

Moorland Waldorf Initiative (MWI)

Positive Handling Policy

Policy Reviewed: November 2018

Next Policy Review Date: November 2019

Although the MWI is not a school, we follow advice for schools in this area as best practice.

The following policy has been prepared with reference to the DfE publication July 2013 “Use of reasonable force in schools”, Keeping children safe in education sept 2018

1. The law governing use of reasonable force & physical restraint

The Education and Inspections Act 2006 provides the legal basis for policies on use of reasonable force and physical restraint in schools.

Schools are advised that they should NOT have a “no touch” policy, because there are many occasions when to touch or physically handle a pupil is perfectly appropriate, and to not do so, could amount to a member of staff not fulfilling their duty of care to a pupil.

The first part of this policy addresses the issue of reasonable force and the final part concludes with highlighting examples of where physical handling or touching a pupil is appropriate. The examples do not provide a definitive list.

2. What is reasonable force?

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 children.

- **Force** is usually used either to control or restrain. This can range from guiding a child to safety by the arm through to more extreme circumstances such as breaking up a fight or where a child needs to be restrained to prevent violence or injury.
- **‘Reasonable in the circumstances’** means using no more force than is needed.
- **Control** means either passive physical contact, such as standing between children or blocking a child's path, or active physical contact such as leading a child by the arm out of a room.
- **Restraint** means to hold back physically or to bring a child under control. It is typically used in more extreme circumstances, for example when two children are fighting and refuse to separate without physical intervention. MWI 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 child.

3. Who may use reasonable force?

- (i) All members of MWI staff have a legal power to use reasonable force
- (ii) This power applies to any member of staff at the MWI. It can also apply to people whom the College has temporarily put in charge of children such as unpaid volunteers or parents accompanying students on an organised visit.

4. When can reasonable force be used?

Reasonable force can be used

(The following list is not exhaustive but provides some examples of situations)

- To prevent children from hurting themselves or others, from damaging property, or from causing disorder.
- In a childcare setting, force might be used for two main purposes – to control children or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

Staff can use reasonable force to:

- remove disruptive children from the room where they have refused to follow an instruction to do so;
- prevent a child behaving in a way that disrupts an event or a trip / visit;
- prevent a child leaving the room where allowing the child to leave would risk their safety or lead to behaviour that disrupts the behaviour of others
- prevent a child from attacking a member of staff or another child, or to stop a fight
- restrain a child at risk of harming themselves through physical outbursts.

A member of staff will never use force or negative physical contact as a form of punishment: this is unlawful

Power to search children without consent

In addition to the general power to use reasonable force described above, 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

Force cannot be used to search for other items banned under the MWI rules.

5. What staff will do if use of reasonable force becomes necessary

In an emergency, where any delay could result in injury or significant damage to property, a member of staff encountering an incident may have no time to do anything other than take action to intervene. There may be no time to talk to pupils, reason with them or ask for help from other members of staff.

In the instance of needing to use reasonable force or physical restraint, examples of what a member of staff may do include the following:

- Physical contact with a child designed to control their movements, which pose a danger, e.g. holding by the arms against the side of the body or by physically placing themselves between two children and holding them apart.
- Standing by the side of the young person and holding their arms or legs to prevent or restrict injury through striking/kicking;
- Use of sufficient physical force to remove a weapon/dangerous object from a child’s grasp;

- Physically preventing a child from leaving the premises (and exposing themselves to danger), which may require use of reasonable force to restrain or block their exit
- Removing a child from a situation or incident, by holding them by the long bones of the arms, ideally supported by a member of staff on either side

Staff should avoid the following:

- Lifting or carrying children
- Holding a pupil in a way which might restrict their airway
- Placing and restraining a child on the floor
- Face-to-face restraint or use of force should be avoided, as staff may themselves be injured

When considering the use of physical intervention to control a child's behaviour the following questions should always be asked:

- How is the intervention in the best interests of the child?
- Is the intervention proportionate to the circumstances it is intended to prevent?
- Is the intervention necessary in order to protect the best interests of the child?

Staff should also ask:

- Is a less intrusive intervention preferable?
- Do we have to act now?
- Am I the best person to be doing this?

In less urgent situations and if at all possible, before using reasonable force, the member of staff should advise the child calmly and repeatedly about what they are going to do and why.

They should also advise the child as to how he/she might change his/her behaviour, in order that the use of reasonable force would become unnecessary. In this instance, other staff, children or observers (e.g. on a school visit) should also be told that a member of staff may need to use reasonable force.

Examples of scenarios where a verbal request may be possible prior to needing to use reasonable force include:

- A child refusing to climb down from a piece of apparatus that they should not be on;
- A child breaking MWI rules by climbing over parts of the building or infrastructure e.g. on gates, walls,
- A child who refuses to come in from outside play, if it would compromise their own health and safety or that of other children if they did not comply.
- A child who blocks a doorway or refuses to enter or leave a room or corridor;

In situations where the behaviour of a child is not threatening health & safety, but is compromising good order and discipline, staff will as far as possible avoid using reasonable force and instead will diffuse situations by removing the rest of the children from the scene and allow the child concerned to calm down safely and by sending for an additional staff member to help supervise the situation.

Examples of the above may include the following:

- A child using foul language in a room and refusing to stop
- A child who repeatedly disrupts, destroys or interferes with the work or play of other children

Where the need to use reasonable force is not pressing and urgent, staff will always take into account the circumstances surrounding the behaviour of the child. For example, a young child

refusing to enter a classroom or kindergarten room could be anxious and use of reasonable force to make them enter could be inappropriate.

