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## **Daubeney Academy**



## **Positive Handling policy**

Date approved:	July 2020
Approved by:	CMAT Board
Date of next review:	July 2021

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## Statement of intent

Aspen Challenger Academy believes that it is important to establish a safe, secure and stable environment to enable students to grow, develop and learn. In order to achieve this, the Aspen Challenger Academy recognises that, in certain circumstances, managing violence through control and restraint may be necessary.

This policy acknowledges that situations will arise in which staff members will be required to use positive handling, and in some cases reasonable force, in order to manage conflict when other measures have failed to do so.

The aim of this policy is to ensure that actions such as positive handling and reasonable force are used in a correct and safe manner, which is in accordance with the relevant legislation and national guidance.

Signed by:

\_\_\_\_\_ Headteacher                      Date: \_\_\_\_\_

\_\_\_\_\_ Chair of governors                      Date: \_\_\_\_\_

## 1. Legal framework

- This policy complies with the following legislation, including, but not limited to:
  - The Education Act 2011
  - The Children Act 1989
  - The Equality Act 2010

1.1. This policy will also have due regard to the following guidance:

- DfE 'Use of reasonable force in schools' 2013
  - DfE 'Working together to safeguard children' 2015
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- The Aspen Challenger Academy will implement this policy in conjunction with our Child Protection and Safeguarding Policy, Health and Safety Policy, Behaviour Policy and Equality Policy.

### ● What is positive handling?

- For the purpose of this policy, 'positive handling' is the positive application of force with the intention of protecting students and limiting damage to property.
- The legal framework and national guidance often refers to the 'use of force'. For the purpose of this policy, Aspen Challenger Academy shall use the term 'positive handling' whenever possible.
- Positive handling is used in the Aspen Challenger Academy in order to:
  - Restrain a student who has lost emotional self-control until the situation is diffused.
  - Limit the amount of harm that the student involved can do to their self or others.
  - Demonstrate to students that they are within a safe environment in which adults can contain students' anger and other erratic emotions.
  - Protect all students against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful.
- Positive handling will be limited to emergency situations and used only as a measure of last resort.
- Where positive handling is required, the Aspen Challenger Academy will abide to the following guidance:
  - Initial intervention will always be without force.
  - Any physical intervention will follow other appropriate actions.
  - Staff will take a calm and measured approach in all situations.

- Failure to positively handle a student who subsequently gets injured, or injures another student, could lead to an accusation of negligence.
  - Positive handling will never be invasive, humiliating, flirtatious in nature or take a form which could be seen as punishment.
  - Positive handling will be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing the student to regain self-control.
  - Staff will adopt positive handling techniques for which they have been Team Teach trained.
- **What is reasonable force?**
    - There is no statutory definition of reasonable force; it will always depend on the circumstance of the case.
    - Reasonable force is only acceptable to use in order to control students or restrain them.
    - 'Control' is in regards to either passive physical contacts, such as blocking a student's path, or active physical contact such as leading a student by the arm.
    - Restraint refers to physically bringing a student under control, such as holding them back. This is typically used in more extreme circumstances, such as to separate two students fighting.
    - The degree of force which is used will depend on the age, gender and understanding of the student.
    - Staff members will always use actions which are appropriate and in proportion to the circumstances of the incidents.
    - All incidents which involve the use of reasonable force will be reported to the headteacher via the Head of Centre, recorded in writing and communicated to the student's parents/carers.

1.2. The Aspen Challenger Academy is able to use reasonable force in situations when:

- Disruptive children must be removed from the classroom, and have previously refused to leave.
- Members of staff need to control disruptive students on school trips, or similar.
- Members of staff must prevent a student from leaving a classroom when doing so would lead to a risk to their safety.
- A student is attacking a member of staff or another student.

- A student is at serious risk of harming themselves and a member of staff must intervene to prevent this.<sup>1</sup>
- Physical intervention will never be used as a substitute for good behavioural management in accordance with the Aspen Challenger Academy's Behavioural Policy.
  
