



Kislingbury CEVC Primary School Positive Handling Policy

Policy Review Committee	Pupils and Personnel Committee
Policy Last Reviewed	October 2017
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Introduction

This policy has been developed in response to The Education and Inspections Act 2006 section 93. It also takes account of guidance issued by the DfE and Department of Health, and follows the guidance for “The Use of Reasonable Force - Advice for Headteachers and Governing Bodies’. 2013” The policy should be read in conjunction with other school policies and guidance relating to interaction between adults and pupils.

The policy has been prepared for the support of all teaching and support staff, who come into contact with pupils and for volunteers working within the schools and to explain the school's arrangements for care and control. Its contents are available to parents and pupils. A copy of the School's Behaviour Policy is available on the school's website . This statement includes information on the use of reasonable force to control or restrain pupils.

Objectives

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school. It is recognised that the vast majority of pupils who attend our school respond positively to the discipline and control practised by staff. This ensures the well-being and safety of all pupils and staff in our schools. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable, proportionate and necessary force may be required. The school acknowledges that physical techniques are only a very small part of a whole setting approach to behaviour management.

Every effort will be made to ensure that staff in our school:

- (i) Clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where use of force is necessary and
- (ii) Are provided with appropriate training to deal with these difficult situations.

The Education and Inspections Act 2006 stipulates that reasonable force may be used to prevent a pupil from doing, or continuing to do any of the following:

- self – injuring
- causing injury to others
- committing a criminal offence
- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether the behaviour occurs in a classroom during a teaching session or elsewhere within school (this includes authorised out-of-school activities).

As teaching and non-teaching staff work in `loco parentis` and have a `Duty of Care` towards their pupils, they could be liable for a claim of negligence if they fail to follow the guidance within this policy.

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, have a responsibility to follow this policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention. Staff must 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 judgments about when the use of force is necessary and the degree of force which may be regarded as necessary to manage a situation.
- Staff need to be aware that they are required to justify their decisions in writing through the recording and reporting procedures outlined later in this document.

Underpinning Values

Everyone attending or working in our 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 our 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 our school;
- expect IEP's and care plans to be designed to achieve outcomes that reflect the best interests of the child whose behaviour is of immediate concern and others affected by the behaviour requiring intervention;
- be informed about the school's complaints procedure.

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

Use of Physical Handling

No legal definition of reasonable force exists however for the purpose of this policy and the implementation of it in the school promotes that:

Positive Handling uses the **minimum** degree of force necessary for the **shortest period of time** to prevent a pupil harming himself, herself, others or property.

- The scale and nature of any physical intervention must be **proportionate** to both the behaviour of the individual to be controlled, and the nature of the harm they might cause.
- Staff would be expected to follow the pupil's Individual Education Plan (IEP) Care Plan or Risk Assessment in the first instance to manage an incident/challenging behaviour
- If this was unsuccessful and the situation continues to escalate staff would then be expected to employ other TeamTeach techniques that they have been trained in.

- Only if all of the above have been tried and are unsuccessful should staff even consider any other form of restrictive physical intervention. The overriding consideration should still be the reasonableness and proportionality of the force used.
- The school does not require parent consent to use force on a pupil.

All the techniques used take account of a young person's:

- age
- gender
- level of physical, emotional and intellectual development
- special needs: it is the school's legal duty to make reasonable adjustments for pupil's with SEN or those who are disabled
- social context

They also provide a gradual, graded system of response.

Where behavioural records and/or risk assessment identifies a need for a planned approach, plans are written for individual children and where possible, these will be designed through multi agency collaboration and, with parental consent, shared with other agencies/services supporting the child to facilitate consistency of approach so far as is possible.

Minimising the need to use force

At school we constantly strive to create a calm environment that minimises the risk of incidents arising that might require the use of force. In addition to this, pupils who present with persistent challenging behaviour will have an assigned member of staff who will work in partnership with the SENCO and class teacher, in supporting the associated behaviour targets.

Pupils who have issues relating to sensory dysfunction or other conditions that may result in increased anxiety levels, and therefore an increase in the likelihood of challenging behaviour, may have individualised support or programmes to help them to manage this.

Through the PSHE curriculum pupils learn about feelings and managing conflict, where this is appropriate to their level of development. The Christian ethos further promotes independence, choice and inclusion; pupils are given maximum opportunity for personal growth and emotional wellbeing.

Staff will endeavor to use calming techniques before behaviour become challenging and also to help de-escalate incidents should they arise. Reasonable force will only be used when the risks involved in doing so, are outweighed by the risks involved in not using force.

