



# MARISH



## Academy Trust

# Positive handling Policy

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## **Introduction**

The policy has been developed in response to joint guidance issued by the DFE and Department of Health, and follows the guidance for 'The Use of Reasonable Force to Control or Restrain 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 Marish Academy Trust schools to explain the Trust's arrangements for care and control.

## **Objectives**

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school. We recognise the vast majority of pupils in our schools respond positively to the verbal discipline and instructions issued by staff. In the majority of circumstances, this ensures the well-being and safety of all pupils and staff within the Academy Trust.

However we also acknowledge that in exceptional circumstances, the use of reasonable, proportionate and necessary physical force may be required in order to protect pupils or staff or from harm and school property from damage. Such physical techniques are only used if all alternatives have been exhausted or to prevent a pupil from seriously injuring themselves or others. Every effort will be made to ensure that all staff in any Marish Academy Trust school:

- 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.
- Are provided with appropriate training to deal with these difficult situations.

Government guidance from the DFE 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 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 use of Team Teach techniques is one of our control methods for reducing risks presented by challenging behaviour. Staff are trained regularly by Team Teach trainers and the trust commits to training approximately 50% of the teaching and learning staff every two years, including most senior staff because we believe it is a priority to ensure we can manage outbursts of extreme behavior when they occur.

The application of any form of physical control inevitably carries an attached risk of unintended harm and this places staff and the Academy Trust at risk of potential litigation. Therefore such action 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 related to individual circumstances which may arise in the course of their day-to-day duties

- making judgements 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 within a Marish Academy Trust 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 a Marish Academy Trust 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 Trust's policies;
- be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in a Marish Academy Trust school;
- expect individual education plans ( known as CAPs and SNAPs) and positive handling 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 Trust's complaints procedure.

Each school will ensure that pupils understand the need for and respond to clearly defined limits, under our Simply Behave Behaviour Policy.

### **Use of Physical Handling**

All staff should note the following:

- 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 **reasonable and proportionate** to both the behaviour of the individual to be controlled, and the nature of the harm they might cause.
- Staff are expected to follow strategies listed on the pupil's Positive Handling Plan and Risk Assessment, if they have one, in the first instance to manage an incident/challenging behaviour.
- If this proves unsuccessful and the situation continues to escalate, staff may need to use the Team Teach Physical restraint 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 restraint. The overriding consideration should still be the reasonableness and proportionality of the force used.

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

- age

- gender
- level of physical, emotional and intellectual development
- special needs
- social context

On occasions Individual Education plans or pupil learning plans may include targets relating to behaviour or there may be a need for a risk assessment. Generally, though, if a child has exhibited extreme behaviour once, a specific positive handling plan will be designed by a member of the inclusion team who has Team teach training in liaison with the pupil and their parents. Parents are expected to agree these and sign to show their consent. They may be shared with other staff and agencies/services supporting the child to facilitate consistency of approach so far as is possible.

### **Minimising the Need to Use Force**

All of us at Marish Academy Trust, constantly strive to create calm but purposeful and stimulating learning environments because this is the first and best defence against the risk of incidents arising that might require the use of force.

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

Through R Time, Simply Behave and SEAL programmes, our multifaceted PSHE curriculum provides all pupils with regular opportunities to express their feelings and learn how to manage conflict appropriately.

The Academy Trust school ethos based on our three diamond rules, further promotes independence, self-discipline and inclusion. All pupils at Marish and Willow Primary Schools are given maximum opportunity for personal growth and emotional wellbeing.

All staff are trained in skills to help them to diffuse situations before behaviour becomes challenging and how to 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 children to enjoy, achieve, develop self control and take responsibility at school;
- Exploring pupils' preferences relating to the way/s in which they are managed
- Staff employ 'diffusion/distraction' techniques to avert escalation of behaviour into violence or aggression.

### **Definitions of 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**

In school there are many occasions in which appropriate 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. Often young children do seek close contact with supportive adults whom they trust. As long as this is within public view, generically applied to all children who seek it and is responsive to the child's needs, it is not only appropriate but enhances positive relationships..

### 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 hand, arm or shoulder where the pupil is compliant. Many pupils can be simply deflected from a potentially volatile situation by such timely intervention.

### Physical Control / Restraint / Restrictive Physical Intervention

This will involve the use of **reasonable and proportionate** force when there is an immediate risk to pupils, staff or property. All such incidents must be recorded on the Positive Handling Forms in the book kept in the school office. If anyone is injured an accident/incident report must also be completed. Records of incidents must be given to the Executive Headteacher as soon as possible, and by the end of the school day at the latest. Parents must also be informed on that day, or as soon as possible afterwards ,if their child has had to be restrained

### Types of Incident

The incidents described in The Education and Inspections Act 2006 The Use of Reasonable Force to Control and Restrain Pupils fall into three broad categories:

- Where action is necessary in self-defence or because there is an imminent risk of injury.
- Where there is a developing risk of injury, or significant damage to property.
- Where a pupil is behaving in a way that is compromising good order or discipline.

Examples of situations which fall within one of the first two categories, are:

- A pupil attacks a member of staff, or another pupil;
- Pupils are fighting;
- A pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- A pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- A pupil is running in a corridor or on a stairway in a way which he or she might have or cause an accident likely to injure him or herself 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 which fall into the third category are:

- A pupil persistently refuses to obey an order to leave a classroom;
- A pupil is behaving in a way that is seriously disrupting a lesson.

At Marish Academy Trust we have very few incidents of this type and only ever use control and restraint techniques **as a last resort** when other attempts to de-escalate a situation have failed.

### Planned Physical Intervention

Is described/outlined in the pupil's IEP/PHP and Risk Assessment. This should cover most interventions, as possible scenarios will be identified and planned for when the IEP is drawn up. These interventions may include the use of Team Teach techniques.

## Emergency Physical Intervention

May be 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, consistent with the training that they have received. Wherever possible assistance will be sought from another member of staff.

## 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.

Team Teach 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 using the 'Positive Handling Form'. Any injuries to pupils as a result of incidents involving restraint will be reported to the Executive Headteacher and parents/carers.

## Staff Guidance and Training

### Authorised Staff

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 to Control and Restrain Pupils'. Supply staff must ensure that they are familiar with the Trust's policy. Appropriate guidance will be given if they have not undertaken Team Teach training. 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 pupils' plans have a duty to report these to the Executive Headteacher immediately, as there may be an impact on their own safety and that of colleagues and/or pupils. Through the provision of Team Teach 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 Positive Handling Form/Accident Form.

### Staff Training

It is the responsibility of the Executive Headteacher to ensure that Team Teach training in the use of positive handling is available to staff and is kept up to date. The school provides training for all



authorised staff and the HR manager retains a list of all those staff trained. The list is reviewed on an annual basis, but if the need arises individual training or refresher training is given to new staff or those who work with children who exhibit challenging behaviour.

## **Recording and Monitoring Incidents**

### **Recording**

Where physical control or restraint has been used, a record of the incident will be kept. This record should be kept in the Positive Handling book located in the school office. 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 Executive Headteacher. After the review of the incident, a copy of the details will be placed on the pupil's file as part of their educational record.

### **Monitoring**

Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Senior Leadership Team of each school 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 Executive Headteacher will ensure that each incident is reviewed and investigated further as required.

### **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?

### **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. As with any other complaint, an allegation of mishandling by a member staff, will be dealt with under the Trust's complaints policy will be followed. 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 the guidance received from the DFE.

**Revision History**

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