

Hungerhill School: Positive Handling Policy



Responsible Committee/Individual	Local Governing Board
Author	Lead Deputy Headteacher
Target Audience	All Stakeholders
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Headteacher Signature	<i>K. Crisp</i>
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Rationale

Students need to be safe, know how to behave, and know that the adults around them are able to manage them safely and confidently. For a very small minority of students the use of physical intervention may be needed, and, on such occasions, reasonable forms of intervention are used.

We have responsibility to operate an effective behaviour policy that encompasses preventative strategies for tackling inappropriate behaviour in relation to the whole group of students, and to individuals. All the staff need to feel able to manage inappropriate behaviour, and to understand what challenging behaviours might be communicating. They need to know what the options open to them are, and they need to be free of undue worries about the risks of legal action against them if they use appropriate physical intervention. Hungerhill School also has a Behaviour Policy, please refer to the policy for extra information.

2. Aims

The aims of this policy are to:

1. Address the meaning of 'duty of care'
2. Provide guidance to staff and parents about appropriate physical contact
3. Assist staff to maintain a safe and secure environment in school so that learning can take place
4. Protect all students in school against any form of physical restraint which is either unnecessary, or inappropriate, or excessive, or unlawful
5. Protect staff and minimise the risk to staff of any accusation of improper conduct towards a student.
6. Educate staff on strategies which defuse a situation (see Appendix 2)

3. Duty of Care

If a student has an incident in school, on school grounds or while on a school trip, the question of whether or not the school or the staff were negligent may arise. There is no simple answer to the question of when the school may be liable. Everything depends on the facts of the individual case. There is no doubt that all staff have a duty of care to the students.

The following general principles apply:

- Paid staff must take reasonable care to ensure that their students do not meet with foreseeable injury. They have a duty to protect students against foreseeable risks of personal injury or harm.
- The standard of care is that of a reasonably parent. The degree of care depends on such factors as the age of the students.
- There must be an effective system of supervision in operation in the school.
- The school should consider volunteers and trainees on an individual case basis when instructing about duty of care guidelines. All incidents should be reported to the Headteacher or a member of the Senior Leadership Team.

4. Physical Contact

Physical contact between staff and students is a natural occurrence of school life and the school will be transparent about this to parents and carers. Appropriate physical contact in situations like comforting, leading, averting danger or congratulating a student are recognised as being normal practise.

In all situations where, physical contact between staff and students takes place, staff must consider the following:

- Student's age and level of understanding.
- Student's individual characteristics and history.

- Location where the contact takes place.

There are many situations where physical contact with student is unacceptable, except in extreme circumstances. Some examples are:

- Staff should never pick up a student.
- Students should never be dragged or pulled by the arm or other body part.
- Staff should never carry a student.
- Staff should avoid excessive contact with an individual student.

5. What is reasonable force?

- 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 pupils.

- Force is usually used either to control or restrain. This can range from guiding a pupil 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 pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil'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. It is typically used in more extreme circumstances, for example when two pupils 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 pupil.

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 pupils 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 pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils 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.

6. Applying Positive Handling

Where a student is deliberately refusing to cooperate or refusing to follow instructions then the teacher or member of staff should:

- Use their knowledge of the student so that each incident is considered individually. For example, overuse of language may stress an autistic student, use of words like 'no, don't, stop, keep still, etc...' may inflame the situation.
- Give clear instructions to the student as to what is required of them. For example, communications will be clear about why the adult will not allow the student to be out of control
- Give the student a warning of the consequences of not complying with the request from the teacher and re-explain why you are doing this, in line with the school's behaviour policy.
- Give the student time to reconsider and conform to the request
- Keep calm and remain in control of the situation
- Call reception or on-call, send another adult or responsible student to bring a member of the Senior Leadership Team. This member of staff will go through these steps again when they arrive and attempt to persuade the student to accompany them and leave the room. If the student still refuses to comply then the staff members should make a dynamic risk assessment as to whether physical intervention will succeed (if needed, this style of risk assessment would be considered in court). If an older student is involved then he or she may be physically bigger and stronger than the adults and physical intervention would be very difficult. Members of staff who have been 'Team Teach' trained, or a Senior Leader should assess the situation and decide whether to physically intervene or follow another course of action. If the student is deemed to be not a danger but is refusing to cooperate the police will be called.

