

Community Academies Trust
Birchwood Primary School Policy



Positive Handling Policy

Document Number (if already used)	Reference		
Title	Positive Handling Policy		
Policy Owner	Headteacher		
Version	1.		
Approved Date	March 2026		
Approving Body	Governing Body		
Next Review Date	March 2028		

Version Control

Version	Last Modified	Last Modified By	Document Changes
1.	30.1.26	Neil Coleman	No updates

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Policy Statement

It is recognised that the vast majority of pupils in our school respond positively to our behaviour and conduct expectations. The well-being, welfare and safety of all pupils and staff at Birchwood Primary School are of paramount importance.

It is acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of a physical intervention may be required to keep a child or others safe. The purpose of this policy is to clarify the systems in place for all teaching and support staff, to support them in relation to the use of positive handling to manage challenging behaviour. It is also intended to inform: children; their parent(s); carer(s); families and other relevant stakeholders of the legal framework and school staff position in relation to positive handling, and systems and procedures that we follow at Birchwood.

There is a common misconception that any physical contact with a child is in some way unlawful. This is NOT true and never has been.

“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. Examples of where touching a pupil might be proper or necessary: holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school; when comforting a distressed pupil; when a pupil is being congratulated or praised; to demonstrate how to use a musical instrument; to demonstrate exercises or techniques during PE lessons or sports coaching; to give first aid.”

Page 5, The Use of Reasonable Force - Advice for head teachers, staff and governing bodies - July 2011

At Birchwood we constantly strive to create a calm and caring environment that minimises the risk of incidents arising that might require the use of positive handling. In addition to this, pupils who regularly or are highly likely to present with challenging behaviour that requires positive handling, have an individual Positive Handling Plan. Selected staff at Birchwood are trained in Team Teach which is Accredited and Nationally recognised as good practise to defuse conflict situations and where controlling positive handling is only used as a last resort. We will always de-escalate first including; distract, cajole, persuade and negotiate with young people as well as reminding them of rules, privileges, rewards and logical consequences.

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There may be circumstances however, where verbal de-escalation alone is not enough to deal with the risks that present themselves, and physical steps need to be taken in order to keep the child safe. The use of any physical intervention will always be **reasonable, proportionate and necessary**.

This policy has been drawn up taking cognisance of DFE guidance: The Use of Reasonable Force (July 2013), Section 93 of The Education and Inspections Act 2006, DFES guidance LEA/264/2003: Guidance on the Use of Restrictive Positive handlings for Pupils with Severe Behavioural Difficulties (Sept 2003) and the joint DFES/DOH guidance: Guidance for Restrictive Positive handlings (July 2002).

This policy should be read in conjunction with the school's Relationships Policy, Health and Safety Policy and Child Protection Policy.

Every effort will be made to ensure that all staff at Birchwood:

- i. clearly understand this policy and their responsibilities in the context of their Duty of Care in taking appropriate measures where positive handling is necessary.
- ii. are provided with appropriate training to deal with incidents safely and effectively.

Underpinning values

Everyone attending or working in this school has a right to:

- recognition of their unique identity;
- be treated with respect and dignity;
- learn and work in a safe environment;
- be protected from harm, violence, assault and acts of verbal abuse.

Pupils attending this school and their parents 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;
- be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school;
- be informed about the school's complaints procedure

The school will ensure that pupils are given support to understand the need for and respond to clearly defined limits, which govern behaviour in the school.

Strategies for dealing with challenging behaviour

Primary Prevention:

- The consistent use of positive behaviour management strategies;
- The deployment of appropriate staffing numbers;
- The deployment of appropriately trained and competent staff;
- Avoiding situations and triggers known to provoke challenging behaviour;
- Maintaining a calm and rational approach at all times

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- Creating opportunities for choice and achievement;
- Developing staff expertise through a programme of Continuous Professional Development;
- Exploring pupils' preferences relating to the way/s in which they are managed.

Secondary Prevention:

This involves the recognition of the early stages of a behavioural sequence that is likely to develop into violence or aggression and in employing higher level 'diffusion' techniques to avert any further escalation.

Where there is clear evidence that behaviour is escalating rapidly into aggression, violence or high levels of unsafe behaviour, the use of positive handling at an early stage in the sequence may be justified if it is clear that:

- Primary prevention has not been effective, and
- The risks associated with **NOT** using positive handling are greater than the risks of using positive handling, and
- Other appropriate methods, which do not involve positive handling, have been tried without success.

