

East Sussex Positive Handling/ Use of Reasonable Force Guidance

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Introduction

East Sussex County Council believes that all children and young people should feel safe, secure and be in an environment free from abuse, bullying and violence. Boundaries and expectations should be clear and provide opportunities for children to maximise their personal potential.

This policy is intended to provide clarification on the use of force (positive handling) to help staff feel more confident in the expectations and to make clear the responsibilities of headteachers and governing bodies.

It is important for schools to maintain a caring, welcoming ethos which establishes a safe, secure and stable environment to enable pupils to grow, develop and learn. Accordingly, schools must take reasonable steps, through their pupil management and staff training programme, to minimise the likelihood of positive handling becoming necessary.

The majority of children do not behave in an aggressive or violent way. They attend school in an environment which is conducive to learning. For children who present challenging behaviours, redirection, diffusion, prevention and avoidance are the first tools in managing violence and will tend to make control and restraint unnecessary in many situations. However, there may be occasions when the use of force or positive handling is appropriate and necessary. For this reason there is a duty on all schools in England to have a policy to reflect this practice. This policy is best placed within the school's discipline or behaviour policy.

Good practice in schools should involve pupils in examining and discussing the implications of behaviour that would require staff intervention. Staff should have the opportunity to examine issues of discipline, care and control, and methods of dealing with difficulties should be shared.

This guidance acknowledges that situations will arise for school staff in which the use of force may be required in dealing with conflict when other measures have failed or staff are faced with a one-off incident that did not have a planned risk assessment.

This document draws extensively on the DfE national guidance, **"Use of Reasonable Force"** July 2013."

Underpinning Principles:

Force must never be used as a punishment – this is always unlawful

The safety of staff & students is the prime underpinning aim of the use of force/positive handling. Reducing the need for positive handling is in line with training in behaviour management and prevention strategies and this is further strengthened in the positive handling training offered through the Education Support, Behaviour & Attendance Service (ESBAS) see *detail at end of this document*.

It is essential that the physical management of pupils:

- should, wherever possible, be avoided
- is seen as a rare occurrence and as a last resort

- seeks to ensure the safety of other children and staff
- is part of a whole school behaviour policy
- must be used in ways that maintain the safety and dignity of all concerned
- is recorded according to statutory guidance

What is reasonable force?

Whether the force used is reasonable will always depend on the circumstances of individual cases. Deciding on whether the use of force is justified will depend in part upon the context in which the misbehaviour takes place. The test is whether the force used is proportionate to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. Reasonable force can cover a wide range of actions that involve a degree of physical contact with young people.

When can reasonable force be used?

Force must never be used as a punishment. This is unlawful.

All members of school staff have a duty of care to prevent serious harm. Where there is a high or immediate risk of death or serious injury, any member of staff is justified in taking any necessary action (consistent with the principal of using minimum force). Such situations could include preventing a pupil from running off a pavement and into a busy road or preventing a pupil from hitting someone with a dangerous object.

School staff may use positive handling for:

- removal of disruptive child from a classroom
- restraint of pupil to prevent them harming themselves
- restraint of pupil to prevent them harming others
- prevention of pupil leaving, if leaving would risk their safety

This is not an exhaustive list.

The Local Authority consider it best practice for school staff to be trained before carrying out restraint to ensure both the adult and young person are safe. The de-escalation strategies included in positive handling programmes give staff the skills to prevent the need for restraint, and the confidence to carry out restraint effectively and safely when it is required.

Children with SEND

If a child/young person has SEND, there may be an additional negative impact if using positive handling and staff should be aware of how a child may react and the increased risk of harm to both the child and staff. It would be best practice for there to be a plan, drawn up in conjunction with the child/young person and their parent/carer, which includes preventative strategies, de-escalation strategies and specific guidance on positive handling, for any young person with SEND who may react in a way that increases the risk of harm.

Planned & Emergency Positive Handling

In most circumstances, positive handling (the use of force) will be used reactively. Occasionally, it may be in the best interests of a child/young person to use planned interventions as part of their overall behavioural management. This should be an agreed strategy as a result of a risk assessment previously discussed with both the child and their parent and key members of staff. The information/strategy should be included in the child's behaviour management plan.

Behaviour Management Plans:

Children and young people who have identified challenging behaviour require a written risk assessment that contains a Behaviour Management Plan or a Positive Handling Plan, which should identify the most appropriate interventions to be used. This Plan should include Primary Prevention Strategies and Secondary Prevention Strategies that should be used before positive handling strategies are implemented. Good practice is that the Plan should involve input from the young person,

their parent/carer and staff who work with the young person. The Plan should be reviewed regularly. Parental consent is not required for the use of reasonable force. It is important that suitable steps are taken to minimise risk to both staff and children, otherwise positive handling could:

- be used unnecessarily
- cause injury
- cause pain, distress or trauma
- become routine rather than exceptional
- undermine dignity
- create distrust and undermine relationships

In addition, there are risks to staff regarding the need to justify themselves or their actions if challenged at a later date. However, failure to take action may also present risks, including breach of duty of care and injury to children/ damage to property.

Practicalities: Policy, Training, Paperwork, Communication

Policy:

All schools should have a clear policy on positive handling and the use of reasonable force. It is essential that everyone is clear on what actions can and cannot be taken.

The School Behaviour policy must be made known to staff, parents and pupils and must include information regarding the power to use reasonable force. Any policy regarding the use of reasonable force MUST acknowledge the legal duty to make reasonable adjustments¹ for children with Special Educational Needs & Disabilities (SEND). The policy should cross-reference other relevant policies such as Child Protection, Health & Safety.

Training:

The Headteacher must identify ongoing training needs for their staff to ensure they have the necessary skills to respond to pupils and also to make arrangements for such advice training and support to be made available to their staff.

Risk Assessments (including the completion of paperwork) is included in MAPA training.

MAPA (Management of Actual or Potential Aggression) Training is available to school staff. For more information please contact esbas.training@eastsussex.gov.uk

The British Institute of Learning Disabilities (BILD) recommend that the MAPA training is refreshed annually.

Monitoring/Reporting:

Incidents involving the use of positive handling must be clearly recorded and reported to the designated senior member of staff. All staff should be aware of the system/procedures in place for recording and monitoring incidents. The type of information that needs to be recorded could include:

- name of young person
- where/when incident took place
- detail of the incident
- what steps were taken to diffuse/resolve the situation without use of force/positive handling
- description of the nature of the force/positive handling that was used
- outcome of the intervention
- young person's reaction
- detail of any injuries (to young person or others)
- detail of damage to property
- any medical treatment required
- signed and dated

Good practice would be to have a follow up session (at a later date) to review the events that took place and learning that could inform future practice and planning.

Complaints:

There should also be a system in place to deal with complaints received regarding the use of force. 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 acted reasonably. Schools should refer to the “Keeping Children Safe in Education” DfE Guidance where an allegation of using excessive force is made against a teacher.

Further information/guidance:

- Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002)
- Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)
- Screening, searching and confiscation – advice for headteachers, staff and governing bodies
- Keeping Children Safe in Education
- Behaviour & Discipline in Schools: Statutory Guidance