6. After an incident where reasonable force has been used

After an incident where reasonable force has been used, the MWI staff member will make a written record of the incident, noting the details of the incident, the time and date, any actions taken and any witnesses. If possible, all staff and where appropriate, the children involved will undertake a debriefing meeting with a staff member.

After receiving the report of an incident where physical intervention has occurred, if the College considers that the MWI's guidelines have been seriously breached and that further investigation is warranted, the incident should not be pursued, but action in accordance with Child Protection procedures must be taken.

In these circumstances, any school internal investigations must cease and no further statements should be taken. If the school's guidelines have been breached the Designated Child Protection officer (Barbro Edwards) will consult the Local Authority Designated Officer.

7. Informing parents

The staff member involved (or another, if appropriate) will speak to the parents about incidents involving the use of force.

The parents will be provided with a copy of such an incident report and also asked to sign a copy, which will be kept on the child's file, in order to confirm that they have been informed of the incident.

There may also be occasions where it is better for the member of staff to tell the parents over the phone later; for example, in the instance of inadequate privacy or sensitive surroundings (e.g. siblings or other parents present).

On occasion, it may not be necessary to make a written account; for example, a staff member who intervenes by stepping between 2 children who appear about to strike one another, but who has minimal physical contact with either child, and from which the situation is quickly diffused.

Equally, if for example, a child refuses to come off play equipment to go inside (e.g. in kindergarten) and staff members are able to gently reinforce their request by physically helping the child down, this could be considered as appropriate physical handling rather than use of force (see physical handling section below).

8. Other possible actions following an incident

In the event of physical restraint being necessary on more than one occasion, it would be appropriate to include positive handling advice in the child's Individual Education Plan (IEP). It is also necessary to compile an individual risk assessment in discussion with all staff, parents and any relevant outside agencies.

In the case of a child with a statement of educational needs, there will be opportunities to address issues of challenging behaviour at annual review meetings and an interim review organised in exceptional circumstances.

Looked-After Children will have a Personal Education Plan which features planning and strategies to address challenging behaviour, where appropriate.

9. Risk Assessments

The historical pattern of the frequency and severity of any incidents will help to inform decisions about requirement for staff training.

There is also a need for individual risk assessments where it is known that physical restraint is more likely to restrain a particular child. This may include children whose Special Education Needs (SEN) and/or disability is associated with extreme behaviour.

An individual risk assessment is also essential for children whose SEN and/or disabilities are associated with:

- Communication impairments that make them less responsive to verbal communication;
- Physical disabilities and/or sensory impairments
- Conditions that make them fragile, such as haemophilia, brittle bone syndrome or epilepsy;
or
- Dependence on equipment such wheelchairs, breathing or feeding tubes.

Training

Where there is a known risk of a pupil needing to be restrained for the reasons outlined above, or if a pupil presents the need to be restrained on a regular basis, staff should undergo Positive Handling and Restraint Training.

9. Positive Physical Handling

As mentioned in the introduction, this MWI does not have a no-touch policy because there are times when staff could breach their duty of care towards the children if they were not prepared to physically handle children.

Examples of where touching or handling a pupil might be proper or necessary:

- Holding the hand of a child at the front/back of the line when walking together around the buildings / grounds
- Comforting a distressed child;
- Greeting, congratulating or praising a child;
- Guiding a child, for example in demonstrating how to use a musical instrument or in the use of a paintbrush or woodwork tool;
- Supporting a child in safely performing a movement exercise;
- Tagging in chasing or territorial games where the staff member may be the chaser/tagger;
- Administering of first aid.
- A child distressed by the fire alarm, may need to be carried or supported out of the building

Some children, especially younger ones or those with Special Educational Needs may also need help with their personal care, for example:

- In changing clothes for games lessons;
- Changing wet or soiled clothing after outdoor play;
- Toileting support

The need for such support in school age children will generally, but not necessarily always, be identified in a child's Individual Educational Plan or Statement of Special Educational Need.

10. Positive physical Handling in Games

As stated in the examples above, games tutors may often have to help children with gymnastic activities in order to support them so that the children do not hurt themselves and to allow them to develop competence and skill. Where possible, the tutor will forewarn the child of how they will

hold them. For example, if attempting a handstand, the tutor may advise the child that “when you kick up your left leg, I will hold your leg so that you can experience an upright position and to stop you overbalancing”.

For activities such as a forward roll, the tutor may need to support the child with one hand on the head and one arm behind the knees as the child rolls over.

For a child attempting to vault or leap frog over an obstacle, the games tutor may need to grab a child’s arm to help hold them upright on landing; it may often not be possible in these situations to forewarn a child of how they will be helped, but the child needs to feel confident that the tutor will step in to help them when required.

In some activities, for example, children learning to do more complex movements such as a handspring or somersault, the tutor will have a plan to support the child in a particular way according to their training, for example by using a forearm under the back of a child as they emerge from a handspring, but in practice, the unexpected can happen. Children learning such movements can do unexpected things and the tutor will have to decide in the moment where best to place his or her hands or limbs in order to ensure the child’s safety.

At all times, tutors will be respectful of the child’s wishes; on occasion this may mean that a child will not be allowed to attempt a movement if they are not willing to accept help, if in the tutor’s judgement they could hurt themselves without that support.

Full endorsement to this policy is given by:

Name:

Position:

Signed:

Date:

Related policies

- Staff Code of Conduct and School Rules
- Behaviour Policy
- Child protection policy