

Positive Handling and Safe Touch Policy

Policy Code:	HR9
Policy Start Date:	September 2023
Policy Review Date:	September 2025

Please read this policy in conjunction with the policies listed below:

- HR6 Data Protection Policy
- HR6A Data Breach Policy
- HR12 Staff Disciplinary Policy
- HR24 Policy for Allegations of Abuse Made Against Adults
- HR36 Complaints Policy
- HR42 Low-Level Concerns Policy
- HS2 Medical Treatment Policy
- SW1 Intimate Care Policy
- SW2 Exclusion Policy
- SW4 Student Behaviour and Discipline Policy
- SW5 Safeguarding and Child Protection Policy
- SW9 Parental Communications and Complaints Policy
- SW11 Educational Visits Policy
- TL6 SEND Policy

1 Policy Statement

- 1.1 This policy sets out the Trust's approach to positive handling, including restraint, physical intervention and safe touch. This policy is based on guidance outlined in the DfE document *Use of Reasonable Force (2013)*. The guidance draws on the *Education Act 1996* and the *Education and Inspections Act 2006*. It clarifies the position regarding the use of physical force, by teachers and other staff working in schools, to control or restrain pupils.
- 1.2 The Trust recognises that children learn who they are and how the world is by forming relationships with people and things around them. The quality of a child's relationship with significant adults is vital to their healthy development and emotional health and wellbeing. Some pupils within the Trust who require emotional support from staff may have been subject to trauma or distress. It is with this in mind that staff seek to respond to children's developmental needs by using appropriate safe touch.
- 1.3 References to the Trust or Academy within this policy specifically include all primary, secondary and special academies within the Trust, as well as the Early Years setting at the Priory Witham Academy, Priory Training and Lincolnshire SCITT.
- 1.4 This policy does not form part of any employee's contract of employment and it may be amended at any time.

2 Roles, Responsibility and Implementation

- 2.1 The Pay, Performance and HR Committee has overall responsibility for the effective operation of this policy and for ensuring compliance with the relevant statutory framework. This committee delegates day-to-day responsibility for operating the policy and ensuring its maintenance and review to the Director of Safeguarding.
- 2.2 Leaders and Managers have a specific responsibility to ensure the fair application of this policy and all employee are responsible for supporting colleagues and ensuring its success.

3 Aims

- 3.1 The Trust prides itself on providing a safe learning environment for our pupils. Sometimes, some of our pupils may get anxious or agitated. We will always help pupils to calm down using communication skills, distraction techniques and removing triggers where possible. However, there may be times when pupils need more help to calm down and attempts to de-escalate a situation have not proven successful. In these circumstances this may require staff to use a form of positive handling to ensure:

- the pupil's own safety;
- the safety of other pupils and staff; and/or
- property is not seriously damaged.

3.2 We aim to ensure that all staff carry out safe, legal, confident and dignified practice when using appropriate, necessary and/or planned touch.

4 What is reasonable force?

4.1 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.

4.2 **'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 pupil needs to be restrained to prevent violence or injury.

4.3 **'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. Trust documentation refers to 'control' as 'physical intervention'.

4.4 **'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.

4.5 **'Reasonable in the circumstances'** means using no more force than is needed.

4.6 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.

5 Who can use reasonable force?

5.1 All members of school staff have a legal power to use reasonable force. This power applies to any member of staff at the school.

5.2 The power to use reasonable force can also apply to people whom the Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents/carers accompanying pupils on an organised educational visit. Such volunteers or parents/carers will normally follow the advice of the member of staff in charge. In exceptional circumstances they may need to use physical intervention. In these circumstances the same tests of proportionality and reasonableness apply.

- 5.3 The use of reasonable force is clearly sanctioned in certain circumstances by Section 550A of the Education Act 1996: *The power of members of staff to restrain pupils* and Section 93 of the Education and Inspections Act 2006: *Power of Members of Staff to use Force*. This is supplemented by the DfE guidance *Use of Reasonable Force (2013)*. A copy of this guidance is available to all staff and governors and to parents/carers of pupils on request.

