



## POSITIVE HANDLING POLICY

<u>Status of Policy</u>	<u>Date</u>
Policy Reviewed	Summer Term 2017
Agreed by Staff	Summer Term 2017
Agreed by Governors	Summer Term 2017
Next Review	Summer Term 2020

Headteacher's Signature:

Date:

Chair of Governor's Signature:

Date:

## **Introduction**

The original policy was prepared after staff discussion(s) on 7<sup>th</sup> November 2012 and was adopted by the governing body on 13<sup>th</sup> November 2012. The policy review included further discussion with staff on 18<sup>th</sup> June 2014 and discussion with governors on 24<sup>th</sup> June 2014. The Policy has again been reviewed Summer 2017. All staff accessed Team Teach Training in the Autumn Term 2016.

The responsible persons for the implementation of the policy is Miss. Miller / Mrs. Hodgson

The policy will be reviewed Summer Term 2020 by the Headteacher and the governing body.

The policy has been developed in response to the following statutory guidance:

- DCSF non-statutory guidance for “The Use of Force to Control or Restrain Child or young persons” 2008;
- Joint DfES and DoH “Guidance for Restrictive Physical Interventions” 2002;
- Human Rights Act 1998;
- Disability Discrimination Act 1995 and the SEN and Disability Act 2001;
- The UN Convention on the Rights of the Child (entered into force 2.9.90);

It also follows the guidance in Positive Handling Policy issued by Sunderland City Council.

The policy should be read in conjunction with other school policies relating to interactions 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 academy to explain the academy’s arrangements for the care and control of pupils presenting very challenging behaviour. Its contents are available to parents and pupils. A statement about the school’s Discipline and Behaviour policy is made to parents in the school prospectus.

This statement includes information on the use of reasonable force to control or restrain pupils.

## **Purpose of policy**

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

Every effort will be made to ensure that all staff in this school/provision:

- clearly understand this policy and their responsibilities in the context of their duty of care for taking appropriate measures where reasonable force is necessary and
- are provided with appropriate training to deal with these difficult situations.

## **Implications of the policy**

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

- engaging in any behaviour prejudicial to maintaining good order and discipline at the school among any of its pupils, whether the behaviour occurs in a classroom during a teaching

- session or elsewhere within the school (this includes authorised out-of-school activities);
- self-injuring;
- causing injury to others;
- committing an offence;

Individual members of staff cannot be required to use physical restraint. However, teaching and non-teaching staff work in loco parentis and should always operate with an appropriate 'Duty of Care'; 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 places staff in a vulnerable situation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow the policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

Reasonable force will only be used as a last resort when all other behaviour management strategies have failed or when pupils, staff or property are at risk.

### **Definitions**

Reasonable force - No legal definition of reasonable force exists. However, for the purpose of this policy and the implementation of it in East Herrington Primary Academy:

- positive handling uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming him/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.

Physical contact - Situations in which proper physical contact occurs between staff and pupils, e.g. in the care of pupils with learning disabilities; in games/PE; to comfort pupils.

Physical intervention - This may be used to divert a pupil from a destructive or disruptive action, e.g. guiding or leading a pupil by the hand, arm or shoulder with little or no force.

Physical control/restraint - This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. It is important to note that the use of 'reasonable force' should be seen as a "last resort".

The level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint.

### **Underpinning values**

Everyone attending or working in EHPA 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 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.

### **Authorised staff**

All staff are authorised to use reasonable force within the context of The Education and Inspection Act 2006 – 'The use of reasonable force to control and restrain pupils'.

The school provides training for all staff and the Headteacher retains a list of all those staff trained. The list is reviewed on an annual basis (or more frequently if the context requires it).

The Headteacher is responsible for making clear to whom such authorisation has been given (in what circumstances and settings they may use force and for what duration of time this authorisation will last).

The Headteacher will ensure that those authorised are aware of, and understand, what the authorisation entails.

Those whom the Headteacher has not authorised will be told what steps to take in the case of an incident where control or restraint is needed.

### **Staff from the LA working within the school**

Support services will have their own policies for care and control of pupils. When working within the school, it is the Headteacher's responsibility to ensure that colleagues from support services are aware of school policy and practice.

### **Training**

It will be the responsibility of the Headteacher to arrange suitable training. Training for all staff will be made available. No member of staff will be expected to undertake the use of reasonable force without appropriate training. Prior to the provision of training, guidance will be given on action to be taken. Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development.