Every effort will be made to resolve conflicts positively and without harm to pupils or staff, property, buildings or the environment. Some or all of the following approaches should be taken according to the circumstances of the incident:

- Verbal acknowledgement of unacceptable behaviour with request for the pupil to refrain; (this includes negotiation, care and concern)
- Further verbal reprimand stating:
 - that this is the second request for compliance;
 - an explanation of why observed behaviour is unacceptable;
 - an explanation of what will happen if the unacceptable behaviour continues.
- Warning of intention to intervene physically and that this will cease when the pupil complies, if possible summon assistance from other staff.
- Positive handling. **Reasonable, proportionate and necessary** force must be used in line with legislation and guidance.

The Legal Implications

Duty of Care

All staff working within the school have a 'Duty of Care' to the children and as such may face a situation where positive handling is the only option left available to them, in order to ensure safety. Staff who have a Duty of Care have lawful justification for taking reasonable physical steps to prevent injury to any person, or damage to property. Staff are not obliged to physically intervene but must take some action e.g. request clearly and

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repeatedly for the pupil to stop the undesired actions. Taking no action i.e. not calling for assistance which results in a person being injured, could leave a member of staff open to an allegation that they were in neglect of their Duty of Care.

The Children's Act

Staff will always follow the principles enshrined in the above act whereby the safety and wellbeing of the children is paramount. Staff will act in accordance with the 'best interests principle', acting honestly and in good faith to protect what they perceive to be the best interests of the child/children.

Section 93

Section 93 of the Education and Inspections Act 2006 'The Power of Members of Staff to Use Force' states:

*A member of the staff of a school may **use such force as is reasonable** in the circumstances to prevent a pupil from doing, or continuing to do any of the following;*

- *injuring themselves or others, or causing damage to property*
- *compromising the good order or discipline of the school.*
- *committing an offence*

This policy allows for the positive handling of pupils in high risk or dangerous situations. This must not include any form of physical punishment and should be limited to the minimum force absolutely necessary for the minimum amount of time.

Examples of situations where the guidance could apply:

- when a pupil attacks a member of staff;
- when a pupil attacks another pupil;
- when a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism;
- when a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of resources or objects (for example, throwing objects from the balcony or misusing equipment on the sports field)
- when a pupil absconds from class or tries to leave the school and is at risk of harm;
- when a pupil persistently refuses to obey a staff's instruction to leave a classroom;
- when a pupil is seriously disrupting a lesson through physical outbursts.

The Application of Force

The application of any form of physical control inevitably carries an attached risk of unintended harm and this places staff and the school at risk of potential litigation. It can only be justified according to the circumstances described in this policy. Staff, therefore,

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have a responsibility to follow this policy and to seek alternative strategies wherever possible in order to prevent the need for positive handling. Staff need to be aware that they are responsible for:

- assessing risks (dynamic risk assessment) related to individual circumstances which may arise in the course of their day-to-day duties, and
- making judgements about when the use of force is **necessary** and the degree of force which may be regarded as **proportionate and reasonable** to manage a situation

Staff need to be aware that they are required to justify their actions in writing through recording and reporting procedures.

If possible, the use of positive handling should ensure that a second or third adult is present to assist with and/or witness the incident. Staff must be aware of DfE Recommendations around Use of Reasonable Force and never hold pupils in such a way that they may have difficulty breathing.

During any incident involving the use of force, staff are expected to continue to use all available verbal and non-verbal support and de-escalation strategies to defuse difficult situations.

Reasonable Force

There is no legal definition of ‘reasonable force’. It will always depend upon the circumstances of each individual case. However, for the purpose of this policy and the implementation of it at Birchwood Primary School the clarification provided in the DfE guidance document ‘use of reasonable force’, 2013 is used.

THE USE OF ANY DEGREE OF FORCE IS UNLAWFUL IF THE PARTICULAR CIRCUMSTANCES DO NOT WARRANT THE USE OF PHYSICAL FORCE.

The degree of force employed must be in proportion to the circumstances of the incident and must be the minimum needed to achieve the desired result.

Whether the degree of force used is reasonable will also be determined by the child’s age; gender; stature; medical history; level of physical, emotional and intellectual development; special needs; and social context.

Positive Handling Plans (PHPs)

Where behavioural records and/or risk assessment identifies a need for a planned approach, PHPs are written for individual children and where possible, these will be designed through multi-agency collaboration in conjunction with the child and their parent/carer. With parental consent, these plans may be shared with other

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agencies/services supporting the child to facilitate consistency of approach so far as is possible.

