

**Document: A set of Principles for use of Physical Restraint / Positive Handling in**

 **Warrington schools**

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**A set of Principles for use of Physical Restraint / Positive Handling in Warrington schools**

**The purpose of this document**

Warrington Borough Council believes that physical intervention should be the last possible technique used in managing children and young people’s behaviour, however challenging that behaviour may be.

This document is intended to be used as a set of principles to inform policy documentation and practice in relation to the use of reasonable force and physical restraint in schools and settings across Warrington Borough Council.

This Positive Handling Guidance is written with reference to the following:

* Section 93 of the Education and Inspectors Act 2006
* Department for Education (DfE) – ‘Use of reasonable force – Advice for headteachers, staff and governing bodies’ (July 2013)
* Offences Against the Persons Act 1861;
* Common Law offence of false imprisonment;
* lawful defences;
* Duty of Care;
* DfE Circular 10/98;
* The Children Act 1989;
* DoH/DfES Joint Guidance on Physical Interventions 2002;
* The Education Act 1996;
* Education and Inspection Act 2006;
* Human Rights Act 1998;
* Disability Discrimination Act 1995; and
* Health and Safety at Work Act 1974.

Warrington Borough Council believes everyone has a right to:

* Recognition of their unique identity;
* Be treated with respect and dignity;
* Learn and work in a safe environment; and
* Be protected from harm, violence, assault and acts of verbal abuse.

Pupils and their parents attending schools and settings have a right to:

* Individual consideration of pupil needs by the staff who have responsibility for their care and protection;
* Expect staff to undertake their duties and responsibilities in accordance with the school's policies; and
* Be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school;

Warrington Borough Council also recognises that there is a need to physically intervene when there is an obvious risk to the safety of children, staff or property. This applies both on and off setting sites.

If used at all, the use of force to control or restrain pupils will be used in the context of a respectful supportive relationship with the child in order to ensure minimal risk of injury to children and staff.

Warrington Borough Council has adopted the term **‘Positive Handling’** to describe such interventions.

**Principles for the use of Positive Handling**

**Policies and practice**

Warrington Borough Council expects all settings to develop their own positive handling policy, which should incorporate or have regard to best practice. This policy must be consistent with the school policy and the DfE guidance [use of reasonable force](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/444051/Use_of_reasonable_force_advice_Reviewed_July_2015.pdf)

* All policies and practice regarding the supervision of children during the school day should be appropriate to the identified needs and behaviours of the child
* The whole school approach to behaviour management should aim to minimise the likelihood of requiring positive handling. This could involve:
* A calm and supportive school environment
* Positive relationships
* Whole school structured approach to developing social and emotional skills
* Structured approach to staff development
* Schools should review their policies on positive handling regularly and ensure that staff, parents and pupils are aware of the policies and that they are accessible
* Schools must have a behaviour policy that sets out in detail the following:
* Promoting good behaviour, self-discipline and respect;
* Preventing bullying; and
* Ensuring that pupils complete assigned work
* When considering any behaviour measures, the Head teacher must take account of the governing body’s statement of behaviour principles
* Where the school identifies that positive handling may need to be used; training should be put in place to identify behaviour management techniques
* Any physical intervention should take into consideration the age and development of the pupil and should be the least restrictive alternative
* Schools should consider the Disability Discrimination Act 1995 where schools have duties to:
* Not to treat a disabled pupil less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and
* To take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled (known as the reasonable adjustments duty).
* Any incidents of positive handling should be documented and communicated to the child, parent and staff in a way that allows complete transparency
* Schools should inform Board or Trust members about any positive handling incidents and ensure regular review of policy documents and procedures

**The Legal Framework**

 The term “duty of care” is an important legal term. Anyone who is lawfully authorised to work with children, has a duty of care. Schools owe a duty of care to their pupils. “Negligence” involves a breach of that duty and has three main elements:

• Firstly, there must be a duty of care

• Secondly there must be a breach of that duty of care

• Thirdly there must be some ensuing damage or injury related to that breach

As the statutory power to use force is held by individual members of staff, no school should have a policy of no physical contact, because this could make staff feel deprived of that power or hinder their exercise of it. (EIA 2006)

Health & Safety legislation requires that employers also have a duty of care towards their employees. It would be remiss of an employer not to provide the time and resources for the appropriate level of training for their role/setting. It would also be remiss of an employee not to access training when it was offered, or to assess information which was made available, though employees may choose to opt out of physical restraint training due to physical or medical issues, whilst still attending de-escalation training.

It is important that schools keep a record of the training and that this is incorporated into induction training. It is not expected that all staff will need detailed training and therefore consideration of the role and responsibility of staff should be thought about.