Following a review of existing practice, in consultation with governors/staff the Academy is committed to using Team Teach providing this approach continues to adopt the British Institute for Learning Difficulties (BILD) Code of Practice on physical intervention, and has been or is working towards being accredited through the BILD Physical Interventions Accreditation Scheme.

We acknowledge that physical techniques are only a part of a whole setting approach to behaviour management. The governors of the school will ensure that:

- the behaviour policy is reviewed on a two-year cycle at least;
- training will be delivered on a needs-based approach and procedures are in place to monitor incidents, following a behavioural audit and implementation of appropriate risk management procedures;
- All training will include theory on at least the following:
  - causes of challenging behaviour;
  - prevention strategies;
  - positive behaviour management;
  - de-escalation;
  - risk assessment;
  - behaviour support planning;
  - de-briefing following incidents.
- Physical techniques are not treated in isolation and the school is committed to ensuring that,

as a result of incidents, learning opportunities are created for children that allow them to 'own' and take responsibility for their behaviour.

## **Conclusion**

Procedures need to be in place to ensure that appropriate support is provided for staff and that following an incident pupil/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

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

- age;
- gender;
- level of physical, emotional and intellectual development;
- special needs;
- social context, and
- they provide a gradual, graded system of responses.

Where appropriate, Positive Handling Plans are written for individual children and, when appropriate, these will be designed through multi-professional collaboration. These should be included in any Support Plans and shared with parents/guardians and children involved.

Risk assessments need to be completed against each child when it is anticipated that physical restraint may need to be used, in the context of identified target behaviour(s) and environments in which they occur. The assessment should identify the benefits and the risks associated with the strategies being proposed.

Any incidents of Positive Handling should be recorded in the Bound Book.

## **Guidance From Team Teach Training and Statutory Documents**

### **Introduction**

**1.2** In producing this policy and guidance there are three primary considerations:

- The protection of the interests and well being of children for whom staff have a shared responsibility;
- The protection of staff in the fulfilment of their responsibilities to children; and
- The protection of the Academy wherein lies the ultimate responsibility for the actions of its staff.

**1.3** This policy and guidance provides all staff charged with responsibility for the care and control of children and young people with the legal framework in which they must operate. It also provides practical considerations of the circumstances in which staff will have to work and suggested strategies for successfully managing out of control behaviour.

In the formulation and implementation of this policy the Academy formally adopts the guidance contained within:

- DCSF non-statutory guidance for “The Use of Force to Control or Restrain Child or young persons” 2008;
- Joint DfES and DoH “Guidance for Restrictive Physical Interventions” 2002;
- The UN Convention on the Rights of the Child (entered into force 2.9.90);
- Care Standards Act 2000
- Children’s Homes National Minimum Standards and Children’s Homes Regulations 2001

**1.4** It is important to recognise that the majority of children and young people behave in an acceptable way and meet the expectations made of them. We have a responsibility to ensure that good behaviour is encouraged and valued and to enhance each individual’s own sense of value and worth. It is only in these circumstances that children and young people will learn to value and respect others.

**1.5** It is recognised that good behaviour management practices are able to deal with the vast majority of behaviour that does not meet the expectations and do not require any form of physical intervention.

**1.6.1** The Education and Inspections Act 2006 (Section 93) clarifies the use of physical force by teachers and others authorised by the head teacher of a school, to control or restrain child or young persons.

**1.6.2** Section 93 replaces Section 550A of the Education Act 1996 that restated principles derived from statute, which have previously been misinterpreted and builds upon the clarification of physical contact between staff and young people made by Sir Herbert Laming (Chief Inspector, Social Services Inspectorate) in his letter to Directors of Social Services in 1997. Essentially, the guidance

derived from section 550A clarifies the common misconception that physical contact with a child is in some way unlawful. It states clearly that, where necessary, force can and should be used to control and restrain children and young people.

- 1.6.3** This policy sets out to define the circumstances in which staff may judge it necessary and appropriate to use the application of force to control and/or to restrain a child or young person.

