

Positive handling policy

1. Rationale

Children need to be safe, know how to behave, and know that the adults around them are able to manage them safely and confidently. For a very small minority of children the use of physical intervention may be needed, and, on such occasions, acceptable forms of intervention are used. We have responsibility to operate an effective behaviour policy that encompasses preventative strategies for tackling inappropriate behaviour in relation to the whole group of children, and to individuals. All the staff need to feel able to manage inappropriate behaviour, and to have an understanding of what challenging behaviours might be communicating. They need to know what the options open to them are, and they need to be free of undue worries about the risks of legal action against them if they use appropriate physical intervention.

2. Aims

The aims of this policy are:

1. To address the meaning of 'duty of care'
2. To provide guidance to staff and parents about appropriate physical contact
3. Assist staff to maintain a safe and secure environment in school so that learning can take place
4. Protect all pupils in school against any form of physical restraint which is either unnecessary, or inappropriate, or excessive, or unlawful
5. To protect staff and minimise the risk to staff of any accusation of improper conduct towards a pupil.

The school also has a Behaviour Policy. Please refer to the policy for extra information.

3. Duty of Care

If a child has an incident in the school, in the playground, on the way to school, or while on a school trip, the question of whether or not the school or the staff were negligent may arise. There is no simple answer to the question of when the school may be liable. Everything depends on the facts of the individual case. There is no doubt that teachers owe a duty of care to the children. When this duty starts, where it ends and precisely what constitutes a breach of duty are not nearly so clear cut.

The following general principles apply:

- Paid staff must take reasonable care to ensure that their students do not meet with foreseeable injury. They have a duty to protect the children against foreseeable risks of personal injury or harm.
- The standard of care is that of a reasonably prudent parent. The degree of care depends on such factors as the age of the students.
- There must be an effective system of supervision in operation in the school.
- The school should consider volunteers and trainees on an individual case basis when instructing about duty of care guidelines. All incidents should be reported to the inclusion team or a Senior Leader.

4. Physical Contact

Physical contact between staff and pupils is a natural occurrence of school life and the school will be transparent about this to parents and carers. Appropriate physical contact in situations like comforting, leading, averting danger or congratulating a child are recognised as being normal practise.

In all situations where physical contact between staff and children takes place, staff must consider the following:

- The child's age and level of understanding.
- The child's individual characteristics and history.

- The location where the contact takes place.

There are many situations where physical contact with children is unacceptable, except in extreme circumstances.

Some examples are:

- Staff should never pick up a child.
- A child should never be dragged or pulled by the arm or other body part.
- Staff should never carry a child.
- Staff should avoid excessive contact with individual children.

5. Applying Positive Handling

Where a pupil is deliberately refusing to cooperate or refusing to follow instructions then the teacher or member of staff should:

1. Use their knowledge of the child so that each incident is considered individually. For example, overuse of language may stress an autistic child, use of words like 'no, don't, stop, keep still, etc...' may inflame the situation.
2. Give clear instructions to the pupil as to what is required of them. For example, communications will be clear about why the adult will not allow the child to be out of control
3. Give the pupil a warning of the consequences of not complying with the request from the teacher and re-explain why you are doing this, in line with the schools behaviour policy.
4. Give the pupil time to reconsider and conform to the request
5. Keep calm and remain in control of the situation
6. Call reception, send another adult or responsible pupil to bring a member of the inclusion team. This member of staff will go through these steps again when they arrive and attempt to persuade the child to accompany them and leave the room. If the pupil still refuses to comply then the staff members should make a dynamic risk assessment as to whether physical intervention will succeed (if needed, this style of risk

assessment would be considered in court). If an older child is involved then he or she may be physically bigger and stronger than the adults and physical intervention would be very difficult. Members of staff who have been 'Team Teach' trained, or a senior leader should make an assessment of the situation and decide whether to physically intervene or follow another course of action.

This could be:

1. Remaining by the pupil and giving him/her further time to calm down and reflect on the situation.
2. Remaining by the pupil and arranging for the pupil's parents to be contacted and asked to come to school to deal with the incident.
3. Removing the other pupils to another room while the pupil calms down, if they are felt to be in danger. Where there should always be two members of staff with the disruptive pupil.