Prevention of unsafe behaviour will be enabled through:

- The deployment of appropriate staffing numbers;
- The deployment of appropriately trained and competent staff;
- Avoiding situations and triggers known to provoke challenging behaviour;
- Creating opportunities for choice and achievement;
- Developing staff expertise through Professional Development;
- Exploring pupil's preferences relating to the way/s in which they are managed
- Staff employ defusing techniques to avert escalation of behaviour into violence or aggression.

Positive Handling

Positive Handling describes a broad spectrum of risk reduction strategies. Positive handling is a holistic approach involving policy, guidance, management of the environment, and deployment of staff. It also involves personal behaviour, diversion, diffusion, and de-escalation. Risk assessment identifies positive prevention strategies and how a pupil may need to be supported in a crisis.

Physical Contact

Situations in which proper physical contact occurs between staff and pupils, e.g. in the care of pupils and in order to support their access to a broad and balanced curriculum. It would seem reasonable that young children do require opportunities for close contact, as long as this is within public view, sensitively carried out and age/person-appropriate.

Physical Intervention

This may be used to divert a pupil from a destructive or disruptive action, for example guiding or leading a pupil by the arm or shoulder where the pupil is compliant. This technique cannot be emphasised enough and in the hands of a skillful practitioner, many pupils can be deflected from a potentially volatile situation into a less confrontational situation i.e. it may be possible to `defuse` a situation by a timely intervention.

Physical Control / Restraint / Restrictive Physical Intervention

This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. All such incidents must be recorded on the Restrictive Physical Intervention Form. If anyone is injured an accident/incident report must also be completed. Records of incidents must be given to the Headteacher as soon as possible, and by the end of the school day at the latest.

The level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint/RPI. Restraint is defined by TeamTeach as the positive application of force by staff, in order to overcome rigorous resistance, completely directing, deciding and controlling a person's free movement.

When can Reasonable Force be used?

From the Guidance for Schools on The Use of Reasonable Force July 2013.

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils 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.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- 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 in the playground; and
- restrain a pupil at risk of harming themselves through physical outbursts.

Force will never be used as a punishment – it is always unlawful to use force as a punishment.

Strategies:

Time out

This involves restricting the child's access to positive reinforcements in a room or area which they may freely leave. It is a specific behaviour management technique and does not necessarily mean time spent out of the class/group, but rather refers to a withdrawal of attention and/or things they find rewarding. It could be as simple as turning away from a child who is attention-seeking, or positioning a child away from the class/group. This withdrawal of attention could also be achieved by sending a pupil to another class/group or a quiet area.

Withdrawal

Which involves removing the child from a situation that causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities. This can mean removing a child from the class/group, to allow them time to calm down or to prevent a situation from escalating. They may need time away from staff and pupils (either on their own or in another class/group) in order to break the cycle/pattern of their behaviour or to reduce their level of anxiety/distress. The arrangement of `quiet time` shall be negotiated between the child and staff involved.

Planned Physical Intervention

Is described/outlined in the pupil's IEP, Care Plan or Risk Assessment. This should cover most interventions, as possible scenarios will be identified and planned for when the plan is drawn up. These interventions may include the use of TeamTeach techniques. **Only those staff trained in Team Teach should be used for this intervention.**

Emergency Physical Intervention

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. Following any such incident, a risk assessment will be devised (or the existing one updated) to support effective responses to any such situations which may arise in the future.

Wherever possible assistance will be sought from another member of staff.

Positive Handling at the school (defined as the full range of strategies used to manage behaviour including where necessary physical intervention) is seen as a proactive response to meet individual pupil needs and any such measures will be most effective in the context of the overall Christian ethos of the school, the way that staff exercise their responsibilities and the range of behaviour management strategies used.

Recovery

Pupils who may be distressed by events can be offered the following support:

- Quiet time taking part in a calming activity
- Quiet time away from the incident/trigger
- Resuming their usual routine/previous activity as soon as possible, especially for pupils with special needs
- Time with a member of staff to debrief the incident

Injury to the Child

Whilst the physical techniques are intended to reduce risk, there is always risk when two or more people engage to use force to protect, release or restrain. TeamTeach techniques seek to avoid injury to the child, but it is possible that bruising or 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 child remains safe. Any such injury will be reported and recorded. Any injuries to pupils as a result of incidents involving restraint will be reported to the Headteacher and parents / carers.

Members of staff are trained in First Aid. Any may be called upon to implement First Aid or seek further guidance in the event of an injury or physical distress arising as a result of a physical intervention.

Authority

All teachers, staff and the Headteacher are authorised to have control or charge of pupils automatically, they have the statutory power to use reasonable force within the context of The Education and Inspections Act 2006 and the subsequent guidance 'The Use of Reasonable Force – Advice for Headteachers'.

