

## Positive Handling and Safe Touch Policy

Policy Code:	HR9
Policy Start Date:	September 2021
Policy Review Date:	September 2023

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

- HR6 Data Protection Policy
- HR6A Data Breach Policy
- HR24 Policy for Allegations of Abuse Made Against Adults
- HR36 Complaints Policy
- HS2 Medical Treatment Policy
- SW1 Intimate Care Policy
- SW4 Student Behaviour and Discipline Policy
- SW5 Safeguarding and Child Protection Policy
- SW9 Parental Communications and Complaints Policy

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## **1 Policy Statement**

- 1.1 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 students 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.
- 1.2 This policy on positive handling 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 students. Staff should also refer to SW4 Student Behaviour and Discipline Policy.
- 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 Human Resources Director.
- 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.
- 2.3 All members of the Academy staff have a legal power to use reasonable force. This power applies to any member of staff at the school.
- 2.4 The power to use reasonable force can also apply to people whom the Headteacher has temporarily put in charge of students such as unpaid volunteers or parents accompanying students on a school organised visit. Such volunteers or parents 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.

### 3 Aims

- 3.1 The Trust prides itself on providing a safe learning environment for our students. Sometimes, some of our students may get anxious or agitated. We will always help students to calm down using communication skills, distraction techniques and removing triggers where possible. However, there may be times when students need more help to calm down and attempts to de-escalate a situation have not proved successful. In these circumstances this may require staff to use physical intervention to ensure:
- the student's own safety
  - the safety of other students and staff
  - that property is not seriously damaged.
- 3.2 To ensure that all staff carry out safe, 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 students.
- **Force** is usually used either to control or restrain. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
  - **'Reasonable in the circumstances'** means using no more force than is needed.
  - As mentioned above, schools generally use force to control students and to restrain them. **Control** means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom.
  - **Restraint** means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.

### 5 Using Reasonable Force

- 5.1 The use of physical intervention is clearly sanctioned in certain circumstances by Section 550A of the Education Act 1996: *The power of members of staff to restrain students* 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 students on request.

The guidance can be found online at:

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[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/355362/use\\_of\\_reasonable\\_force.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/355362/use_of_reasonable_force.pdf)

- 5.2 The decision on whether to physically intervene is down to the professional judgment 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.
- 5.3 Where possible, physical intervention should be used by staff who have received training in positive handling. All incidents where students need to be held or physical intervention is needed to help them to calm down are recorded by the Academy and parents are informed as a matter of course as soon as possible after the event.
- 5.4 Academy 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 student.
- 5.5 Where students already have an Individual Behaviour Management plan or a Pastoral Support Plan any intervention should, where possible, follow the plan. After any such physical intervention, the plan should be reviewed to ensure it matches the student's needs.
- 5.6 Where physical intervention is used with a student 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.
- 5.7 The following list is not exhaustive but provides some examples of situations where reasonable force can be used:
- remove disruptive children from the classroom where they have refused to follow an instruction to do so
  - prevent a student behaving in a way that disrupts a school event or a school trip or visit
  - prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others
  - prevent a student from attacking a member of staff or another student, or to stop a fight
  - restrain a student at risk of harming themselves through physical outbursts
  - prevent a student from damaging property or causing disorder.
- 5.8 All staff have a duty of care towards students and must always de-escalate situations where other people or property are at risk.

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- 5.9 The use of restraint should always be a last resort. Where it is possible to do so safely before intervention, a calm warning or instruction to stop should be given and every effort should be made to achieve a satisfactory outcome through de-escalation without physical intervention.
- 5.10 Staff should always avoid touching/holding a student 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 and cultural and religious heritage of the student.
- 5.11 Wherever a holding episode is protracted, regular changeovers of staff should take place. The student must continue to be given opportunities to calm down and de-escalation strategies should be attempted . Techniques seek to avoid injury to the student, 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 student 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.
- 5.12 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 may lead to situations that may result in personal injury to themselves.
- 5.13 The Trust accepts and understands that in accordance with the law corporal punishment is forbidden.

## **6 Recording and Reporting**

- 6.1 Where restraint has been necessary, the incident must be reported to a member of the Senior Team of the respective Academy and logged. A report should be written and filed using the form the Academy uses to record serious incidents within 24 hours of the incident occurring.
- 6.2 Parents/carers of the student 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 Academy, a meeting elsewhere or a telephone discussion will always take place. It may be necessary for an incident to be followed up by other disciplinary action or pastoral support, in addition to consideration of an Individual Behaviour Management Plan.

## **7 After an incident**

- 7.1 Positive handling 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 student. A member of the Senior Leadership Team will take responsibility for making arrangements for debriefing once the situation has stabilised (it is not recommended that the debriefing take place on the same day). A member of the Senior Leadership Team should always be involved in debriefing the student involved and any victims or close witnesses of the incident should be offered support. The student 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 teachers involved in the incident if required.
- 7.2 The purpose of the debriefing would be to:
- review events leading up to the use of positive handling
  - discuss whether the student's behaviour could have been managed differently
  - to maintain good relationships between students, staff and parents/carers
  - to learn any lessons for future practice to avoid further incidents
  - to inform reviews of the support in place for the student, e.g. the Pastoral Support Plan.

## **8 Risk assessments**

- 8.1 If it becomes apparent that a student is likely to behave in a manner that may require the use of reasonable force, each Academy will plan how to respond if the situation arises.
- 8.2 Such planning will address:
- management of the student (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)
  - identification of additional support that can be summoned if appropriate.

## **9 Complaints**

- 9.1 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. This is freely available on the Trust website.

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## **10 Safe Touch**

- 10.1 We are 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 an impulsive act.
- 10.2 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 students 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 students, 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 student needs support when moving.
  - Intimate care – please see SW1 Intimate Care Policy.
  - Medical care – please see HS2 Medical Treatment Policy.
- 10.3 When touch is used, it must be done as part of an agreed support plan, the formation of which should involve the student, staff, parents/carers and any other professional(s) if necessary, e.g. occupational therapist.
- 10.4 If touch is used, the young person's consent should be sought (where this is possible). Staff must be aware that some students are sensitive to touch and/or may have a history of receiving negative touch. It should also be done openly (staff must not lone work).



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10.5 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 Academy's Designated Safeguarding Lead (DSL) without delay.

10.6 At no point and under no circumstances should staff members use touch to satisfy their own need for physical contact or re-assurance. Any member of staff who abuses this policy or their position, will be subject to disciplinary action.

## **11 Policy change**

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





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## **The Priory Federation of Academies Trust Positive Handling 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.