Alternative action could be:

- Remaining by the student and giving him/her further time to calm down and reflect on the situation.
- Remaining by the student and arranging for the student's parents to be contacted and asked to come to school to deal with the incident.
- Removing the other students to another room/area while the student calms down, if they are felt to be in danger. Where there should always be two members of staff with the disruptive student.

7. Principles of Physical Intervention

The general principle is that the use of physical intervention should, wherever possible, be avoided. Before using physical intervention, staff should always attempt to use diversion, positive handling techniques or diffusion to manage the situation. However, the Education Act 2006 allows all teachers to use reasonable force to:

- Remove a disruptive student from the class when they refused to follow instructions
- Prevent a student behaving in a way that disrupts a school event, trip or visit.
- Prevent a student leaving the classroom or school premises, 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
- Restrain a student at risk of harming themselves through physical outbursts
- If physical intervention is deemed to be necessary then it must be reasonable, proportionate and necessary:
- If possible 2 adults should always be in attendance
- If in a public place adult should try to move student to more private place where other members of staff can still see them.
- It is seen and used as an act of care and control not punishment

- It should be an exceptional circumstance
- It must be used in ways that maintain the safety and dignity of all concerned
- It should be the minimum necessary to avert injury or damage to property. In all cases there should be the minimum use of physical restraint. There should be no unnecessarily rough handling or shaking of the student.
- It should be sensitive to the age and cultural expectations of students and their attitude towards physical contact
- It should avoid any contact that might be misinterpreted as sexual
- It should be applied for the shortest period of time
- An incident report proforma should be completed and police informed immediately.
- Moving a student should be kept to a minimum.
- A student must not be left alone in a room as this is considered forced seclusion.
- Examples of acceptable forms of physical intervention are:
- A safe holding tactic by which a student is restrained until they calms down
- Physical removal of a student from one place to another.
- Removing a weapon or dangerous object from a student

8. Outcomes of Physical Intervention

Often, Senior Leaders will have been involved at an early stage in dealing with an incident of extreme behaviour and will inform the Headteacher. Once an incident of physical intervention has occurred the following steps should take place. The member of staff will need to log the incident in the 'Bound and Numbered' book stored in the Headteacher's Personal Assistant's office.

This incident will then be logged on CPOMS. In all cases of physical intervention, the parents must be informed and given an explanation of the incident. A record must be kept of any parental meetings held and must also be added to CPOMS. The staff member who performed the intervention will meet with a member of the Senior Leadership Team so that they can check procedures have been correctly followed and that staff are ok. The Headteacher should inform the police. Note – There is no law that says how long incident forms should be kept for however current good practice suggests a minimum of 7 years.

The notes will contain the following information:

- The name(s) and the job title(s) of the member(s) of staff who used reasonable force
- The name(s) of the student(s) involved
- When and where the incident took place
- Names of staff and students who witnessed the incident
- Was a dynamic risk assessment used to reason that force was necessary?
- The progress of the incident.

Include details of:

- Behaviour of the student which led up to the incident
- Any attempts to resolve the situation
- What was said by staff and students
- The degree of force used
- How it was applied
- How long it was used for
- The student's response and the eventual outcome (students may need up to 2 hours to fully calm down)
- Details of any injuries suffered by either staff or students.
- Details of any damage to property
- Details of any medical treatment required (an accident form will be completed)

- Details of any follow-up, including contact with the parents/carers of the student(s) involved
- Name of member of SLT that debriefed staff involved straight after incident
- Any other relevant details e.g., the involvement of any other agency, e.g., the Police

9. Students with Special Educational Needs

Student with special educational needs are identified through the procedures outlined in the Special Educational Needs Policy. If a student is identified as having special needs which include social and emotional difficulties then an individual support plan will be put in place which will be made available to all staff.