**Statute**

Section 93 of the Education and Inspections Act 2006 states that teachers and other school staff 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

1. Committing any offence (offence includes anything that would be an offence but for the operation of any presumption that a person under a particular age is incapable of committing an offence (s.93(6));
2. Causing personal injury to, or damage to the property of, any person (including the pupil himself); or
3. Prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

This power may only be exercised where a member of the staff and the pupil are on the premises of the school in question or they are elsewhere and the member of the staff has lawful control or charge of the pupil concerned.

Section 93 of the Education and Inspections Act 2006 **does not** authorise the doing of anything amounting to corporal punishment within the meaning of s.548 of the Education Act 1996 (s.93(4)).

**Guidance**

 The DfE (July 2013), ‘Use of Reasonable Force – Advice for headteachers, staff and governing bodies’ provides the following examples on when reasonable force can be used:

* To remove disruptive children from the classroom where they have refused to follow an instruction to do so;
* To prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
* To 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;
* To prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
* To restrain a pupil at risk of harming themselves through physical outbursts.

The DfE advice also advises that the decision on whether to physically intervene is down to the professional judgement of the teacher concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force should be no more than is needed to achieve the desired result. School staff should expect the full backing of their senior leadership team when they have used force.

**Behaviour as a form of communication**

* **Behaviour is always a form of communication**; understanding that a pupil is communicating through their behaviour gives adults the opportunity to consider a range of strategies to support individuals.
* **Children engage in challenging behaviour for a reason;** this might be to get someone’s attention, stopping an activity they do not like or satisfying a sensory or emotional need. Since individuals often use behaviour to tell adults what they need, they need the consistency of a reliable and caring adult who will provide support and guidance, especially during difficult times.
* In no circumstances should positive handling be used as a form of punishment

All staff must be aware that they must not:

* Use force as a punishment as this action would fall within the definition of corporal punishment, which has been abolished:
* Use pain to gain compliance;
* Deprive the child of food or drink;
* Require the child to wear inappropriate clothing
* Require the child to wear clothing that marks them out as different;
* Humiliate and/or degrade the child or young person;
* Use punitive measures to intentionally cause discomfort or distress;
* Confine children in rooms that are unsafe and/or unheated as punishment;
* Lock children in rooms to isolate them.

In the following situations, staff must judge whether or not a physical intervention would be reasonable or appropriate:

* Risk to the safety of staff, children or visitors;
* Where there is a risk of serious damage to property;
* Where a child’s behaviour is seriously prejudicial

**Use of De-escalation**

Where classroom discipline and behaviour plans are insufficient, a different approach may be needed.

* De-escalation strategies should be tailored to the individual needs of the pupil and should be documented in a plan and shared with the pupil, parent or carer
* Plans should indicate early signs of behaviour to be aware of and the approach to support the pupil
* Where appropriate, plans could indicate both verbal and non-verbal strategies, for example advice for staff; remain calm maintaining a neutral facial expression, allowing space, lowering voice / tone, use of distraction and diversion, giving choices, acknowledging feelings and using language to de-escalate
* It might be useful to state the pupil’s key member of staff on the plan

**The use of positive handling**

* No member of staff should physically intervene in a situation if they have reason to believe that to do so would worsen the situation/ incident that is taking place
* Where a member of staff considers a need to use positive handling, they should first consider other methods to stop behaviours
* Staff should make clear to the pupil through instructions their intended actions
* Where interventions are employed, staff should seek the assistance of other members of staff as early as possible
* It is recommended that where an incident of positive handling occurs, a member of the Senior Leadership Team is present
* Any force used should be commensurate with the risk presented
* All staff should be confident with the school’s planned procedures
* Following any incident of positive handling, an incident report should be completed and a debriefing session put in place for the child, staff member and parents. This should be led by a Senior Leader in the school. The debriefing session should include an opportunity for the child to explain things from their point of view and to inform parents/carers of the policy and incident.
* Records should be held in the school in line with the school retention of records
* The school should report any injuries to child or staff and seek medical intervention immediately if necessary
* All interventions should be routinely recorded, monitored with the expectation that steps are taken to reduce the number of restrictive physical interventions year on year

**Holds to be avoided**

* Holding a child around the neck or by the collar, or in any other way that might restrict a child’s ability to breathe;
* Forcing a pupil forward when in a seated position because of the risk of positional asphyxia;
* Any hold that inflicts pain in order to gain compliance;
* Slapping, punching or kicking a child;
* Twisting or forcing limbs against a joint;
* Tripping a child;
* Holding a child by the hair or ear; and
* Holding a child face down on the ground

There may be circumstances or settings (for example those settings supporting large numbers of children or young people with special educational needs or disabilities where the use of force/positive handling is undertaken on a planned basis, or is likely to be required, given historical patterns of behaviour. In such circumstances the school should:

* Undertake a risk assessment;
* Maintain records as part of a positive behaviour plan;
* Clearly specify the type of intervention to be used and when;
* Secure parental agreement to the plan; and
* Review on a regular basis.