



In our school we love deeply, respecting everyone and treating them with dignity;  
we aspire with confidence, working hard and embracing challenge and  
we serve God and the community, following the example of Jesus, to create a better world.

**Ephesians 5:2 (NLT)**

*“Live a life filled with love, following the example of Christ. He loved us and offered himself as a sacrifice for us”*

## Positive Handling Policy

*These Guidelines are intended to conform with Section 550A of the Education Act 1996, Article 5 of the Human Rights Act 1998, the Children Act, Circular 10/98 and the 2002 Guidance on Physical Intervention.*

### Introduction

At Latymer All Saints CE Primary School, we believe that we have a special duty to safeguard and promote the education of all children and to maintain the safety of all staff and volunteers. We recognise that the welfare of the child is paramount and that each child has the right to be protected from harm. We seek to protect all children from any form of physical intervention which is unnecessary, inappropriate, excessive or unlawful.

It is also recognised that on occasions, and as a last resort, situations may arise where in order to ensure the welfare and protection of children or other adults, it may be necessary for named staff to use a physical intervention.

### Aims of the Policy

- To provide a safe and secure environment, where education is valued and there is a belief in the abilities and potential of all children
- The ethos of Latymer All Saints CE Primary School is that control should be based on good, positive relationships between staff and pupils as well as staff and parents

### What the Law says

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is necessary in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- Committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil)
- Causing personal injury to, or damage to the property of, any person (including the pupil him/herself)
- Prejudicing the maintenance of good order and discipline at the school or among any pupil receiving education at the school, whether during a teaching session or otherwise

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used must be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. Those exercising the power to use force must also take proper account of any particular special educational need and/or disability that a pupil might have.

Under the Equality Act 2010 schools have two key duties:

- Not to treat a disabled pupil less favourably, for reason relating to his/her disability, than someone to whom that reason does not apply, without justification
- To take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled

**It is always unlawful to use force as a punishment.** This is because it would fall within the definition of

corporal punishment, abolished by section 548 of the Education Act 1996.

### **What is Positive Handling?**

Positive Handling is the positive application of force with the intention of protecting the child from harming himself or others or seriously damaging property. The proper use of positive handling requires skill and judgement, as well as knowledge of non-harmful methods of restraining. Only qualified members of staff (named staff) can use this approach. Where at all possible these members of staff will be called to support in the restraint of a child. However if the danger is immediate, this does not prevent other members of staff intervening physically with a child if the child is at risk of harming themselves or others as the law above states.

### **Why use Positive Handling?**

Positive Handling Approach should avert danger by preventing or deflecting a child's action or perhaps removing a physical object, which could be used to harm him/herself or others. Positive Handling Approach, skillfully applied, may be eased by degrees as the child calms down in response to the physical contact. It is only likely to be needed if a child appears to be unable to exercise self-control of emotions and behaviour.

The staff at Latymer All Saints CE Primary School recognise that the use of reasonable force is only one of the strategies available to secure pupil safety and also maintain good order and discipline.

- No occasion should arise when it is acceptable for a person to act violently towards others. Staff who act professionally, and within these agreed guidelines, will be supported if a situation arises where physical intervention is necessary as long as guidance is followed
- Time and/or distance from the child might, at times, reduce the need for physical control
- Situations can arise that cannot be diffused and where unacceptable behaviour becomes violent or dangerous. It is then likely that a member of staff will become directly involved
- On occasions, it may be appropriate to use physical intervention to reduce the level of violence or danger. However, it must be remembered that there may well be times when the use of physical intervention may, in the short term, increase the level of violence
- Members of staff should only use physical intervention when other alternatives have been or cannot be tried, and where the following circumstances appear to exist:
  1. Where pupils are in imminent danger of causing danger to themselves
  2. Where other children or staff are in imminent danger of injury
  3. If a child is causing significant danger to property and causing serious damage
  4. When a pupil has refused to carry out a reasonable instruction, and in so doing, their presence is causing serious disruption. This could be an occasion when the child has refused to leave the room or go to an appointed place after direct instruction from a member of staff

Whenever possible in 1, 2, 3, - and always in 4- the child should be warned clearly that you are likely to take physical action before that action occurs.

