



## **Brookhurst Primary School**

# **Positive Handling, Physical Restraint and Use of Reasonable Force Policy**

**10 February 2020**

**Author : Georgia Morris**

**Approved : Chair of Full Governing  
Body**

<b>Staff Name</b>	<b>Last Open</b>	<b>Signature Date</b>
Mr M Hughes	14-02-2020	14-02-2020
Ms A Stanton	14-02-2020	08-02-2021
Mrs S Uddin	26-03-2020	12-10-2020
Mrs K Whipp	Not Yet	Not Yet
Mrs L Wythe	09-07-2020	09-02-2021
Emma Hugill	21-05-2020	29-10-2020
James Fullbrook	14-02-2020	23-09-2020
Lauren Brough	04-10-2020	04-10-2020
Lucy Hartwright	09-03-2020	15-10-2020
Georgia Morris	09-02-2021	09-02-2021
Anna Archer	03-07-2020	28-04-2021
Becky Gunthorpe	Not Yet	Not Yet
Gill Howell	Not Yet	Not Yet
Alex Oldham	14-06-2021	14-06-2021
Stephanie Beamish	Not Yet	Not Yet
Claire Honey	Not Yet	Not Yet
Charlotte Lidgard	19-04-2021	19-04-2021
Verity Maclean	Not Yet	Not Yet
Olivia Whatcott	Not Yet	Not Yet
Amy Sexton	Not Yet	Not Yet
Mrs E Moon	13-04-2021	13-04-2021
Mrs C Clarke	Not Yet	Not Yet
Mrs T Henderson	03-09-2020	11-01-2021
Ms F Hughes	09-04-2020	09-04-2020
Mrs R Jones	25-02-2020	05-10-2020
Mrs G Lindsay	14-02-2020	11-12-2020
Mrs T Taylor	Not Yet	Not Yet
Mrs K Waterfield	26-03-2020	30-03-2020
Mrs J Weston	15-05-2020	05-07-2021
Chair of Full Governing Body	14-02-2020	02-11-2020
Gina Reynolds	Not Yet	Not Yet
Chrissy Wales	Not Yet	Not Yet
Richard Cargill	09-03-2020	21-09-2020
Stella Newman	14-02-2020	04-04-2021
Sioban Mulherin	04-01-2021	04-01-2021
Cathryn Clarke	Not Yet	Not Yet
Sofia Gryparis	Not Yet	Not Yet
Teresa Henderson	Not Yet	Not Yet
Christine Wales	Not Yet	Not Yet
Siobhan Mulherin	Not Yet	Not Yet
Elisabeth Ingham	Not Yet	Not Yet

Jonathan Turton	Not Yet	Not Yet
Robert Nash	Not Yet	Not Yet
Julie Byrne	Not Yet	Not Yet
Billy Jarvis	Not Yet	Not Yet
Rachel Chowanietz	Not Yet	Not Yet

# Positive handling, Physical Restraint and Use of Reasonable Force Policy.

## Brookhurst Primary School



A Place to think and grow

Policy Written by Lisa Anderson-Kirby Spring 2020

Policy Approved by FGB

Policy to be reviewed Spring 2022 - (or earlier if legislation changes)

## **INTRODUCTION**

Brookhurst Primary School recognises its responsibility to both provide curriculum access for children with disabilities and to ensure the health, safety and welfare of its employees and pupils as far as is reasonably practicable.

This positive handling policy has been designed to comply with the requirements of The Manual Handling Operations Regulations, 1992 (revised 1998 edition), and The Health and Safety at Work Act, 1974.

It takes full account of the Disability Discrimination Act, 1995, The SEN and Disability Act, 2001, The European Convention for the Protection of Human Rights and Fundamental Freedoms, the EU Charter of Fundamental Rights (Nice 2000) and the Equality Act, 2010.

### **Rationale**

We start from the premise that staff should work positively and confidently with children and find the least intrusive way possible to support, empower and keep children safe.

The foundation of good practice in working with children should be:

- building relationships of trust and understanding
- understanding triggers and finding solutions
- if incidents do occur, defusing the situation and/or distracting the child wherever possible and when safe to do so.