## **2. Ethos**

- 2.1** The ethos of the Academy is vital to the way in which children and young people perceive themselves as part of that community. It will determine the extent to which they feel they belong to the community and as a result, impact on all aspects of behaviour. We aim to achieve a positive, calm and enabling environment in which children and young people can develop and learn through a wide range of measures.
- 2.2** It is widely recognised that a reward based, rather than a punishment-orientated ethos, which rewards good behaviour and attitudes and avoids whole group sanctions, is more likely to bring about desired behaviour.
- 2.3** In East Herrington Primary Academy rewards and personal affirmation are more frequent than sanctions and disapproval. Sanctions are applied flexibly and in the context of the individual needs of the child or young person.
- 2.4** Staff develop relationships with child or young persons based on mutual trust and respect. Such relationships form firm foundation for communicating expectations regarding individual targets as well as managing all behaviours
- 2.5** A key factor in successful schools is the provision of an effective curriculum appropriately differentiated to stimulate and engage all child or young persons. Where this is achieved, in conjunction with the provision of an effective personal and social education curriculum, it is more likely that a calm and orderly learning environment will exist

## **3. Roles and Responsibilities**

- 3.1** Every member of staff is aware of what is expected of them, how they contribute to the shared ethos, and how they promote positive behaviour.
- 3.2** A policy detailing standards of behaviour expected of children and young people, how the standards are to be maintained and how unacceptable behaviour will be managed is available in the context of EHPA. A policy is being produced, which specifically details the circumstances when physical interventions will be made, and the manner of such interventions.

## **4. Core Principles**

- 4.1** “Discipline helps children stay within reasonable behavioural limitations and enhances self esteem by helping the child meet expectations. Punishment is usually to alleviate adult frustration.”  
*Fahlberg.*
- 4.2** Every child and young person needs security, stable and caring relationships and a dependable and predictable environment in order to develop self-discipline and control.
- 4.3** A positive approach to promoting acceptable behaviour requires a behaviour management process

that recognises a range of strategies to encourage children and young people to make appropriate choices when managing their behaviour. Inevitably this may involve the use of authority to bring about a required change. However, children and young people will be guided through their participation in this process towards socially acceptable, self controlled and responsible behaviour.

**4.5** Each incident needs to be considered and understood in context i.e. the total picture of the young person including their life experiences to date. Interventions or responses to behaviour should be made following serious attempts at involving the young person in the process of managing their behaviour.

**4.6** Poor behaviour is viewed as learning opportunities for all concerned. Sanctions will be brief, clear and to the point. Disapproval will always be of the behaviour and not the person.

## **5. Policy**

**5.1** All members of staff who may have to intervene physically to manage the behaviour of children and young people, must understand the options and strategies open to them. They must know and understand what is acceptable and what is not.

**5.2** A policy on discipline and acceptable standards of behaviour, and details relating to the use of physical interventions to manage behaviour, is included with the information given to parents and carers on admission of the child or young person.

## **6. Definitions**

**6.1** In considering the use of reasonable force to control and/or restrain children and young people it is essential that there is clarity about the terms that are used to describe physical interventions when they occur. For the purposes of this policy and resulting guidance the following definitions will be used to describe:

- **Escorting - Accompanying for protection or guidance.** The level of compliance from the child or young person being escorted and the degree of physical force being used by the member(s) of staff will determine whether this act should be considered as a restraint i.e. was the child or young person being overpowered in order to be escorted.
- **Holding - To assert authoritatively.** The degree of force used in relation to the level of co-operation and compliance being displayed by the child or young person that determines when holding becomes restraining. The higher the level of force the more likely the action will be deemed restraint. Ultimately it will rest upon whether the young person was overpowered and had no choice but to remain in the hold.
- **Restraint** - Physical control as defined by the application of force with the intention of overpowering the child or young person to prevent them from harming themselves or others or damaging property.

**6.2** The impact of section 93 on the action school staff authorised to have control or charge of children and young people is that they are expected to use reasonable force to prevent a child or young person from doing, or continuing to do any of the following;

- Committing a criminal offence (including behaving in a way that would be an offence if the child or young person were not under the age of criminal responsibility);
- Injuring themselves or others;

- Causing damage to property (including child or young persons own property);
- Engaging in behaviour prejudicial to maintaining good order and discipline at school or among any of its children or young persons, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

**6.2.2** The provision applies when a member of staff is on school premises and when he or she has lawful control of the children and young people concerned elsewhere e.g. on a field trip or other organised out of school activity.

**6.2.3** Section 93 does not specifically detail what action staff should take to protect them from attack. However everyone has the right to defend themselves against attack provided they do not use a disproportionate degree of force to do so. The judgment about the degree of force will always be made in the context of the perceived physical threat i.e. how badly injured would the person be if they had not taken steps to defend themselves.

**6.2.4** Where the aim of physical intervention is to maintain good order it is essential that the member of staff takes into consideration the extent to which any such action might exacerbate the situation. The age and understanding of the child or young person must be taken into account. Physical intervention should not be used to replace good behavioural management.

## **7. Authorised Staff**

**7.1** Section 95 clearly identifies that the power to use force to control or restrain children and young people applies to all members of staff who are authorised to have control or charge of child or young persons. This includes support staff whose job normally includes supervising child or young persons such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.

