



# Positive Handling Policy

## We are a Rights Respecting School with No Outsiders

**Article 28: Every child has the right to an education. Discipline in schools must respect children's dignity and their rights.**

### Policy Statement

It is recognised that the vast majority of pupils in our school respond positively to our behaviour and conduct expectations. The well-being, welfare and safety of all pupils and staff are of paramount importance.

It is acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of a physical intervention may be required to keep a child safe. The purpose of this policy is to clarify the systems in place for all teaching and support staff, to support them in relation to the use of positive handling to manage challenging behaviour. It is also intended to inform children, parents, carers, families, relevant stakeholders of the legal framework, and staff our position in relation to positive handling, and systems and procedures that we follow.

There is a common misconception that any physical contact with a child is in some way unlawful. This is NOT true and never has been.

***“It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. Examples of where touching a pupil might be proper or necessary: holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school; when comforting a distressed pupil; when a pupil is being congratulated or praised; to demonstrate how to use a musical instrument; to demonstrate exercises or techniques during PE lessons or sports coaching; to give first aid.”***

***Page 5, The Use of Reasonable Force – Advice for head teachers, staff and governing bodies – July 2011***

At Whitley Village Primary School we constantly strive to create a calm and caring environment that minimises the risk of incidents arising that might require the use of positive handling. In addition to this, pupils who regularly or are highly likely to present with challenging behaviour that requires positive handling, have an individual Risk Reduction Plan (RRP). Many staff are trained in Team Teach (*de-escalation and positive handling*) which is accredited and nationally recognised as good practice to defuse conflict situations and where controlling positive handling is only used as a last resort. We will always deescalate first including: distract, cajole, persuade and negotiate with children as well as reminding them of rules, privileges, rewards and sanctions. There may be circumstances, however, where verbal de-escalation alone is not enough to deal with the risks that present themselves, and physical steps need to be taken in order to keep the child safe.

*This policy has been draw up taking cognisance of DFE guidance: The Use of Reasonable Force (July 2013), Section 93 of The Education and Inspections Act 2006, DFES guidance LEA/264/2003: Guidance on the Use of Restrictive Positive handlings for Pupils with Severe Behavioural Difficulties (Sept 2003) and the joint DFES/DOH guidance: Guidance for Restrictive Positive handlings (July 2002).*

*This policy should be read in conjunction with the school's Relationship Policy, Health and Safety Policy and Child Protection Policy.*

Every effort will be made to ensure that all staff:

- i. clearly understand this policy and their responsibilities in the context of their Duty of Care in taking appropriate measures where positive handling is necessary.
- ii. are provided with appropriate training to deal with incidents safely and effectively.

### Underpinning values

Everyone attending or working in our schools 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 Whitley Village Primary School and their parents/carers 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.

### **Strategies for Dealing with Challenging behaviour**

Show care and concerns by acknowledging unacceptable behaviour and requesting alternatives using negotiation, reason and distraction.

- Give clear directions for pupils to stop.
- Remind them about rules and likely outcomes.
- Well-chosen language is used to de-escalate situations.
- Remove an audience or take vulnerable pupils to a safer place.
- Make the environment safer by moving furniture and removing objects which could be used as weapons.
- Use positive touch to guide or escort pupils to somewhere less pressured.
- Ensure that colleagues know what is happening and get help.

### **Seclusion and Withdrawal**

Seclusion: where an adult or child is forced to spend time alone against their will in a locked room or room which they cannot leave. Seclusion could be deemed to be a breach of a person's human rights unless sanctioned by a lawful order, or unless used in an emergency situation where there is significant risk of harm. Children will never be locked in a room. Seclusion, where a child must spend time alone, will only ever be used in exceptional and extreme circumstances where the risks involved are absolutely outweighed by the risks that are presented. In this situation, a child should be continually observed and a 2 minute record should be kept recording actions and behaviour. Any time in seclusion should be kept to an absolute minimum.

Withdrawal: which involves removing the child from a situation which 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. This "quiet time" could be time in the playground, a quiet room, or sitting in an office supervised by a member of the leadership team.

### **Primary Prevention:**

- The consistent use of the Relationship Policy;
- 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 a programme of Continuous Professional Development;
- Exploring pupils' preferences relating to the way/s in which they are managed.