6. Principles of Physical Intervention

The general principle is that the use of physical intervention should, wherever possible, be avoided. Before using physical intervention staff should always attempt to use diversion, positive handling techniques or diffusion to manage the situation. However the Education Act 2006 allows all teachers to use reasonable force to:

- Remove a disruptive child from the class when they refused to follow instructions
- Prevent a pupil behaving in a way that disrupts a school event, trip or visit.
- Prevent a pupil leaving the classroom or school premises, 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
- Restrain a pupil at risk of harming themselves through physical outbursts

If physical intervention is deemed to be necessary then it must be reasonable, proportionate and necessary:

- If possible 2 adults should always be in attendance
- If in a public place adults should try to move pupil to more private place where other members of staff can still see them.
- It is seen and used as an act of care and control not punishment
- It should be an exceptional circumstance
- It must be used in ways that maintain the safety and dignity of all concerned
- It should be the minimum necessary to avert injury or damage to property. In all cases there should be the minimum use of physical restraint. There should be no unnecessarily rough handling or shaking of the pupil.
- It should be sensitive to the age and cultural expectations of pupils and their attitude towards physical contact
- It should avoid any contact that might be misinterpreted as sexual
- It should be applied for the shortest period of time
- An incident report proforma should be completed
- Moving a child should be kept to a minimum
- A pupil must not be left alone in a room as this is considered forced seclusion.

Examples of acceptable forms of physical intervention are:

- A safe holding tactic by which a pupil is restrained until he/she calms down
- Physical removal of a pupil from one place to another.
- Removing a weapon or dangerous object from a pupil

7. Outcomes of Physical Intervention

Often, Team Teacher staff will have been involved at an early stage in dealing with an incident of extreme behaviour and will inform the head teacher and leader for behaviour. Once an incident of physical intervention has occurred the following steps should take place. The member of staff will need to complete an incident report proforma. The notes will contain the following information:

- the name(s) and the job title(s) of the member(s) of staff who used reasonable force
- the name(s) of the pupil(s) involved
- when and where the incident took place
- names of staff and pupils who witnessed the incident
- was a dynamic risk assessment used to reason that force was necessary
- the progress of the incident.

Include details of:

- behaviour of the pupil which led up to the incident
- any attempts to resolve the situation
- what was said by staff and pupils
- the degree of force used
- how it was applied

- how long it was used for
- the pupil's response and the eventual outcome (pupils may need up to 2 hours to fully calm down)
- details of any injuries suffered by either staff or pupils.
- details of any damage to property
- details of any medical treatment required (an accident form will be completed)
- details of any follow-up, including contact with the parents/carers of the pupil(s) involved
- name of member of SLT that debriefed staff involved straight after incident
- any other relevant details e.g., the involvement of any other agency, e.g., the Police

This report will be logged in a 'Physical Restraint Log Book' which is kept with the lead for behaviour. The log book is a bound book with numbered pages. In all cases of physical intervention the parents must be informed and given an explanation of the incident. A record must be kept of any parental meetings and held with the incident folder. The staff member who performed the intervention will 'debrief' with SLT so that they can check procedures have been correctly followed and that staff are ok.

Note – There is no law that says how long incident forms should be kept for however current good practise suggests a minimum of 7 years.

8. Pupils with Special Educational Needs

Children with special educational needs are identified through the procedures outlined in the Special Educational Needs Policy. If a pupil is identified as having special needs which include

social and emotional difficulties then a Pupil Passport will be put in place which will be made available to all staff, it will be shared directly with those working with these pupils and senior leaders in the school.

If a pupil begins to show a tendency towards disruptive behaviour, violent behaviour, even if they are not on the Inclusion register, then a Pupil Passport will also be carried out on that pupil. Once an incident has occurred it is important that the school shows that they are addressing that risk. The Pupil Passport will be carried out with the SENCO and class teacher, and may involve the inclusion manager.

The purpose of the risk assessment is to identify the potential hazards which the pupil presents and detail the action which needs to be taken to deal with the behaviour. The aim is to keep the use of restrictive physical intervention with the pupil to a minimum.