The PHP will identify the key drivers and trigger points for a child's behaviour and a gradual and graded system of staff response which may include the application of gradually increasing or decreasing levels of force in response to the child's behaviour.

Any techniques used will take account of a young person's;

- age; gender;
- level of physical, emotional and intellectual development;
- special needs;
- social context.

An **emergency positive handling** may be necessary if a situation arises that was not foreseen or is uncharacteristic of the pupil. Members of staff retain their Duty of Care to pupils and any response, even in an emergency, must be proportionate to the circumstances. Staff should use the minimum force necessary to prevent injury and maintain safety. A PHP should then be completed to reflect the learning from the incident.

Personal Safety

There may be times when a member of staff may need to defend themselves from a physical assault or to 'break away' from a child who has taken hold of them (e.g. biting). It is acknowledged that with some disengagement techniques pupils may encounter some minimal discomfort when appropriate release techniques are used. However, this is very brief and poses less of a risk than the behaviour they are employed in response to e.g. biting. Any minimal discomfort (example scratching and bruising) to the child should not automatically be considered as excessive force by the member of staff.

Responsibility of Staff

All staff at school have authority to use reasonable force to control or restrain pupils and act in their duty of care.

Adults must avoid putting themselves into physical danger. If self-defence is necessary, then the minimum force must be used considering the pupils best interests.

Under the Health and Safety at Work Act, employees have a responsibility to report any circumstances which give rise to an increased risk to their Health and Safety. Staff who have, or acquire, permanently or temporarily, any medical condition that may impact on their ability to carry out positive handling have a duty to report these to the Headteacher immediately, as there may be an impact on their own safety and that of colleagues and/or pupils.

Training

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When positive handling is required Birchwood is committed to using Team-Teach philosophy and techniques. Team-Teach Ltd is a training provider that is accredited through ICM (Institute of Conflict Management) and adheres to their Code of Practice on positive handling.

Training is kept up to date with all trained staff undertaking refresher training every three years. All senior leaders have received the training and a proportion of teaching and support staff are also trained. Training of staff will reflect identified needs of pupils where appropriate.

Action and support after an incident

In most circumstances it is important to 'debrief' as soon as possible after the incident (child and staff member(s) involved), however all persons involved will require a short period of time to allow heightened emotions to dissipate before engaging in this process.

At Birchwood we will endeavour to:

- ISOLATE - we will ensure the person is somewhere quiet and calm;
- EXPLORE - we will allow the person to tell us what has happened first;
- SHARE - we will then give our (or other's) perspective of a situation;
- CONNECT - through careful questioning, we will connect the behaviour to the drivers, ie, we will seek to discover not just *what* happened, but *why* it happened;
- ALTERNATIVES - we will explore alternative ways that a situation could have been dealt with;
- PLAN - we will ensure that plans are put in place (or reviewed if a PHP already exists) to help us deal with any future incidents;
- RE-ENGAGE - we will consider the emotional wellbeing of the pupil and how best to re-engage them back to their normal working environment.

The Headteacher will ensure that each incident is reviewed and investigated further as required. If further action is required in relation to a member of staff or a pupil, this will be pursued through the appropriate procedure:

- Review of Individual Behaviour Profiles
- Staff or Pupil Disciplinary Procedure
- School Behaviour Policy
- Exclusions Procedure where appropriate

Recording and Reporting of Incidents

If positive handling is used the Headteacher or Assistant Heads must be notified at once. The name of the pupil will then be recorded in the Team Teach bound book, along with the time, circumstances, witnesses, details of any injury sustained and the pupil's responses. The parent(s)/carer(s) of the child will be notified as soon as possible via a telephone call or face to face and be given the opportunity to discuss the incident.

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Appropriate documentation will be completed as soon as possible after the incident (within 24 hours), normally prior to staff going off duty and be signed by all staff involved and the Headteacher/ Assistant Head.

Complaints

In the event of an allegation that a member of staff has used unreasonable force, or where a child has been injured during positive handling, the Executive Head should conduct a full enquiry or undertake a consultation with the Local Authority Designated Officer (LADO) in line with the school's safeguarding procedures.

For other types of complaint relating to an incident, the normal procedures of the school will be used and these will be made clear to all parent(s)/carer(s).

Role of Governors

It is the role of governors to check the records relating to incidents in school where physical intervention has been necessary to ensure that the measures were reasonable, proportionate and necessary. They will regularly review the policy and ensure it adheres to current legal position at the time of writing.

Policy Review Sheet

Please note any comments or suggested amendments on this sheet. You may also choose to complete your comments in confidence on a separate piece of paper. Please add your initial to any comments.