If a student begins to show a tendency towards disruptive behaviour, violent behaviour, they will also have an Individual Support Plan. Once an incident has occurred it is important that the school shows that they are addressing that risk. The Individual Support Plan will be carried out with the SENCO and class teacher and may involve other staff. The purpose of this plan is to risk assess the potential hazards which the student presents and detail the action which needs to be taken to deal with the behaviour. The aim is to keep the use of restrictive physical intervention with the student to a minimum.

10. Responsibilities

- It is the responsibility of the Headteacher and Senior Leaders to regularly review this policy and monitor incidents of physical intervention.
- It is the responsibility of the Headteacher to regularly review the Behaviour Policy in order to promote good behaviour and ensure that there are clear guidelines for dealing with challenging behaviour.
- It is the responsibility of the class teachers and Student Support Staff to inform a Senior Leader if there is a student who is displaying extreme behaviour, and to work with the SENCO (if appropriate) to draw up a Individual Support Plan.
- It is the responsibility of the SENCO to monitor the high needs plan and arrange with the SENCO for a review when necessary.
- The Senior Leader for Student Support will be responsible for the quality assurance of the individual support plan for students who are identified as extremely disruptive or violent.

Appendix 1

When might it be appropriate to use reasonable force?

- Committing an offence
- Causing personal injury to any person (including the student themselves)
- Causing damage to the school property

Or

- Engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or amongst its students, whether during a lesson or otherwise.

Examples of situations that fall into these categories are:

- A student attacks a member of staff, or another student;
- A student is seriously threatening a member of staff or another student and there is a significant risk of violence and harm;
- Students fighting;
- A student is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects;
- A student is running in a corridor or on a stairway in a way in which they might have or cause an accident likely to injure themselves or others;
- A student absconds from a class or tries to leave school (NB this will only apply if a student could be at risk if not kept in the classroom or at school). Examples of situations that fall into this category are:
 - A student persistently refuses to follow an instruction to leave a classroom.
 - A student is behaving in such a way that is seriously disrupting a lesson.

Appendix 2

Strategies

All staff need to be aware of strategies and techniques for dealing with difficult students and steps, which they can take to defuse and calm a situation.

- Move calmly and confidently.
- Make simple, clear statements.
- Intervene early.
- Try to maintain eye contact.
- If necessary summon help before the problem escalates.
- Remove audience from the immediate location.
- Remove the student(s) and place in a secure and calm location.

There are situations where staff should not intervene without help:

Assistance should be sought when dealing with:

- A physically large student,
- More than one student,

or

- When staff believe that they may be at risk of injury.

In those circumstances where the member of staff has decided that it is not appropriate to restrain the student without help they should:

- Remove other students who might be at risk,
- Request assistance from other staff,
- Where necessary, telephone the police,
- Inform the student(s) that help will be arriving,
- Until assistance arrives, the member of staff should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

The method of restraint employed must use the minimum force for the minimum time and must observe the following requirements:

Restraint must NOT:

- Involve hitting the student;
- Involve deliberately inflicting pain on the student;
- Restrict the student's breathing;
- Involve contact with sexually sensitive areas.

During any incident the staff that are restraining should:

- Offer verbal reassurance to the student;
- Cause the minimum level of restriction of movement;
- Reduce the danger of any accidental injury. Physical intervention can take several forms.
- It might involve staff:
- Physically interposing between students;

- Blocking a student's path;
- Holding;
- Pushing;
- Pulling;
- Leading a student by the hand or arm;
- Shepherding a student away by placing a hand in the centre of the back; or

(In extreme circumstances) using more restrictive holds.

Some Dos and Don'ts

DO

- Be aware of any feelings of anger
- Request help
- Continue to talk to the student in a calm way
- Provide a soft surface if possible
- Be aware of any accessories worn by you or the student
- Hold the student's arms by their sides

DON'T

- Try to manage on your own
- Stop talking even if the student does not reply
- Straddle the student
- Push arms up the back
- Touch the student near the throat or head
- Put pressure on joints

Appendix 3 Frequently Asked Questions

Q: I'm worried that if I use force a pupil 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 defence 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 pupils, and this includes while on school trips.

Q: Can force be used on pupils 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 pupil 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 pupils. 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 pupils 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 pupil?

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.