The guidance can also be found online at:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/355362/use_of_reasonable_force.pdf

6 When can reasonable force be used?

- 6.1 Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- 6.2 In an academy setting, force is used for two main purposes – to control pupils or to restrain them.
- 6.3 The decision on whether to use reasonable force is down to the professional judgement of the teacher or other adult involved. 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 used should be no more than is needed to achieve the desired result.
- 6.4 The DfE document *Use of Reasonable Force (2013)* provides some examples of situations where reasonable force can be used (please note, the list is not exhaustive):
- 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; and
 - restrain a pupil at risk of harming themselves through physical outbursts.

However, staff must always remember, in line with 6.1, that reasonable force is only permitted in certain circumstances and must be reasonable, necessary and proportionate.

- 6.5 Schools are not permitted to use force as punishment – it is always unlawful to use force as punishment (which would be corporal punishment).

6.6 Staff should always avoid touching/holding a pupil in a way that might be considered inappropriate. Force, where used, should always be reasonable; it should always be proportional to the circumstances of the incident. It should be used only to control or restrain and never to with the intent to cause pain or harm. In any action due regard has to be given to the age, understanding, sex, special educational need or disability, past experience and cultural and religious heritage of the pupil.

7 Power to search pupils without consent

7.1 In addition to the general power described above, Headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following 'prohibited items':

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco and cigarette papers
- Fireworks
- Pornographic images
- Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

7.2 Force cannot be used to search for items banned under the Trust rules. Please see SW4 Student Behaviour and Discipline Policy for more information on banned and prohibited items.

8 De-escalation

8.1 All staff have a duty of care towards pupils and must always first try to de-escalate situations where other people or property are at risk.

8.2 The use of reasonable force should always be a last resort. Where it is possible to do so safely before use of reasonable force, a calm warning or instruction to stop should be given and every effort should be made to achieve a satisfactory outcome through de-escalation.

8.3 Wherever a holding episode is protracted, regular changeovers of staff should take place. The pupil must continue to be given opportunities to calm down and de-escalation strategies should be attempted. Techniques seek to avoid injury to the pupil, but it is possible that bruising and scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the pupil remains safe. Any adjustments to professional technique used

during intervention or restraint will be examined in the recording and reporting phase of the procedures in light of any issues arising out of a crisis episode, and amendments or clarification may be made.

9 Recording and Reporting

9.1 Where restraint and/or physical intervention has been necessary, the incident must be reported to a member of the Senior Leadership Team of the respective setting and logged. A report should be written and filed using the Trust form within 24 hours of the incident occurring.

9.2 A member of the Senior Leadership Team of the setting will review the paperwork before it is filed.

9.3 Parents/carers of the pupil involved will always be advised as soon as possible of an incident and a meeting with parents/carers will always be held to discuss the incident (or a telephone conversation if a meeting is not possible). Where it is not possible to meet parents/carers at the setting, a meeting elsewhere or a telephone discussion will always take place. It may be necessary for an incident to be followed up by disciplinary action or pastoral support, in addition to consideration of an Individual Behaviour Management Plan.

10 After an incident

10.1 Reasonable force 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. A member of the Senior Leadership Team will take responsibility for making arrangements for debriefing once the situation has stabilised (it is not normally recommended that the debriefing take place on the same day). A member of the Senior Leadership Team should always be involved in debriefing the pupil involved and any victims or close witnesses of the incident should be offered support. The pupil involved should be given the opportunity to identify a member of staff to be present during the briefing if they wish. Parents/carers should be informed of the debriefing and given the opportunity to attend. Support will be made available for staff involved in the incident if required.

10.2 The purpose of the debriefing would be to:

- review events leading up to the use of positive handling;
- review the process of positive handling and its outcome;
- discuss whether the pupil's behaviour could have been managed differently;
- to maintain good relationships between pupils, staff and parents/carers;
- to learn any lessons for future practice to avoid further incidents; and
- to inform reviews of the support in place for the pupil, e.g. the Pastoral Support Plan.