- **Use of positive handling and reasonable force**
  - All members of staff are allowed to use positive handling where they believe it to be appropriate, as long as all necessary precautions are taken.
  - If possible, given the urgency of any particular situation, positive handling will be conducted by a member of staff who is Team Teach trained.
  - The power to positively handle students also applies to any individual whom the headteacher has identified as temporarily in charge, such as Learning Support Assistants.
  - The decision to physically intervene during a situation is down to the professional judgement of the member of staff and always depends on the circumstances.
  - Staff will always calmly communicate the reasons for their actions to the student and explain why it was necessary in a non-threatening manner.
  - Staff will never give the impression that they are acting out of anger or are punishing the child.
  - All teachers will develop strategies and techniques for dealing with difficult students and situations, which they will use to diffuse and calm a situation.
  - In non-urgent situations, staff will always try and deal with a situation through other strategies before using force.
  - Staff members will always avoid acting in a way that could cause injury; however, dependant on the circumstances, this may not always be possible.
  - Where a member of staff believes that they are at risk, such as where an injury is likely to occur, they will not intervene in an incident without help and assistance of another staff member.
    - Emergency intervention is necessary when there is a high risk of students being injured or property being damaged.

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<sup>1</sup> DfE (2013) 'Use of reasonable force in schools', p.5

- If emergency intervention is required, a member of staff will use other methods of defusing the situation, without physically intervening, until assistance arrives.
  - Following the event, the student involved may be subject to separate disciplinary procedures, in which strategies should be formed to help avoid reoccurrence of such incidents.
  - Where necessary, external agencies, such as the LA or the police if a crime has been committed, will be informed of the incident.
- **Reporting incidents**
  - A detailed written report will be kept of any incidents where force is used.
  - Immediately following an incident, the member(s) of staff involved will verbally report the incident to the headteacher and provide a comprehensive written record of the situation as soon as possible.
  - The written report of the incident must be thorough, including as much detail as possible as to what had happened before, during and after the incident, and describing any injuries incurred due to the event.
  - The Head of Centre will make the decision as to whether it is appropriate to inform the student's parents/carers of the details of an incident.
    - Parents/carers will be informed in writing and a copy of this report will be given to the member(s) of staff involved in the incident.
    - The report will inform parents/carers of their right to complain about the use of positive handling and reasonable force.
  - If a member of staff witnesses or suspects the use of positive handling or reasonable force, where another member of staff is actively involved in physical intervention, they will report this to the headteacher immediately.
- 1.3. Any allegations against staff will be dealt with as a matter of urgency, and in accordance with the procedures outlined in the Kempston Challenger Academy's Staff Code of Conduct Policy.
- 1.4. The headteacher will be responsible for conducting a thorough investigation to find out the correct details of what occurred; this may include talking to other students about the incident, for instance those who witnessed the event.
- **Complaints**
  - All members of staff will be made fully aware of the consequences and legal repercussions that can occur following the use of positive handling and force.
  - All complaints regarding the use of positive handling or force will be investigated in a thorough and speedy manner as outlined in the Academy Complaints policy.

- The person making the complaint has the responsibility to prove that their allegations are true. It is not for the member of staff to prove that their actions were made reasonably.
- In extreme circumstances, parents/carers may take civil action or pursue a criminal prosecution.
- In the case where a member of staff has acted within the law, this will provide a defence to any civil or criminal prosecution.
- Members of staff accused of using excessive force will not be automatically suspended as a response to the allegations.
  - Careful consideration will be given to whether the case warrants a person being suspended until the allegation is resolved.
  - The governing body will always take into account whether a staff member has acted within the law when considering whether or not to take disciplinary action against a staff member involved in an incident.
  - Where a member of staff is suspended, the Aspen Challenger Academy will ensure that the staff member has access to a named contact that can provide support and guidance.
  - The Aspen Challenger Academy will provide pastoral care to any member of staff who is subject to a formal allegation.
- **Staff training**
  - The Headteacher will ensure that the Head of Centre conducts termly safeguarding training for all members of staff which includes a focus on refreshing staff knowledge of the most effective positive handling strategies and use of reasonable force techniques.
  - All staff will be regularly reminded of the positive handling techniques employed by Aspen Challenger Academy and will communicate these to the students they are in contact with.
  - Only techniques and strategies which have been previously discussed with the headteacher and safely demonstrated will be used.
  - Staff will be made aware of subsequent risks of their actions and fully understand when it is appropriate and necessary to use such actions.
- **Monitoring and review**
  - This policy will be reviewed on an annual basis by the headteacher and governing body, who will consider any necessary changes and communicate the findings of the review to all members of staff.

The Head of Centre will review records of the use of positive handling and reasonable force on a termly basis, in order to analyse the frequency of occurrence and determine what further



measures could be taken to prevent these situations from reoccurring. The outcomes of such reviews will be reported to the Headteacher.