9. Responsibilities

1. It is the responsibility of the Inclusion team and Deputy Head Teacher to regularly review this policy and monitor incidents of physical intervention.
2. It is the responsibility of the Deputy Head Teacher to regularly review the Behaviour Policy in order to promote good behaviour and ensure that there are clear guidelines for dealing with challenging behaviour.
3. It is the responsibility of the class teachers (and LSA to inform class teachers) to inform the inclusion manager if there is a pupil in their class who is displaying extreme behaviour, and to work with the SENCO to draw up a Pupil Passport.
4. It is the responsibility of the SENCO to monitor the high needs plan and arrange with the SENCO for a review when necessary.
5. Class teachers will be responsible for informing teacher assistants and other staff who work in the classroom of the high needs plan.

6. In collaboration with the class teacher, the social inclusion manager will write Pupil Passport on children who are identified as extremely disruptive or violent.
7. Pupil Passports will be displayed in a central location by SENCO or social inclusion manager.

Appendix 1

When might it be appropriate to use reasonable force?

1. Committing an offence
2. Causing personal injury to, or damage to the property of, any person (including the pupil himself); or

3. Engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or amongst it's pupils, whether during a teaching session or otherwise.

Examples of situations that fall into one of the first two categories are:

- A pupil attacks a member of staff, or another pupil;
- Pupils fighting;
- A pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects;
- A pupil is running in a corridor or on a stairway in a way in which he/she might have or cause an accident likely to injure her/himself or others;
- A pupil absconds from a class or tries to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school). Examples of situations that fall into the third category are:
 - A pupil persistently refuses to obey an order to leave a classroom.
 - A pupil is behaving in such a way that is seriously disrupting a lesson.

Appendix 2 Strategies

All teachers need to be aware of strategies and techniques for dealing with difficult pupils and steps, which they can take to defuse and calm a situation.

- Move calmly and confidently.
- Make simple, clear statements.
- Intervene early.
- Try to maintain eye contact.
- If necessary summon help before the problem escalates.
- Remove audience from the immediate location.

There are situations where staff should not intervene without help:

Assistance should be sought when dealing with:

- A physically large pupil,
- More than one pupil, or
- When the teacher believes that s/he may be at risk of injury.

In those circumstances where the member of staff has decided that it is not appropriate to restrain the pupil without help they should:

- Remove other pupils who might be at risk,
- Summon assistance from colleagues,
- Where necessary, telephone the police,
- Inform the pupil(s) that help will be arriving,
- Until assistance arrives, the member of staff should continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

The method of restraint employed must use the minimum force for the minimum time and must observe the following requirements:

Restraint must NOT:

- Involve hitting the pupil;

- Involve deliberately inflicting pain on the pupil;
- Restrict the pupil's breathing;
- Involve contact with sexually sensitive areas.

During any incident the restrainer should:

- Offer verbal reassurance to the pupil;
- Cause the minimum level of restriction of movement;
- Reduce the danger of any accidental injury. Physical intervention can take several forms.

It might involve staff:

- Physically interposing between pupils;
- Blocking a pupil's path;
- Holding;
- Pushing;
- Pulling;
- Leading a pupil by the hand or arm;
- Shepherding a pupil away by placing a hand in the centre of the back; or
- (In extreme circumstances) using more restrictive holds.

Some Dos and Don'ts

DO

- Be aware of any feelings of anger
- Summon help
- Continue to talk to the pupil in a calm way
- Provide a soft surface if possible
- Be aware of any accessories worn by you or the pupil

- Hold the pupil's arms by his/her sides

DON'T

- Try to manage on your own
- Stop talking even if the pupil does not reply
- Straddle the pupil
- Push arms up the back
- Touch the pupil near the throat or head
- Put pressure on joints

Appendix 3:

Authorised staff

From section 550A of The Education Act 1996:

9. The Act allows all teachers at a school to use reasonable force to control or restrain pupils. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the Head teacher to have control or charge of pupils. Those might include classroom assistants, care workers, midday supervisors, specialist support assistants, education welfare officers, escorts, caretakers, or voluntary helpers including people accompanying pupils on visits, exchanges or holidays organised by the school.
10. Head teachers should identify people, other than teachers, whom they wish to authorise to have control or charge of pupils and therefore be able to use force if necessary. Authorisation may be on a permanent or long term basis because of the nature of the person's job, or short term for a specific event such as a school trip. The Head should explicitly inform the people concerned, and ensure that they are aware of and properly understand what the authorisation entails. To ensure that, Heads may find it helpful to arrange for a senior member of the teaching staff to provide training or guidance. They should keep an up-to-date list of authorised people and ensure the teachers know whom they are.