- 10.3 Where pupils already have an Individual Behaviour Management plan or a Pastoral Support Plan any intervention should, where possible, follow the plan. After any use of restraint, the plan should be reviewed to ensure it matches the pupil's needs.
- 10.4 Where physical intervention and/or restraint is used with a pupil who does not have an Individual Behaviour Management Plan, a review will be undertaken following the intervention to consider whether such a plan is needed.

11 Risk assessments

- 11.1 If it becomes apparent that a pupil is likely to behave in a manner that may require the use of reasonable force, each setting will plan how to respond if the situation arises (using the Individual Behaviour Management Plan).
- 11.2 Such planning will address:
- management of the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used if necessary);
 - involvement of parents/carers to ensure that they are clear about the specific action the academy might need to take;
 - briefing of staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance); and
 - identification of additional support that can be summoned if appropriate.

12 Reasonable adjustments

- 12.1 Under the Equality Act 2010, the Trust has a legal duty to ensure that reasonable adjustments are made for disabled children and children with special educational needs. As part of a positive and proactive approach towards behaviour, settings must think ahead and make reasonable adjustments to avoid discriminating against disabled pupils, and thus reduce (or eradicate) the need for possible reasonable force.
- 12.2 The judgement on whether to use force with children with SEND should not only depend on the circumstances of the case, but also on information and understanding of the needs of the pupil concerned.

13 Training

- 13.1 The DfE guidance (2013) states that schools need to take their own decisions about staff training. The Trust does not specify which staff at each setting should undergo training for positive handling, and expects Headteachers/Heads of Settings will consider training requirements based upon the context and need of the setting. However, at least one member of the

Senior Team must undergo Team Teach training to ensure they can appropriately review reasonable force paperwork.

- 13.2 The Trust recognises that staff may not wish to undertake training in physical restraint. Anyone undergoing training must recognise that, in some circumstances, physical intervention and/or restraint may lead to situations that may result in personal injury to themselves.
- 13.3 Where possible, physical intervention and/or restraint should be used by staff who have received training in positive handling.

14 Complaints

- 14.1 In the event that parents/carers express a concern over an incident of positive handling, they have a right to be informed of SW9 Parental Communications and Complaints Policy. They must be informed of this right and be signposted to the policy, which is freely available on the Trust website, or provided with a hard copy on request.
- 14.2 If a pupil makes a complaint when force is used on them, the Headteacher must be informed.
- 14.3 All complaints will be thoroughly, speedily and appropriately investigated.
- 14.4 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.
- 14.5 When a complaint is made, the onus is on the person making the complaint to prove their allegations are true – it is not for the member of staff to show that they have acted reasonably.
- 14.6 Where necessary, any allegations will be dealt with in line with HR12 Staff Disciplinary Policy and HR24 Allegations of Abuse Made Against Adults Policy.

15 Safe Touch

- 15.1 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.
- 15.2 The Trust is very aware of the current atmosphere where the use of touch in schools can be seen as highly controversial. Our policy rests on the belief that every staff member needs to appreciate and understand the difference between appropriate and inappropriate touch. Staff members need to be highly aware of the possible damaging effect of the inappropriate and unnecessary use of touch

in an educational context. Touch is not to be used as ill thought-out or as an impulsive act.

