable force within the limitations of this policy and there may be occasions when failure to do so could breach the duty of care towards students. The school will support staff where a member of staff uses reasonable force within the context of this policy.

What is reasonable force?

Force can be used to either control or restrain. Control means either passive physical contact such as standing between pupils or blocking a student's path, or active physical contact such as leading a pupil by the arm out of a classroom. Restraint means to hold back physically or to bring a pupil under control and is typically used in more extreme circumstances. Regarding both control and restraint, 'reasonable force' (Necessary force + Proportionate force) will be applied.

Necessary = Harm likely to be caused by the action
Vs
Proportionate = Harm likely to result if action not taken

In common law, reasonable force is defined as the amount of force that the member of staff honestly believes to be reasonable at the time of the action, even if subsequently this subjective judgement is found to be misjudged.

Staff should always try to avoid acting in a way that might cause injury but it may not always be possible to avoid injury to a student. *DFE guidelines 2013*

When can reasonable force be used?

Reasonable force can be used to:

- Prevent pupils from hurting themselves or others
- Prevent pupils from damaging property in such a way that it could cause serious injury to themselves or others
- Prevent pupils from causing disorder.

The decision on whether or not to use reasonable force is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances. There is no need for parental consent prior to using reasonable force. In using reasonable force, reasonable adjustments need to be made for disabled students and students with a statement of special educational need.

It is not possible to provide a comprehensive list of all the situations in which it might be appropriate to use reasonable force, and they will in practice be rare, but some examples of where reasonable force may be necessary to use are to:

- Physically separate students found fighting
- Restrain a student at risk of harming themselves through physical outbursts
- Prevent a student from attacking a member of staff or another student
- Prevent a student behaving in a way that seriously disrupts a school event
- Prevent a student leaving a classroom where allowing them to leave would seriously risk their safety or lead to behaviour that disrupts the behaviour of others
- Remove disruptive students from a classroom where they have refused to follow an instruction to do so .

Wherever possible, assistance should be sought so as to avoid one to one situations. Any other students at risk should be removed from the situation.

It is always unlawful to use force as a punishment and there are certain restraint techniques which present an unacceptable risk when used on young people. It is not therefore acceptable to:

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

Power to search pupils without consent

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.

Except in an emergency, only trained staff should use restraint techniques on identified vulnerable students with behavioural difficulties. These are identified by the SEN department and reviewed regularly.

Reporting and Recording

Any incident involving the use of physical force with students MUST be reported to the Deputy Headteacher responsible for pastoral care as soon as practically possible (or to another senior member of staff in the deputy's absence)

Any incident involving the use of physical force must be recorded in writing in full straight away, time and covered will be allocated for this to happen. The Deputy Headteacher will decide on how best to report the incident to parents/carers

Complaints

All complaints about the use of force will be investigated thoroughly, speedily and appropriately by a person appointed by the Headteacher.

When a complaint is made the onus is on the person making the complaint to prove that the allegations are true.

Where there is an allegation against a member of staff of using excessive force the school will use the staff disciplinary policy but suspension will not be an automatic consequence of the allegation.

The school will ensure that appropriate pastoral care is made available to any member of staff who is subject to a formal allegation following a use of force incident.

Where the decision is taken to suspend a member of staff, the Governing Body will consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action.

Where a member of staff has acted within the law – to use reasonable force in order to prevent injury, damage or disorder – this will provide a defence to any potential criminal prosecution or civil action.

Positive Handling team

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