



## **POSITIVE HANDLING POLICY**

### **Introduction**

The policy has been prepared for the support of all teaching and support staff who come into contact with pupils and for volunteers working within the Trust, to explain the arrangements for the care and control of pupils presenting very challenging behaviour.

### **Purpose of the policy**

Good personal and professional relationships between staff and pupils are vital to ensure good order in our Trust. It is recognised that the majority of pupils in our academies respond positively to the discipline and control practised by staff. This ensures the well-being and safety of all pupils and staff in Aspire North East Multi Academy Trust. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required.

Every effort will be made to ensure that all staff in the Trust clearly understand this policy and their responsibilities in the context of their duty of care for taking appropriate measures where reasonable force is necessary.

### **Implications of the policy**

In line with DfE guidance, the Education and Inspection Act 2006 stipulates that reasonable force may be used to prevent a pupil from doing, or continuing to do, any of the following:

- committing any offence
- causing personal injury to, or damage to the property of, any person (including the pupil himself)
- prejudicing the maintenance of good order and discipline at the academy or among any pupils receiving education at the academy, whether during a teaching session or otherwise

Individual members of staff cannot be required to use physical restraint. However, teaching and non-teaching staff work in loco parentis and should always operate with an appropriate 'Duty of Care'.

The application of any form of physical control places staff in a vulnerable situation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow the policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

Reasonable force will only be used as a last resort when all other behaviour management strategies have failed or when pupils, staff or property are at risk.

## Definitions

Reasonable force - no legal definition of reasonable force exists. However, for the purpose of this policy and the implementation of it in the Aspire North East Multi Academy Trust:

- positive handling uses the minimum degree of force necessary, for the shortest period of time, to prevent a pupil harming themselves, others or property
- the scale and nature of any physical intervention must be proportionate to both the behaviour of the pupil, and the nature of the harm they might cause

Physical contact - 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. Examples of where touching a pupil might be proper or necessary:

- 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.

Physical intervention - may be used in exceptional circumstances (e.g. using a hand or arm with little or no force to guide or lead a pupil). Examples of where physical intervention might be necessary:

- prevent the student harming themselves or others;
- prevent the damage to property;
- prevent them from committing an offence;
- to guide a pupil away from destructive or disruptive action.

Physical intervention, control and restraint should always be the last resort, will always consider the rights and needs of the pupil first and will only be used in the best interests of the pupil. Staff should not physically intervene or act in any way that may exacerbate the situation. Pupils will always be encouraged to regain control of their own actions in an attempt to de-escalate the situation without the need of physical intervention. If it is necessary to use physical intervention, at no time during physical intervention will pain be intentionally inflicted.

## Underpinning values

Everyone attending or working in this Trust has a right to:

- recognition of their unique identity;
- be treated with respect and dignity;
- learn and work in a safe environment;
- be protected from harm, violence, assault and acts of verbal abuse.

Pupils attending academies within this Trust and their parents have a right to:

- individual consideration of pupil needs by the staff who have responsibility for their care and protection;
- expect staff to undertake their duties and responsibilities in accordance with the Trust's policies;
- be informed about Trust rules, relevant policies and the expected conduct of all pupils and staff working in the Trust;
- be informed about the Trust's complaints procedure.

The Trust will ensure that pupils are given support to understand the need for and respond to clearly defined limits, which govern behaviour in the academies.

### **Authorised staff**

All staff employed within the Aspire North East Multi Academy Trust are authorised to use reasonable force within the context of The Education and Inspection Act 2006, S93 – 'Use of reasonable force'.

This power also applies to people whom the Headteacher has temporarily put in charge of pupils, such as unpaid volunteers, staff from external organisations working within the academies, initial teacher training students or parents accompanying students on a school organised visit. For such parties, it is the Headteacher's responsibility to ensure that colleagues from support services are aware of Trust policy and practice.

### **Guidelines & Training**

The contents of this policy and associated procedures will be made clear as part of the induction of staff and training when considered appropriate will be provided as part of on-going staff development.

Aspire North East Academy Trust acknowledges that physical techniques are only a part of a whole setting approach to behaviour management. The Directors of the Trust will ensure that:

- the Behaviour Policy is reviewed on a two-year cycle at least;
- training will be planned and delivered through a programme of CPD for all staff on a needs-based approach and procedures are in place to monitor incidents, following a behavioural audit and implementation of appropriate risk management procedures;
- Training may include theory on the following:
  - causes of challenging behaviour;
  - prevention strategies;
  - positive behaviour management;
  - de-escalation;
  - risk assessment;
  - behaviour support planning;
  - de-briefing following incidents.
- Physical techniques are not treated in isolation and the Trust is committed to ensuring that, as a result of incidents, learning opportunities are created for children that allow them to 'own' and take responsibility for their behaviour.

### **Conclusion**

Procedures are to be in place to ensure that appropriate support is provided for staff and that following an incident pupil/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

All the techniques used take account of a young person's:

- age
- gender
- level of physical, emotional and intellectual development
- special needs and/or disabilities

Where appropriate, Positive Handling Plans are written for individual children and, when appropriate, these will be designed through multi-professional collaboration. These should be included in any Pastoral Support Plans/IEPs.

Risk assessments need to be completed against each child when it is anticipated that physical restraint may need to be used, in the context of identified target behaviour(s) and environments in which they occur. The assessment should identify the benefits and the risks associated with the strategies being proposed.

Positive handling and incident reports are completed and recorded following any use of restraint.

All parties involved in carrying out a restraint, including the pupil/s involved are assessed by a trained first aider, at the earliest available opportunity, the details of which are formally recorded.

Parents/carers are made aware of any incidents requiring the use of restraints involving their child.

Situations requiring a child to be restrained that escalate to what is deemed to be a serious level may result in requiring assistance from the police.

**Last review date:** 24.05.22

**Persons Responsible:** Lisa Mellefont (Assistant Headteacher – Southmoor Academy)  
Allison Johnston (Deputy Headteacher – Sandhill View Academy)

**Associated Policies:** Behaviour Management  
Health and Safety  
Risk Management  
Safer Working Practices

**Further Government Guidance on the Use of reasonable Force – *Advice for Headteachers, staff and governing bodies* can be found at:**

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/444051/Use\\_of\\_reasonable\\_force\\_advice\\_Reviewed\\_July\\_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf)

**Education and Inspections Act 2006 Section 93 - *Power of members of staff to use force***

<http://www.legislation.gov.uk/ukpga/2006/40/section/93>