This can also include people who have been given temporary authorisation to have control or charge of child or young persons such as paid members of staff whose job doesn't normally involve supervising child or young persons (eg catering or premises-related staff).

**7.2 The Academy liaises with the Local Authority to provide appropriate training for staff . Academy staff:**

- are made aware that physical intervention is one element of a wider behaviour management policy and that it is a last resort;
- have a clear understanding of special educational needs and that child or young persons are individuals with individual characteristics and life experiences;
- appreciate that child or young persons with special educational needs require different handling from small adults; that gender issues are complex and that, as a result of sexual abuse, children may be affected and/or very frightened by physical intervention;

The LA supports the use of:

- TEAM-TEACH Techniques that are Effective with Anger and Aggression Management utilising Therapeutic Educational Awareness Communication Handling strategies.

## **8. Planning for Incidents**

**8.1** There are a wide variety of incidents in which reasonable force might be appropriate, or necessary,

to control or restrain a child or young person. Generally there will be three main categories: Where action is necessary in self defence or because there is an imminent risk of injury, for example: A child or young person attacks a member of staff, another child or young person or is self harming;  
Children or young people are fighting.

- Where there is an assessment of risk of injury, or significant damage to property, for example:
  - A child or young person is engaged in, or is on the verge of committing deliberate damage to property;
  - A child or young person is causing, or at risk of causing injury or accidental damage by rough play, out of control behaviour or the misuse of objects;
  - A child or young person is running in a corridor or on a stairway in a way in which he or she might have, or cause, an accident likely to injure him or herself or others;
  - A child or young person tries to leave the school or other setting without permission and such an action is judged to put them at risk within the community.
- In school - where a child or young person is behaving in a way that is compromising good order and discipline, for example:
  - A child or young person persistently refusing to obey an instruction to leave the classroom;
  - A child or young person is behaving in a way that is seriously disrupting a lesson i.e. that learning is becoming impossible for other members of the class.

**8.2** Where the setting is aware that a child or young person is likely to behave in a way that may require physical control or restraint, it will be essential to plan how to respond if and when the need arises. Such plans need to address:

- Managing the child or young person (strategies to de-escalate the conflict, what holds to be used and what forms of words are most likely to lead to calm);
- The involvement of the child or young person and their parents / carers in developing the plan thus ensuring all parties are clear about what action will be taken and why;
- Staff awareness of the plan and their part in it (this may include specific training for staff most likely to be involved with the particular behaviour);
- Planning where appropriate how additional support can be summoned in the event of the plan being used;
- Ensuring that the individual needs of the child or young person are taken into account. In some instances it will be necessary to consider the physical health needs of the young person in order to ensure that holds are safe; and
- An effective way to brief temporary staff.

**8.3** In all settings it is advisable for Senior Managers to assess the frequency and severity of incidents requiring the use of force that are likely to occur. Historical patterns often provide a good starting point to inform training needs and risk assessments.  
It may be advisable to make individual risk assessments where it is known that force is likely to be necessary to restrain a particular child or young person, where perhaps their SEN and/or disability is associated with extreme behaviour. An individual risk assessment is also essential where an individual's SEN and/or disability 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;
- Dependence on equipment such as wheelchairs, breathing or feeding tubes.

## **9. Using Force**

**9.1** Before using force staff should, wherever practicable, encourage the individual to behave appropriately and remind them in a calm and measured way that force can be used. Staff should not give the impression of acting out of anger or frustration, or to punish, and should make it clear that the physical intervention will stop as soon as it ceases to be necessary. In all cases the degree of force used must be proportional to the threat faced.

**9.2** There is no legal definition of reasonable force and therefore consideration of what constitutes reasonable force will always depend on the precise circumstances of individual cases. To be judged lawful, the force used:

- would need to be in proportion to the consequences it is intended to prevent;
- should be the minimum needed to achieve the desired result;
- could not be justified to prevent trivial misbehaviour, however, deciding whether misbehaviour is trivial also depends on circumstances eg running in a corridor crowded with small children may be dangerous enough not to be regarded as trivial.

**9.3** Physical intervention by staff can take several different forms and might involve them in any of the following;

- Breaking up a fight;
- Blocking a child or young person's path;
- Holding, pushing or pulling;
- Escorting a child or young person by the hand or arm;
- Restraining a child or young person.

Every physical intervention should be planned and conducted within the context of recognised strategies for the use of reasonable force. Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use minimum proportionate force to achieve the desired result).

