

Positive Handling Policy

(in conjunction with the Peninsula Multi Academy Trust)

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POSITIVE HANDLING POLICY

Definitions

- **Positive handling (also referred to by the DfE as 'reasonable force')**: this 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.
- **Passive physical contact**: this may include standing between students, blocking a student's path, ushering / directing a student or physical contact such as leading / guiding a student by the arm out of a classroom.
- **Restraint**: this usually means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances; for example, when two students are fighting and refuse to separate without physical intervention.

Everyone has the right to defend themselves or others against attack. Any member of staff may intervene in an emergency if a student is in immediate risk of injury or on the point of inflicting injury on someone else.

Section 93 of the Education & Inspections Act 2006 clarifies the powers of teachers and other staff who have lawful control or charge of students, either on the premises or on approved extra-curricular activities, to use reasonable force to prevent students committing a crime, causing injury or damage to themselves, others or property, or to prevent behaviour prejudicial to the maintenance of good order and discipline. Any form of physical contact or restraint should be used as a last resort and where there is no other alternative.

Guidelines

1. The law clearly forbids a teacher to use any degree of physical contact which is deliberately intended to punish, or primarily cause pain, injury or humiliation.
2. In an attempt to de-escalate and avoid the need for positive handling, staff will use their voice in the first instance during any situation that compromises the safety of others.
3. The legal position: ***the touching, physical restraint, use of force against or constraint of a student is something to be approached with great caution.***

Such acts may result in accusations of either criminal offence or result in civil action based on the following:

- assault and battery
 - false imprisonment
 - sexual assault
 - corporal punishment.
4. Physical intervention or restraint of a student is permitted when the student is:
 - committing any offence
 - causing injury to, or damage to the property of, any person
 - causing personal injury
 - prejudicing the maintenance of good order and discipline at the school or among any students receiving education at the school, whether during a teaching session or otherwise.

Examples include where students are (this is not an exhaustive list):

- fighting
 - on the verge of committing deliberate damage or vandalism to property
 - causing themselves or others to be at risk of injury by accident through rough play, or the misuse of dangerous materials or objects.
5. Restraint in any of the above circumstances must only be used when there is no alternative to the use of physical restraint and following the issuing of verbal instructions not being adhered to.

6. Positive handling such as passive physical contact may involve blocking the path of students. However, blocking the path of students, or use of restraint is only to be used to prevent injury to others and not to be used for non-compliance; for example, stopping a child leaving a classroom.
7. Positive handling may also involve positioning oneself between students, as well as touching, holding, pushing, pulling or leading a student by the arm or shepherding a student away by placing a hand in the centre of the back. This should only happen after a senior member of staff has been called or in the event of there not being a senior member of staff available.
8. Only in the most exceptional circumstances, and where there is no alternative, can a person justify the use of force upon a student which might reasonably be expected to cause injury.
9. Physical restraint must involve the **minimum force** necessary to prevent injury or remove the risk of harm and should be gradually relaxed as the student gains self-control. Physical restraint must not be used to gain compliance with staff instructions when there is no immediate risk to the student or to other individuals.
10. As a general principle, teachers should not make unnecessary physical contact with students. However, there are occasions when physical contact is appropriate and/or necessary; for example, on those occasions in the course of teaching when a student is being shown how to use a piece of apparatus or equipment or while demonstrating a move or exercise during PE or Dance.
11. Staff are **NOT** expected to restrain a student if, by doing so, they consider they put themselves at unacceptable risk.
12. Any incident resulting in the restraint of a student must be written up as a report and a copy lodged with the Headteacher and in the student's file. Such accounts may be made available to outsiders (parents, Governors, consulting professionals). Parents must also be advised and given the opportunity to discuss the incident that resulted in the need for physical restraint.
13. All staff will be issued with a copy of this advice on physical restraint.

Conclusion

This policy has been drawn up with reference Section 93 of The Education & Inspections Act 2006 '*Powers of members of staff to use force*' and DfE guidance *Use of Reasonable Force (July 2013)*. It aims to clarify for staff, parents, students and Governors the position over the use of force to control or restrain students and thereby reduce the chance of complaints.