It is important to remember the security of the child, and therefore the emotional stability of the child.

- A temper tantrum is naturally best dealt with by the demonstration of calm, unthreatening concern and the assumption of total control by the caring adult.
- Adult action ensuing from a loss of temper is never acceptable.
- Whenever possible, more than one adult should be present during the use of physical intervention. It may be appropriate to observe from a distance or monitor regularly in order to ensure the safety of both the adult and the child
- In every case, the minimum strength and the shortest period of time should be used to achieve the necessary objective.
- The pupil should repeatedly be offered the opportunity to exercise self-control and the physical intervention should stop at the earliest opportunity
- As soon as possible, the child should be removed from the general circulation. Withdrawal/isolation

can be calming and may prevent stubbornness adopted by children if others are able to observe the incident

- An appropriate record of the incident will be communicated to senior management as well as to other adults who work with the child and logged on the MIS system, ScholarPack.
- Where physical intervention has been used, a record form should be completed (Appendix 1)
- These records are kept in the SENCOs office, witnessed by relevant members of staff and signed by the Deputy Headteacher. Parents/carers will be informed that physical intervention has taken place to keep their child safe. These records will be archived when the child leaves the school.

### **Action Steps**

When dealing with a serious incident that may involve physical intervention, the following action steps should be applied where possible:

- Tell the pupil who is misbehaving to stop and state possible consequences of failure to do so; tell them what to do instead
- Summon another adult
- Continue to communicate with the pupil throughout the incident
- Make it clear that the physical intervention will be removed as soon as it ceases to be necessary

A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper or are acting out of anger or frustration when handling a problem.

### **Training**

Named members of staff in school are trained in positive handling techniques. Refresher training for the named members of staff takes place regularly to ensure that they are up to date with current procedures and legislation. Staff will discuss the procedures and legislation regularly to ensure that they are able to recall key strategies for positive handling.

### **Complaints**

We all have a duty of care to the children in our school and cannot escape our legal responsibilities by avoiding taking appropriate and necessary action. Involving parents when an incident occurs with their child, together with a clear policy adhered to by all the staff, and should help to avoid complaints from parents. It will not prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation.

Staff subjected to physical violence or assault, have the right to be supported in making a formal complaint to the police and, if necessary, taking private action against the assailant. It is our intention to inform all staff, pupils, parents and governors about these procedures and the context in which they apply.

Remember that adhering to the principles and procedures referred to in this policy statement is part of effective practice and should minimise risk to young people in our care and enhance our own self-protection.

This policy therefore complements and supports a range of other policies and LA guidance, including:

- Children Protection and Safeguarding Policy
- Behaviour Policy
- SEND Policy and SEND Information Report
- Equalities Policy
- Teaching and Learning Policy
- Health and Safety Policy
- Behaviour and Anti-bullying Policies
- The school's vision and values



Appendix 1

## Use of Physical Intervention Form

Name of Pupil:

Class:

Date:

Time:

Duration:

Location of incident:

No. of incidents this half term

**The nature of the serious incident included:**

Physically hurting / threatening to hurt peer  adult

Incident of bullying

Extreme verbal aggression/sexualised language directed at peer  adult

Damage to property / potential damage to property

Disregard for the health and safety of themselves or others

Refusing to return to class

Other (please specify)

**Details of the incident:**

Additional information attached  .....

**Record of Physical Intervention:** Tick relevant box and complete any additional information

Bar Over Hold (Standing)  Bar Over Hold (Sitting)  Lean Forward hold (Sitting)

Wrap Over Hold (Sitting)  Harness Hold (Sitting)  Pupil Hand to Knee (Sitting)

Other....*please specify details*

Staff Members Involved	Approach Trained (tick if yes)

**Approximate duration of hold:**

**Observers:**

**Pupil response** (include additional behaviours if appropriate)

**Any strategies used to give back control to the pupil / other strategies / by who** (Describe)

**Record of Injury:** Complete for staff and pupils

WHO	DESCRIBE INJURY	WHERE RECORDED?

**Next Steps:**

Signed: \_\_\_\_\_ Name: \_\_\_\_\_ Date: \_\_\_\_\_

SLT: \_\_\_\_\_ Name: \_\_\_\_\_ Date: \_\_\_\_\_