**9.4** Staff should not act in a way that might reasonably be expected to cause injury, for example by:

- Holding a child or young person around the neck, by the collar, or in any other way that might restrict airways and circulation;
- Slapping, punching or kicking;
- Twisting or forcing limbs against a joint;
- Tripping a child or young person;
- Holding a child or young person by the hair or ear;
- Holding a young person face down on the ground (except in exceptional circumstances).

However, in the most extreme circumstances it may not be possible to avoid injury.

**9.5** During the course of any physical intervention the use of the **voice** is likely to be the most effective tool available to staff in seeking to de-escalate the situation. Holds and restraints should be chosen with this in mind and staff should attempt to communicate with the child or young person at all times.

**9.7** Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a child or young person may have. Under the Disability Discrimination Act 1995 schools and other settings have two key duties:

- not to treat a disabled person less favourably or differently for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and
- to take reasonable steps to avoid putting a disabled person at a substantial disadvantage to others who are not disabled (known as the reasonable adjustments duty).

**9.8** **It is always unlawful to use force as a punishment.** This is because it would fall within the definition of corporal punishment, abolished by Section 548 of the Education Act 1996.

## **10. Recording and Reporting Incidents**

**10.1** All settings should keep systematic records of incidents where staff have used force. This does not mean that settings need to keep a written record of trivial incidents involving physical contact between staff and child or young persons.

**10.2** Such records should provide evidence of defensible decision making in case there is a subsequent complaint or investigation. A record should cover:

- a. personal data about child or young person on whom force was used (name, class group etc);
- b. context data (day, date, time, location);
- c. staff involved (directly and as witnesses);
- d. other child or young persons involved;
- e. nature of the incident;
- f. events leading to the use of force;
- g. any de-escalation or other strategies used to minimise need for use of force;
- h. reason for using force;
- i. description of force used (type, duration);
- j. subsequent actions, including those related to the welfare of the child or young person and staff involved; and
- k. information given to other staff, parents and external agencies.

**10.3** All injuries should be reported and recorded in accordance with school or other setting's procedures.

**10.4.1** The Academy would report relevant injuries to staff or child or young persons to Corporate Health and Safety through the completion of an IR1 form. (see Incident Investigation and Reporting procedures - Code of Practice 3.11)

**10.4** The record should be used to assist all concerned with planning to avoid a repetition of the incident

that caused the use of force. Similarly the record should be used to analyse what worked well and how it might be replicated as part of a planned response to out of control behaviour in the future. The outcome of all such planning should be captured in a written plan that is shared with the child or young person and their parents or carers.

- 10.5** The record is likely to form part of a child or young person's record as it is a record of information that is processed (obtained, recorded and held on file).
- 10.6** After an incident involving the use of force, parents or carers should always be informed as soon as is possible within 24 hours of the incident.

## **11 Post-incident support**

- 11.1** Serious incidents that require use of force can be upsetting to all concerned and result in injuries to the child or young person or staff. After an incident ends, it is important to ensure that staff and child or young persons are given first aid treatment for any injuries and emotional support.
- 11.2** Immediate action should be taken to access medical help for any injuries that go beyond basic first aid.
- 11.3** Each setting should reach decisions about how and when to contact the parents of the child or young person to engage them in discussing the incident and setting out subsequent actions.
- 11.4** In the days after an incident all settings should:
- ensure that the incident has been recorded;
  - help the child or young person to recognise the harm caused or which might have been caused. This may involve the child or young person having the chance to repair the relationships with staff and child or young persons affected by the incident.
  - help the child or young person develop strategies to avoid such crisis points in future and inform relevant staff about these strategies and their roles;
  - ensure that staff affected by an incident have continuing support for as long as necessary in respect of:
    - physical consequences;
    - support to deal with any emotional stress or loss of confidence; and
    - analysing and reflecting on the incident.

## **12 Dealing with complaints**

- 12.1** Children and young people, and their parents and carers have a right to complain about actions taken by staff, including the use of force. This must be made clear and they should be guided to the complaints procedure.
- 12.2** Following an incident, an early discussion with parents to make clear the school or other setting policy and the reasons for the actions taken, will minimise the chances of a complaint, but it will not prevent all complaints. A dispute might lead to a formal complaint to the school or other setting, or even the police.

- 12.3** Parents or child or young persons sometimes complain to the police about unreasonable use of force. Such allegations may be referred to the local LADO. The school policy and the degree to which it had been followed will be at the core of any investigation.

The Academy will record allegations and the outcomes of any investigations.