### **Defining the use of Reasonable force**

There is no specific definition of 'reasonable force' as this will depend on the individual circumstance. The use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it. Any force used should always be the minimum needed to achieve the desired result. The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent.

In some situations staff should not intervene in an incident without help (unless it is an emergency), for example, when dealing with an older pupil, a physically large pupil, more than one pupil, or if the member of staff believes he or she may be at risk of injury. In those situations the staff should remove other pupils who might be at risk, and summon assistance from a colleague or colleagues.

The member of staff should inform the pupil(s) (when appropriate) that he or she has sent for help. Until assistance arrives the staff should continue to attempt to de-escalate the situation. All members of staff who may have to intervene physically with pupils must clearly understand the options and strategies open to them. They must know what is acceptable and what is not.

A number of key principles underpin the use of 'reasonable force', through physical intervention or the use of a support, however, in all cases the use of Restrictive Physical Intervention has to be justified by there being:

- The likelihood of injury to the child or young person (including self-harm)
- The likelihood of injury to others
- The likelihood of serious damage to property
- Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility)

The use of Restrictive Physical Intervention is also governed by the principles of legal and ethical practise. Section 550A of the Education Act 1996 and Section 93 of the Education and Inspections Act 2006 enables staff who are authorised by the Headteacher who are responsible for the safety and wellbeing of pupils to use such force as is reasonable. The intervention should:

- Be in the best interests (The Children Act 1989) of the child or young person
- Be reasonable and proportionate to the circumstances (DFE 2010 Guidance)
- Use minimum force necessary for the minimum time necessary
- Be based on a comprehensive risk assessment (1974 Health and Safety Act)
- Have regard for young people and adults present
- Respect the safety and dignity of all concerned
- Implement procedures to reduce and eliminate the use of restraint and seclusion
- Ensure that systems to review critical incidents and the use of restrictive practices, including physical interventions are 'fit for purpose'

### **Context**

The majority of pupils who attend Brookhurst engage in the daily routines and appropriate boundaries with little difficulty. However, there are times when the behaviour of a child becomes challenging and requires staff intervention to ensure the pupil's own safety, the safety of others and/or that property is not damaged. This may require the use of physical interventions. This policy aims to give clear guidelines for the use of positive physical intervention and the use of more restrictive physical handling.

This policy is one aspect of behavioural management at Brookhurst and should be read in conjunction with the Behaviour and Discipline Policy. The need for the use of positive physical interventions must also be assessed on an individual basis and monitored and reviewed frequently in order for other strategies to be implemented.

Emerson et al. (1987)<sup>1</sup> define challenging behaviour as:

*"... behaviour of such an intensity, frequency or duration that the physical safety of the person or others is likely to be placed in serious jeopardy, or behaviour which is likely to seriously limit or delay access to and use of ordinary community facilities"*

Brookhurst School have adopted the Positive Handling approach in relation to the law, guidance and approved Skills for the use of Reasonable Force with Pupils in a school setting.

This has supported school staff in their understanding and responsibilities with regard:

- The Common & Criminal Law and in relation to the use of physical force for the purpose of controlling and restraining pupils.
- The relevant Sections of the Education and Inspections Act 2006 in relation to the use of force to control and restrain children.
- The recent Guidance for Schools in England issued in 2011 and 2012.
- The relevant sections of the Children Act 1989, the Human Rights Act 1998 and the United Nations Conventions on the Rights of the child in relation to the use of physical force.
- How to minimise the risk of death by positional asphyxia and the risk of injury to staff and children in line with current statute and guidance.
- The Health and Safety requirements of using force in the workplace.
- What techniques should not be used, consistent with Coroners recommendations and various reports, guidance and statistical evidence into the use of children.
- How to apply the appropriate and effective physical skills competently for the purpose of controlling and restraining violent children.

