



Policy No: 12a(2)

OUR LADY'S ABINGDON (OLA)

POSITIVE HANDLING AND USE OF REASONABLE FORCE POLICY

This policy, which applies to the whole school, is publicly available on the school website and upon request a copy (which can be made available in large print or other accessible format if required) may be obtained from the School Office.

Document Details

Information Sharing Category	Public Domain
Date Published	1 st September 2021
Authorised by (if required)	The Governing Board
Review/Update Date	September 2022
Responsible Area	Head and Leadership Team

We comply with the Government guidance and regulations, currently in force, regarding COVID.

This policy applies to all activities undertaken by the school, inclusive of those outside of the normal school hours and away from the school site.

Availability: All who work, volunteer or supply services to our school have an equal responsibility to understand and implement this policy and its procedures both within and outside of normal school hours, including activities away from school. All new employees and volunteers are required to state that they have read, understood and will abide by this policy and its procedural documents and confirm this by signing the Policies Register.

Monitoring and Review: This document will be subject to continuous monitoring, refinement and audit by the Head. This document was reviewed and agreed by the Board of Governors in September 2021 and if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require, prior to September 2022, the policy will be reviewed accordingly.

Signed:

Reviewed: September 2021

Next Review: September 2022

Head	DSL	Chair of Governors
Mr Daniel Gibbons	Chrissi Sharkey	Freddy El Turk
Signed: 	Signed: 	Signed: 

1. Introduction

This policy outlines our approach towards physical contact between adults and children at OLA and should be read alongside the Positive Behaviour Code, Safeguarding & Child protection, SEND and Health & Safety policies.

OLA is a caring community where the emotional and physical wellbeing of the children is paramount. Teachers and staff are in loco parentis during the school day and therefore in some circumstances, appropriate physical contact is a perfectly normal part of the relationship between a member of staff and a pupil, e.g. to offer comfort or reassurance if a child is unwell or upset, or to support a child in their learning.

We are committed to our Positive Behaviour Policy which encourages children to make positive behaviour choices. On extremely rare occasions, circumstances may result in a situation that requires some form of physical intervention by staff. Our policy for physical intervention is based upon the following principles:

OLA is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Positive Handling and Use of Reasonable Force Policy: Reviewed September 2021

- Physical intervention should be used only as a last resort when other appropriate strategies have failed.
- Any physical contact should be only the minimum required.
- Physical intervention must be used in ways that maintain the safety and dignity of all concerned.
- Incidents must be recorded and reported to a member of the Leadership Team as soon as possible.
- Parents will be informed of each incident.

This policy draws upon guidance in the following documents:

[The use of reasonable force in schools](#) (2013)

[Reducing the need for restraint and restrictive intervention](#) (2019)

2. The Legal Framework

Section 93 of the Education & Inspections Act 2006 states:

Power of members of staff to use force:

A person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of preventing a pupil from doing (or continuing to do) any of the following, namely—

- Committing any offence,
- Causing personal injury to, or damage to the property of, any person (including the pupil himself), or
- Prejudicing the maintenance of good order and discipline at OLA or among any pupils receiving education at OLA, whether during a teaching session or otherwise.

Additionally, all persons have powers to use force under **Common Law and Section 3(1)(a) Criminal Law Act 1967**. This would include if a child was in danger of hurting someone else or themselves or from damaging property.

Key Points of the DfE Behaviour and discipline in schools: guidance for headteachers and school staff, Jan 2016 state:

- Teachers have power to discipline pupils for misbehaviour which occurs at OLA and, in some circumstances, outside of school.
- The power to discipline also applies to all paid staff (unless the head says otherwise) with responsibility for pupils, such as teaching assistants.
- The Head and Governing Board must ensure they have a strong behaviour policy to support staff in managing behaviour, including the use of rewards and sanctions.

Key points of the DfE Use of reasonable force Advice for headteachers, staff and governing bodies, July 2013 state:

- School staff members have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Suspension should not be an automatic response when a member of staff is accused of using excessive force.
- The Leadership team should support their staff when they use this power.

3. Our approach

At OLA, we aim to avoid the need for physical intervention and regard this as a last resort in a minority of situations. We always aim to deal with behaviour using a positive approach and therefore this policy should be read in connection with our Positive Behaviour Code. It is not possible to define every circumstance in which physical intervention would be necessary or appropriate and staff will have to exercise their own judgement in situations which arise. Staff should always act within the school's policies on behaviour and physical intervention, particularly in dealing with disruptive behaviour.

Staff should be aware that when they are in charge of children during the school day, or during other supervised activities, they are acting in *loco parentis* and have a 'Duty of Care' to all children they are in charge of. They must, therefore, take reasonable action to ensure all pupils' safety and wellbeing. Staff members are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention.