15.3 Appropriate safe touch is important and may be used routinely for any of the following reasons:

- Communication – touch can be beneficial as part of the process of establishing the fundamentals of communication for people at early communication levels. Touch is necessary to reinforce other communication or to function as the main form of communication in itself. Touch enables staff and pupils to respond non-verbally or to respond to another person's own use of physical contact for communication and to make social connections.
- Educational tasks – touch can also be used to direct children in educational tasks and developing skills. Physical prompting and support, gestural and physical prompts during learning activities such as hand-over-hand support and hand-under-hand support. Play activities naturally include touch. People of any age who are at early levels of development are likely to be quite tactile and physical.
- Emotional reasons – touch is an effective way to communicate affection and warmth. It gives reassurance and can communicate security and comfort. Touch enables the person to develop understanding of these positive emotions and the ability to communicate them. Touch can offer reassurance and support, comforting distressed or upset pupils, communicating warmth, comfort and reassurance and to develop positive emotions.
- Mobility – physical support may be used as guidance and/or to help with mobility or as part of an activity where a pupil needs support when moving. Please note that this is different to 'moving and handling'. For further information on this, please see HR44 Moving and Handling (Students) Policy.
- Intimate care – please see SW1 Intimate Care Policy.
- Medical care – please see HS2 Medical Treatment Policy.

15.4 If touch is used, the young person's consent should be sought (where this is possible). Staff must be aware that some pupils are sensitive to touch and/or may have a history of receiving negative touch. It should also be done openly (staff must not use touch when working alone with a pupil).

15.5 When touch is used as part of a planned intervention to support a pupil, it must be done as part of an agreed support plan, the formation of which should involve the pupil, staff, parents/carers and any other professional(s) if necessary, e.g. occupational therapist. The exception to this is in specialist settings, whereby massage is an integral part of the sensory and communication curriculum delivered by specialist staff, for example, through TACPAC or Story Massage.

- 15.6 In the event that staff have any issues concerning appropriate touch, or they observe any practice that causes concern they must discuss it with the Headteacher/Head of Setting without delay.
- 15.7 No member of staff should use safe touch when alone with a child.
- 15.8 Where unplanned safe touch has been used to emotionally regulate a child, staff should discuss this with their Line Manager, and parents/carers must be informed. This should be documented in the child's record, to enable the setting to establish any patterns of behaviour.
- 15.9 At no point, and under no circumstances, should staff members use touch to satisfy their own need for physical contact or reassurance. Any member of staff who abuses this policy or their position, will be subject to disciplinary action.

16 Use of touch to provide emotional support

16.1 Hugging

A hug slows the heart rate and encourages the production of happy hormones which in turn lowers stress and anxiety. Due to the developmental levels of some pupils, they are still at a stage where physical contact is sought. Staff who use touch to provide this emotional support should preferably use a sideways on hug, with the adult putting their hands on the child's shoulders. The adult's hands on the shoulders limits the ability of the child to turn themselves into staff. This can be done either standing or sitting. When working with pupils who do not understand personal space, it can be difficult to maintain a sideways hug, but a front-facing hug should not be initiated by staff.

- 16.2 If a hug is given or received, staff should ensure that there are other members of staff around. If an additional adult is not present/the interaction is not overlooked, the member of staff should inform a member of SLT. This is important in order to record and monitor the times the child is doing this, and to ensure staff safety.

16.3 Lap-sitting

Lap-sitting is not encouraged. However, pupils in the early years may want to sit on an adult's knee as developmentally this is a way of seeking emotional security and the next step as trust is formed away from their home caregiver. Where this happens, staff should be in an environment where they can be overlooked, and not one-on-one with a child. If an older child (KS1+) attempts to sit on a member of staff's lap, it is important for staff to encourage them to sit next to them.

- 16.4 If a child tries to sit inappropriately – staff should openly and explicitly explain to them how to manage such situations. For example, a member of staff could

say “I don’t feel comfortable, let’s sit you this way, that’s it – this is how we can sit and chat”, or “This may hurt my knees, sit beside me please”. This creates a safe situation for everyone.

17 Policy change

- 17.1 This policy may only be amended or withdrawn by the Priory Federation of Academies Trust.



The Priory Federation of Academies Trust Positive Handling and Safe Touch Policy

This Policy has been approved by the Pay, Performance and HR committee:

Signed..... Name..... Date:

Trustee

Signed..... Name..... Date:

Chief Executive Officer

Signed..... Name..... Date:

Designated Member of Staff

Please note that a signed copy of this agreement is available via Human Resources.