We will always aim to create an orderly environment that minimises the risk of incidents arising that might require the use of force. This is done in a number of ways:

- Creating a calm environment
- Ensuring that pupils are supported by a team that is outcomes-focused and person centred.
- Pupils have focused targets within a personalised curriculum (if appropriate) that aim to develop coping strategies and increase skills that overcome challenging behaviours and increase opportunities to learn.
- Ensuring any Behaviour Action Plans (BAPs) are focused on the prevention of challenging behaviours through pro-active strategies, or aim to end the occurrence of challenging behaviour as quickly and safely as possible through non-physical reactive strategies.
- Using resources including Social and Emotional Aspects of Learning to teach pupils how to manage conflicts and strong feelings including supporting learners to identify emotions and develop appropriate expression of these.
- Ensuring staff are aware of de-escalation techniques to manage conflict if it does arise
- Only using force when the risks involved in doing so are outweighed by the risks involved in not using force - referring to individual risk assessments where appropriate.
- Having up to date and regularly reviewed risk assessments and positive handling plans for individual pupils as appropriate

## **The Use of Reasonable Force**

At Brookhurst our school's behaviour policy, the application of this and the code of conduct ensures that our children are clear about what is and what is not acceptable behaviour and the rewards and sanctions that will be applied in different situations.

Creating a calm school environment where all children can access and receive the support they need to stay well-regulated and happy will hopefully mitigate against physical restraint being necessary.

Physical restraint is the positive application of reasonable force with the intention of protecting the child from seriously harming themselves, others or damaging school property. At Brookhurst we will never use force as a punishment - we are very clear that it is always unlawful to use force as a punishment

Section 89 of the Education and Inspections Act 2006 introduced a statutory power that allows teachers and certain other school staff to discipline pupils. This is further defined in the DES guidance 'Use of reasonable force'. Advice for headteachers, staff and Governing Bodies. July 2013.

All school staff have the power to use reasonable force to prevent pupils committing an offence, injuring themselves or others, or damaging property, and to maintain order and calm behaviour in the classrooms

We, of course, acknowledge our legal duty to make every reasonable adjustment to meet the needs of our disabled children and children with SEN and do so in accordance with the behaviour policy.

At Brookhurst before any physical restraint is applied all reasonable strategies of behaviour modification and key -escalation techniques should be attempted. If required it 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, allowing the pupil to regain self-control.

Only minimum and proportional force should be applied. If restraint does have to be used on a child it will be viewed by the school as serious and all necessary steps will be taken to try to prevent the situation happening again. Parents will always be informed and involved but we would like to make it clear that we do not require parental consent to use reasonable force on a student.

At Brookhurst many members of staff, including key members of the senior leadership team, have been trained in 'Positive Handling'.

We strongly believe this methodology tailors with our school ethos as it includes the use of many de-escalation strategies as well as only recommending safe restraint techniques if required.



## Appendix 1

The Health and Safety at Work Act 1974

The Education and Inspections Act 2006 (11/07)

Disability Discrimination Act, 1995

The SEN and Disability Act, 2001

The European Convention for the Protection of Human Rights and Fundamental Freedoms

'Use of Reasonable Force' - advice for head teachers, staff and governing bodies (DfE July 2013)

Code of Practice for the use and reduction of restrictive physical interventions, third edition (BILD 2010)

Education and Inspection Act 2006 (section 93) - sets out teachers' statutory powers of discipline and restraint and gives all members of school staff a legal power to use reasonable force and do not need specific authorisation to do so

Education Act 1996 (Appendix 1) - sets out a general power enabling head teachers to authorise staff to use such force as is reasonable given the circumstances to conduct a search for prohibited items

Letter to Chief Education Officers dated 24/4/01 - describes procedures and systems for recording incidents

'Behaviour and Discipline in Schools' - sets out the use of reasonable force, behaviour and discipline in schools. Provides power to use reasonable force to prevent pupils committing an offence, injury to themselves or others, damaging property and maintaining good order and discipline in the classroom; and 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 (DfE February 2014).

Health and Safety at Work Act 1974 - sets out responsibilities of employers to take reasonable steps to ensure the health, safety and welfare of employees and others such as children and young people, who are affected by their undertakings/activities.