Authorisation is not given to volunteers, students on placement, visitors or parents as they will not have control of pupils who may present with challenging behaviour, but will be supervised at all times.

Health and Safety of Staff

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 pupil's plans have a duty to report these to the Head Teacher immediately, as there may be an impact on their own safety and that of colleagues and/or pupils. This information will be shared on the staff notice board.

Through the provision of TeamTeach training, the risk of harm towards staff is reduced but it is possible for some injury to be received. All such occurrences should be treated and subsequently recorded, on the Restrictive Physical Intervention Form/Accident Form.

Staff Training

It is the responsibility of the Head Teacher to ensure that TeamTeach training in the use of positive handling is available to staff as it is deemed necessary, considering the needs of the school and individual pupils.

No member of staff will be expected to use TeamTeach techniques without appropriate training.

Staff Support Following Incidents

Any member of staff or pupil at the schools involved in or witnessing a serious incident involving the use of physical hold, may require additional support following the incident. Staff should ensure that they are fully recovered from an incident before resuming their duties and colleagues are encouraged to seek and offer support where it is deemed necessary.

A debrief procedure should be utilised as soon as possible after the incident. Where staff have been involved in an incident involving reasonable force, they should have access to support; this will be made available/supported through the Head.

Staff - Key Points

1. The school's staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
2. Senior leaders will support the staff when they use this power
3. Suspension will not be an automatic response when a member of staff has been accused of using excessive force.

Recording

Where physical control or restraint has been used, a record of the incident will be kept in the restraint log book held by the head teacher. A copy will be placed in the pupil's file. Appropriate documentation will be completed as soon as possible after the incident, prior to staff going off duty and be signed by all staff involved and the Head or senior member of staff.

Monitoring

Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Head to the needs of any pupil(s) whose behaviour may require the use of reasonable force.

Monitoring of incidents will take place on a regular basis (at least termly) and the results used to inform planning to meet individual pupil and school needs. The Head will present a termly summary of incidents that have involved the use of force to the Governors through the Personnel and Pupils Committee.

The Head 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:

Visits out of School

Our equal opportunities policy states that all pupils should be included in all curriculum activities. However, Health and Safety remains a priority and staff should carry out risk assessments for pupils that may be a possible danger prior to each visit into the community. Due consideration should be given to the following:

- Is the pupil able to cope with the demands of the proposed visit?
- Are there sufficient, suitably trained staff - particularly if there should be an incident?
- How will you contact school to get extra help if necessary and how will you get back?

Whistle Blowing

It is acknowledged that under some circumstances, physical intervention can be misapplied. Staff are reminded that part of their duty of care to pupils includes the requirement to report any such matters which cause them concern in relation to pupil management and welfare. Any such concerns should be raised with the Headteacher, or if it involves the head with the Chair of Governors, in order to allow concerns to be addressed and practice improved.

In the case of any action concerning a member of staff, he/she will be advised to seek advice from his/her professional association/union.

Complaints

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them.

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 civic or public law action.

Where the nature of any complaint made by a pupil, parent or other person in relation to the use of physical hold within any of the schools; indicates that an allegation of mishandling by a member staff, the school's complaints policy will be followed.

When a complaint is made the onus is on the person making the complaint to prove the allegations are true – it is not for the member of staff to show that he/she has acted reasonably. In such circumstances the investigation of the complaint/allegation and any resulting action in respect of child protection, disciplinary or other procedures will be carried out in accordance with DfE guidance. Suspension is not an automatic response when a member of staff is accused of using excessive force. The schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate. The school should refer to the NCC policy on 'Dealing with Allegations of Abuse against Teachers and other Staff'.

Governors must consider whether a member of staff has acted within the law when reaching a decision whether or not to take disciplinary action.

If a decision is made to suspend a member of staff, the school will ensure that they have access to a named contact person who can provide support. It is the schools' duty of care to ensure appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

This policy will be reviewed annually or earlier if necessary, during the Autumn Term by the Personnel and Pupils Committee.

Appendix 1

Record of Restrictive Physical Intervention

Date of incident:

Time of incident:

Pupil Name:

D.o.B:

Member(s) of staff involved:

Adult witnesses to restraint:

Pupil witnesses to restraint:

Outline of event leading to restraint:

Outline of incident of restraint (including restraint method used):

Outcome of restraint:

Description of any injury sustained and any subsequent treatment:

Date /time parent/carer informed of incident:

By whom informed:

Outline of parent/carer response:

Parents / Carers Signature

Signatures of staff completing report:

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Brief description of any subsequent inquiry/complaint or action: