



**WHITE SPIRE SCHOOL
POSITIVE HANDLING
&
RESTRAINT POLICY**

Date: January 2018

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INTRODUCTION

White Spire School is committed to creating a community which is based on respect, care and safety for all.

The DfE Guidance (July 2013) states

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

Examples of where touching a pupil might be proper or necessary:

- *holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school*
- *when comforting a distressed pupil*
- *when a pupil is being congratulated or praised*
- *to demonstrate how to use a musical instrument*
- *to demonstrate exercises or techniques during PE lessons or sports coaching*
- *to give first aid*

Safety is of a primary concern and, as such, White Spire School will take all reasonable steps to ensure the safety of the people in its community (see Health and Safety Policy).

Consequently, aggression by any member of the community towards another member will not be tolerated.

DfE Guidance (Sept 2012) states

- *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 judgment 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.

Schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;*
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;*
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others; and*
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground.*

The DfE guidance on reasonable force (updated July 2013) is:

- Teachers have power to discipline pupils for misbehaviour which occurs in school and, in some circumstances, outside of school. The power to discipline also applies to all paid staff (unless the head teacher says otherwise) with responsibility for pupils, such as teaching assistants*
- heads and governing bodies must ensure they have a strong behaviour policy to support staff in managing behaviour, including the use of rewards and sanctions*
- Governing bodies of maintained schools have a duty under section 175 of the Education Act 2002 requiring them to make arrangements to ensure that their functions are carried out with a view to safeguarding and promoting the welfare of children.*
- Members of staff have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property, and to maintain good order and discipline in the classroom.*

Head teachers and authorised school staff may also use such force as is reasonable given the circumstances when conducting a search without consent for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm.

- *Schools can also identify additional items in their school rules which may be searched for without consent. Force cannot be used to search for these items.*

AIMS

- To encourage all members of the community to make positive choices and develop self control.
- To support members of the community in difficult situations.
- To safely manage crises if and when they occur.

As a last resort, positive handling may need to be applied at times.

Who is authorised to use positive handling?

Designated, named, staff at White Spire School are authorised by the Head Teacher to use positive handling under the following conditions:

Even as a last resort, the following criteria must be applied to the above circumstances:

- There must be good grounds to believe that immediate action is required.
- It must be a last resort.
- It must involve minimum force for a minimum amount of time.
- It must involve at least 2 members of staff
- It must be witnessed by other staff (where possible).

- It must only be used for care and control.
- It must not be used to force compliance alone.

REPORTING POSITIVE HANDLING

- Staff involved must inform the Head Teacher, SLT or a member of the Senior Management Team in the Head Teacher's absence, as soon as practically possible.
- The incident should be logged using the school incident report form.
- A restraint must be recorded, within 24 hours, in the bound and numbered restraint book kept in the Headteacher's office
- The Head Teacher, SLT or member of the Senior Management Team, should inform the parent(s)/carer(s) as soon as practically possible.
- In the event of injury to staff or students, the relevant book/document should be filled in and a report sent to the Local Education Authority Health and Safety Officer.
- In the event of injury, relevant first aid should be administered and the person taken to casualty. If the injured person is a pupil, parent(s)/carer(s) should be contacted and asked to make their way to casualty as soon as possible.

Complaints

The DfE guidance on reasonable force (updated June 2014) is:

Schools cannot use force as a punishment - it is always unlawful to use force as a punishment.

Allegations of abuse must be taken seriously, but schools should ensure they deal with allegations quickly in a fair and consistent way that provides effective protection for the child and supports the person who is the subject of the allegation. Every effort must be made to maintain confidentiality and guard against unwanted publicity while an allegation is being investigated. Suspension must not be used as an automatic response when an allegation has been reported.

The school's behaviour policy sets out the disciplinary action that will be taken against pupils who are found to have made malicious accusations against school staff.

The DfE guidance on reasonable force (updated July 2013) is:

- *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 head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.*
- *All complaints about the use of force should be thoroughly, speedily and appropriately investigated.*
- *Where a member of staff has acted within the law - that is, they have used reasonable force in order to prevent injury, damage to property or disorder - this will provide a defence to any criminal prosecution or other civil or public law action.*
- *When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true - it is **not** for the member of*

staff to show that he/she has acted reasonably.

- *Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.*
- *Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.*
- *If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.*
- *Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.*
- *As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.*

Five options are available to anyone wishing to make a complaint in relation to an incident regarding positive handling or restraint:

- A letter to the Head Teacher outlining the concerns; this to be answered within 7 working days of receipt (as according to our Parental Grievance Policy)
- A referral to Social Services via the Education Welfare Service.
- A complaint to the Local Authority Designated Officer (LADO)
- A complaint to the police after raising the complaint with the school

TRAINING

Designated staff receive training on a two year basis from an accredited training provider. Currently this is Team Teach.

This Policy should be read in conjunction with:

- White Spire School '**Health and Safety Policy**'.
- White Spire School '**Behaviour Policy**'.
- White Spire School '**Child Protection Policy**'.
- Section 175 of the **Education Act 2002**.
- DfE Guidance "**Use Of Reasonable Force Guidance For School Leaders, Staff And Governing Bodies**" June 2014
- DfE Guidance "**Guide for heads and school staff on behaviour and discipline**" July 2013, July, 2012
- Milton Keynes Council guidelines.