OLA is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Positive Handling and Use of Reasonable Force Policy: Reviewed September 2021

4. Use of physical intervention

Physical intervention should 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, allows the pupil to regain self-control. It should never take a form which could be seen as punishment. Staff are only authorised to use reasonable force in applying physical restraint, although there is no absolute definition of this. What constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied.

Staff should apply the positive handling training they have received to de-escalate where possible then use the appropriate holds as practised in the training. However, as a general rule, only the force necessary to stop or prevent danger should be used, in accordance with the guidelines below. In all circumstances, alternative methods should be used as appropriate with physical intervention or restraint, a last resort.

OLA provides training for members of staff, bearing in mind the needs of the children they are likely to come into contact with. Ideally, intervention will be carried out by a member of OLA's Pastoral Team (Assistant Heads and Heads of Section) who have received the training. A list of staff members who have received training can be found in the appendix. However, anybody has the lawful power to use force under Common Law and Section 3(1)(a) Criminal Law Act 1967.

The Department for Education guidance:

[The use of reasonable force in schools](#) (2013) advises that certain restraint techniques present an unacceptable risk when used on children and young people. The techniques in question are:

- a. the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- b. the 'double basket-hold' which involves holding a person's arms across their chest; and
- c. the 'nose distraction technique' which involves a sharp upward jab under the nose.
- d. Use of prone position (face down on the floor) or T Supine position (on their back) should not be performed

Staff will not perform these techniques because the school has a positive duty to the preservation of life and complies with Article 2, Human Rights Act.

DfE Use of reasonable force Advice for headteachers, staff and governing bodies July 2013 states:

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 restraining to prevent violence/ 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.

OLA 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;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground

OLA is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

- restrain a pupil at risk of harming themselves through physical outbursts.

OLA cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.

5. When physical intervention becomes necessary:

DO

- Tell the pupil what you are doing and why
- Use reasonable force
- Involve another member of staff if possible
- Tell the pupil what they must do for you to remove the restraint (this may need frequent repetition)
- Use simple and clear language
- Relax your restraint in response to the pupil's compliance

DON'T

- Act in temper (involve another staff member if you fear loss of control)
- Involve yourself in a prolonged verbal exchange with the pupil
- Involve other pupils in the restraint
- Touch or hold the pupil in a way that could be viewed as sexually inappropriate conduct
- Use physical restraint or intervention as a punishment

6. Actions after an incident

Physical intervention often occurs in response to highly charged emotional situations and there is a clear need for debriefing after the incident, both for the staff involved and the pupil. The head or senior member of staff should be informed of any incident as soon as possible and will take responsibility for making arrangements for debriefing once the situation has stabilised. An appropriate member of the teaching staff should always be involved in debriefing the pupil involved and any victims of the incident should be offered support, and their parents informed.

If the behaviour is part of an ongoing pattern it may be necessary to address the situation through the development of a behavioural support plan, a personal risk assessment or other strategies agreed by the Leadership Team. It is also helpful to consider the circumstances precipitating the incident to explore ways in which future incidents can be avoided. All incidents should be recorded immediately. All sections of this report should be completed so that any patterns of behaviour can be identified and addressed. In the event of any future complaint or allegation this record will provide essential and accurate information.

A member of staff will contact parents as soon as possible after an incident, normally on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

7. Risk Assessments

If we become aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, we will plan how to respond if the situation arises. Such planning will address:

- a. Strategies to be used prior to intervention
- b. Ways of avoiding 'triggers' if these are known
- c. Involvement of parents/carers to ensure that they are clear about the specific action OLA might need to take
- d. Briefing staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance)
- e. Identification of additional support that can be summoned if appropriate
- f. OLA's duty of care to all pupils and staff

OLA is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

8. Complaints and Allegations

A clear policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation. It is our intention to inform all stakeholders about this policy and these procedures. The positive ethos, good behaviour and excellent relationships at OLA mean that restrictive physical intervention will be rarely needed. This policy will ensure that in those rare circumstances the care and well-being of all pupils will be paramount.

9. References

- a. Education & Inspections Act 2006
- b. [DfE Behaviour and discipline in school's advice for headteachers and school staff](#) (Sep 2020)
- c. [Behaviour and discipline in schools: guide for governing bodies](#) (2015)
- d. [Creating a culture: a review of behaviour management in schools](#) (Sep 2020)
- e. [DfE Use of reasonable force for headteachers and school staff](#) July 2013
- f. [Respectful school communities](#)

10. Appendix

The following staff members have received positive handling training:

The Assistant Head (Safeguarding & DSL) – Chrissi Sharkey

The Assistant Head (Operations & Mental Health) – Luke Allen

OLA is committed to safeguarding and promoting the welfare of children and young people and expects all staff and volunteers to share this commitment.

Positive Handling and Use of Reasonable Force Policy: Reviewed September 2021