



MARISH

Academy Trust



Positive Handling Policy

March 2020

1. Aims

Marish Academy Trust recognises that the risks of injury from moving and handling pupils are greatest with regard to pupils with special educational needs. Moving and handling pupils is an unavoidable part of working in education and our staff are at particular risk since the “load” involved is human and can move. Common situations involving pupils which are potentially hazardous include moving into and out of vehicles; lifting wheelchairs up steps; personal hygiene routines, transferring between specialist seating/equipment and emergency evacuation.

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 behaviour 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.

All SEND staff receive generic moving and handling training, as well as Team Teach training. Specific guidance will be provided for each child or young person with moving and handling needs. Each child or young person with the consent of their parent / carer will have a risk assessment undertaken, which will be shared with appropriate staff.

We recognise our responsibility to ensure the health, safety and welfare of our employees as well as pupils, as far as is reasonably practicable. It is our policy to conform to the requirements of the Manual Handling Operations Regulation and Lifting Operations and Lifting Equipment Regulations.

This policy applies only to the handling, moving and carrying of children and young people in school and participating in school activities as access to the curriculum, therapies and other school activities is a vital consideration.

To this end, we aim to:

1. Avoid manual handling operations which are a risk to our employees as far as is reasonably practicable.

2. Assess all operations involving manual handling procedures that cannot be avoided, and reduce the risk to the lowest level that is reasonably practicable and make a record of risk assessment.
3. Ensure that all potentially hazardous operations involving manual handling are assessed if and when required and reviewed at least annually.
4. Provide all employees directly involved in manual handling of children and young people with a thorough training covering all the key elements for safe handling processes.
5. Ensure that safe handling of children and young people shall be carried out in line with safe systems of work.
6. Ensure that the views of pupils (as far as reasonably practicable), parents/carers and other relevant staff will be sought and taken into account. The health, safety and dignity of all those concerned is paramount.
7. The equipment used in lifting and moving children should be checked every six months in line with legislative requirements. (LOLER)

2. Equipment

The law sets out a detailed framework of provisions to protect employees against the risk of injury from moving and handling. There are legal obligations on us to take care of our employees' health and safety; and trade union safety representatives have legal rights to information and consultation.

The Health and Safety at Work Act places general duties on us as employers to ensure the health and safety of our employees and anyone else on the premises. The Management of Health and Safety at Work Regulations set out the legal requirements for "risk assessment" under which we must make an assessment of the risks to the health and safety of staff while at work as well as to the health and safety of persons or other professionals who we do not employ.

The Manual Handling Operations Regulations set no specific requirements such as weight limits – they only provide guideline weights for lifting and lowering, carrying a short distance, pushing and pulling and handling while sitting down.

Staff must fully use any measures taken to reduce risks and should follow safe systems of work provided by the employer.

In line with the Lifting Operations and Lifting Equipment Regulations to ensure the safe use of lifting equipment, lowering equipment and accessories for lifting/lowering equipment provided or used at work. Marish Academy Trust aims to use lifting equipment to reduce health and safety risks and require that the lifting equipment is:

- Strong and stable enough for the particular use and marked to indicate its safe working load
- Positioned and installed to minimise any risks
- Used safely i.e. The lift is planned, organised and performed by competent people and subject to ongoing, thorough examination where appropriate and inspection is carried out

by competent people. Lifting Equipment for lifting people should be checked formally every six months.

- Subject to pre-use checks before it is used
- Covered by defect reporting systems
- Identified and has a suitable and adequate risk assessment and control plan and people with responsibilities have the appropriate skills as set to ensure work equipment is safe to use.

Written records of these inspections are kept by the Facilities Manager.

3. The Extent of Teachers' professional responsibilities for moving and handling children and young people with special needs

The moving and handling of children and young people is not part of any teacher's job or professional obligations. Staff should:

- Comply with the safe systems of work as stated in the risk assessment and advised at the manual handling training.
- Undertake relevant training
- Take responsibility for their own health and safety and that of others who may be affected by their actions including:
 - Reporting to the senior leadership team any medical condition (temporary or permanent) that they develop (including pregnancy) which may affect their ability to carry out moving and handling tasks.
 - Reporting to the senior leadership team any circumstances that (within their level of competence) they consider to be a risk to health and safety including any equipment faults.
- Report any accident or incident to the senior leadership team and complete the yellow accident and/or incident form.

Teachers should recognise the possible existence of emergency situations in which the moving and handling of pupils for life-threatening and potentially dangerous reasons might be necessary as part of the teacher's general duty of care.

4. 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 themselves, 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.

5. 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 been restrained.

6. 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-defense 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 they might have or cause an accident likely to injure themselves 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.

7. 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 in the 'Positive Handling Record Book'. Any injuries to pupils as a result of incidents involving restraint will be reported to the Executive Headteacher and parents/carers.

8. 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.

9. Recording & Monitoring Incidents

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 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.

10. 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?

11. 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.