

**The
Lloyd Williamson
Schools**

**Positive Handling
Policy**

2020-2021

Aims

The Lloyd Williamson Schools aim to provide a welcoming, secure and safe environment for all children and staff alike. The aim of this policy is that all staff, parents, carers and, where appropriate, children know about and clearly understand the options and strategies for restraining children safely.

Guidance

This policy should be read in conjunction with the guidance issued from time to time by the DCFS (typically found on their website). This policy follows the principles and recommendations set out in their guidance.

Behaviour Policy

This policy should also be read in conjunction with the Behaviour Policy. The Schools aim to create an environment in which the use of force in relation to a pupil is unlikely. The Principals will ensure that staff are aware of how to de-escalate serious incidents and ensure that, with the cooperation of staff, individual plans are in place for pupils whose behaviour could give rise to a serious incident.

Circumstances in which reasonable force may be used

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

1. committing a criminal offence (or for a pupil under the age of criminal responsibility, what would be an offence for an older pupil)
2. causing personal injury to, or damage to the property of, any person (including the pupil him/herself)
3. prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise

Who may use reasonable force?

The staff to which this power applies are defined in section 95 of the aforementioned Act. They are:

- a. any teacher who works at the school, and
- b. any other person whom the Principals have authorised to have control or charge of the pupils. This:
 - i. includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants and office staff
 - ii. can also include people to whom the Principals have given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils: e.g. catering staff, and unpaid volunteers: e.g. parents accompanying pupils on school organised activities or anyone involved in the running of an after school club. Such authorisation will be assumed by the Principals or teacher asking a parent/volunteer to undertake such a task

The power may be used where the pupil (including those from another school in the case of Holiday club or After School Club) is on the premises or elsewhere in the lawful control of the staff member.

Reasonable force

There is no legal definition of when it is reasonable to use force but the following are guidelines:

1. whether it is reasonable to use force will always depend on the precise circumstances of individual cases
2. the degree of force employed must be in proportion to the consequences it is intended to prevent
3. any force used must be the minimum needed to achieve the desired result
4. use of force to prevent trivial behaviour is not justified but deciding on whether behaviour is trivial depends on the circumstances (e.g. running in a corridor where there are small children may be dangerous and not trivial).

Deciding whether force would be appropriate

The judgement on whether to use force and what force to use should always depend on the circumstances of each case and – crucially in the case of pupils with SEN or disabilities – information about any individuals concerned.

Decisions on whether the precise circumstances of an incident justify the use of significant force may be reasonable. Typically, such decisions have to be made quickly and with little time for reflection. This means staff will need to make the clearest possible judgements about:

- a. the seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used. The greater the potential for injury, damage and/or serious disorder, the more likely it is that using force may be justified
- b. the chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified, and
- c. the relative risks associated with physical intervention compared with using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force may be necessary

Examples of situations

Examples of situations that particularly call for judgements of this kind include:

- a. a pupil physically attacks a member of staff or another pupil
- b. pupils are fighting, causing risk of injury to themselves or others
- c. a pupil is committing, or on the verge of committing deliberate damage to property
- d. a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or misuse of dangerous materials or objects
- e. a pupil absconds from a class or tries to leave school other than at an authorised time. Refusal of a pupil to remain in a particular place is not enough on its own to justify use of force. It will be justifiable where allowing a pupil to leave would:

- i. entail serious risks to the pupils safety (taking into account age and understanding), to the safety of other pupils or staff, or a damaged it to property

or

- ii. lead to behaviour that prejudices good order and discipline, such as disrupting other classes

- f. a pupil persistently refuses to follow an instruction to leave a classroom
- g. a pupil is behaving in a way that seriously disrupts a lesson
- h. a pupil is behaving in a way that seriously disrupts a school sporting event or school visit

In these examples, use of force would be reasonable, and therefore lawful, if it was clear that the behaviour was sufficiently dangerous or disruptive to warrant physical intervention of the degree applied and could not realistically be dealt with by any other means.

Wherever possible these judgements should take account of the particular characteristics of the pupil, including his or her age, understanding and any SEN or disability that he or she may have. This would include the outcomes of any risk assessment and, as appropriate, any specific strategies and techniques set out in the pupil's *positive handling plan*.

Power of search

The Violent Crime Reduction Act 2006 (s. 45) gives the Principals and any staff authorised by them, the power to search pupils without their consent for weapons where they have reasonable grounds to suspect that a pupil has a weapon. Reasonable force may also be used in exercising this power. However where resistance is expected, the DCSF advises police to be called.

Situations where staff should not normally intervene without help

Sometimes an authorised member of staff should not intervene in an incident without help, unless it is an emergency. Help may be needed in dealing with a situation involving an older pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these the circumstances he or she should take steps to remove other pupils who may be at risk and summon assistance from other authorised staff, or where necessary, call the police.

Using force

Before using force staff should, wherever practicable, tell the pupil to stop misbehaving, communicating in a calm and measured manner throughout the incident. Staff should not give the impression of acting out of anger or frustration, or to punish a pupil and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

The types of force used could include

- a. passive physical contact resulting from standing between pupils or blocking a pupil's path
- b. active physical contact such as:
 - i. leading a pupil by the hand or arm
 - ii. ushering a pupil away by placing a hand in the centre of the back
 - iii. in more extreme circumstances, using appropriate restricting holds, which may require specific expertise or training

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil running off the pavement on to a busy road or preventing a pupil from hitting someone with a dangerous object such as a glass bottle or hammer.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a pupil.

Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, prohibited by the Education Act 1996.

Recording incidents

All significant incidents that require restraint will be recorded in the *Pupil Restraint Incident Report Form* in Appendix 1.

Parents/carers will be informed of any recordable incident and will usually be offered an opportunity to discuss the incident with the Principals or appropriate class teacher and given a copy of this policy.

All injuries will be recorded in accordance with the school's Health and Safety Policy.

Complaints

Any complaints or allegations about the use of force to restrain or control children will be dealt with in accordance with the school's Complaints Procedure.

Post-incident support

Appropriate post-incident support will be provided by the Principals. Any other form of post-incident support should be discussed with the Principals.

Responsibility

It is the responsibility of the staff to ensure they are fully informed of the school's policy and understand what authorisation entails.

Monitoring and Evaluation

Staff will regularly evaluate the effectiveness of this policy through discussion and observation. Reviews will take place on a regular basis or as necessary in Staff Meetings.

The Co-Principals are committed to keeping the policy up to date with initiatives, guidelines and legislation.

Updated July 2020

Lucy Meyer
Proprietor and Co-principal

Aaron Williams
Co-Principal

PUPIL RESTRAINT INCIDENT REPORT FORM

1. Basic information

Name of Pupil on whom force was used by a member of staff:

2.1 Where the incident occurred:

2.2 When the incident occurred:

Time:

Day/Date:

2.3 Details of how the incident began:

3. Describe the incident

3.1 Description of incident by staff involved, including any attempts to de-escalate and warnings given that force might be used:

3.2 Details of other pupils involved (directly or as witnesses) including whether any of the pupils involved were vulnerable for SEN, disability, medical or social reasons:

3.3 Details of any other witnesses:

3.4 Reason for using force and description of force used:

3.5 Details of any injury suffered by staff, pupils or anyone else involved and any first aid and/or medical attention required:

3.6 Reasons for

2. Events leading to this incident

making a record of the incident:

3.7 Follow up, including post-incident support, details of any disciplinary action against pupils and involvement of external agency:

3.8 When and how those with parental responsibility were informed about the incident and any views they have expressed:

Report compiled by:

Name and role:

Signature:

Date: