



Positive Handling and Restraint Guidance

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1. Introduction

Section 93 of the Education and Inspections Act 2006 and further guidance issued by the DfE in July 2013 (Use of reasonable force - Advice for headteachers, staff and governing bodies) enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- causing personal injury to, or damage to the property of, any person (including himself); or 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.

2. Guidance

The staff to which this power applies are defined in Section 95 of the Act as:

- any teacher who works at the school, and
- any other person whom the Principal has authorised to have control or charge of pupils, but it does not include Prefects.

The statutory power conferred by Section 93 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. There is no legal definition of when it is reasonable to use force and each case must be judged on its circumstances and those exercising the power to use force must also take proper account of any particular special educational need and/or disability.

The types of force which are deemed to be reasonable are:

- **passive physical contact resulting from standing between two pupils or blocking a pupil's path;**
- active physical contact such as leading a pupil by the hand or arm; ushering a pupil away by placing a hand in the centre of his back; or, in more extreme circumstances, using appropriate restrictive holds.

Decisions on whether circumstances justify the use of reasonable force will depend on:

- the seriousness of the incident,
- the chances of achieving the desired result by other means,
- the relative risks associated with physical intervention compared to using other strategies.

Where possible a clear oral warning to the pupil that force may have to be used should be given.

Examples of situations that particularly call for judgements of this kind are:

- a pupil attacking another pupil or member of staff;
- pupils fighting and hence causing risk of injury to themselves or others;
- a pupil committing, or on the verge of committing, deliberate damage to property;

- a pupil is causing, or at risk of causing, injury or damage by accident, rough play, or by the misuse of dangerous objects or materials;
- a pupil persistently refuses to follow an instruction to leave the classroom;
- a pupil is behaving in a way that seriously disrupts a lesson; or
- a pupil is behaving in a way that seriously disrupts a school sporting event or school visit.

3. Reporting Positive Handling incidents

All incidents where force has been used should be recorded using the Report Form which is available on CPOMS. Reports should be submitted to the principal.

The guidance also emphasises that it is always unlawful to use force as a punishment.

Other physical contact with pupils... it is not illegal to touch a pupil.

The DfE says that it is not illegal to touch a pupil and that there are occasions when physical **contact with a pupil is 'proper and necessary'**.

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

- 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 congratulating or praising a pupil.
- When demonstrating how to use a musical instrument.
- When demonstrating exercises or techniques during PE lessons or sports coaching.
- When giving first aid.