## Secondary Prevention:

This involves the recognition of the early stages of a behavioural sequence that is likely to develop into violence or aggression and in employing higher level 'diffusion' techniques to avert any further escalation. Where there is clear evidence that behaviour is escalating rapidly into aggression, violence or high levels of unsafe behaviour, the use of positive handling at an early stage in the sequence may be justified if it is clear that:

- Primary prevention has not been effective, and
- The risks associated with **NOT** using positive handling are greater than the risks of using positive handling, and
- Other appropriate methods, which do not involve positive handling, have been tried without success.

Every effort will be made to resolve conflicts positively and without harm to pupils or staff, property, buildings or the environment. Some or all of the following approaches should be taken according to the circumstances of the incident:

- Verbal acknowledgement of unacceptable behaviour with request for the pupil to refrain; (this includes negotiation, care and concern)
- Further verbal reprimand stating:
  - that this is the second request for compliance;
  - an explanation of why observed behaviour is unacceptable;
  - an explanation of what will happen if the unacceptable behaviour continues.
- Warning of intention to intervene physically and that this will cease when the pupil complies, if possible summon assistance from other staff.
- Positive handling. **Reasonable, proportionate and necessary** force must be used in line with legislation and guidance.

## Article 3: The best interest of the child must be a top priority in all decisions and actions that affect children.

### The Legal Implications

#### Duty of Care

All staff working within the school have a 'Duty of Care' to the children and as such may face a situation where positive handling is the only option left available to them, in order to ensure safety. Staff who have a Duty of Care have lawful justification for taking reasonable physical steps to prevent injury to any person, or damage to property. Staff are not obliged to physically intervene but must take some action e.g. request clearly and repeatedly for the pupil to stop the undesired actions. Taking no action i.e. not calling for assistance which results in a person being injured, could leave a member of staff open to an allegation that they were in neglect of their Duty of Care.

## Article 19: Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment... by anyone who looks after them.

### The Children's Act 2004

Staff will always follow the principles enshrined in the above act whereby the safety and wellbeing of the children is paramount. Staff will act in accordance with the 'best interests principle', acting honestly and in good faith to protect what they perceive to be the best interests of the child/children.

#### Section 93

Section 93 of the Education and Inspections Act 2006 'The Power of Members of Staff to Use Force' states: A member of the staff of a school may **use such force as is reasonable** in the circumstances to prevent a pupil from doing, or continuing to do any of the following;

- *injuring themselves or others, or causing damage to property*

- *compromising the good order or discipline of the school.*
- *committing an offence*

This policy allows for the positive handling of pupils in high risk or dangerous situations. This must not include any form of physical punishment and should be limited to the minimum force absolutely necessary for the minimum amount of time.

Examples of situations where the guidance could apply:

- when a pupil attacks a member of staff;
- when a pupil attacks another pupil;
- when a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism;
- when a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of resources or objects (for example, throwing objects from the balcony or misusing equipment on the sports field)
- when a pupil absconds from class or tries to leave the school and is at risk of harm;
- when a pupil persistently refuses to obey a staff's instruction to leave a classroom;
- when a pupil is seriously disrupting a lesson through physical outbursts.

### **The Application of Force**

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 positive handling. Staff need to 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 judgements about when the use of force is **necessary** and the degree of force which may be regarded as **proportionate and reasonable** to manage a situation

Staff need to be aware that they are required to justify their actions in writing through recording and reporting procedures. If possible, the use of positive handling should ensure that a second or third adult is present to assist with and/or witness the incident. Staff must be aware of DfE recommendations around 'Use of Reasonable Force' and never hold pupils in such a way that they may have difficulty breathing. During any incident involving the use of force, staff are expected to continue to use all available verbal and non-verbal support and de-escalation strategies to defuse difficult situations.

### **Reasonable Force**

There is no legal definition of 'reasonable force'. It will always depend upon the circumstances of each individual case. However, for the purpose of this policy and the implementation of it at Whitley Village Primary School, the clarification provided in the DfE guidance document 'Use of Reasonable Force', 2013 is used.

*The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force.*

*The degree of force employed must be in proportion to the circumstances of the incident and must be the minimum needed to achieve the desired result.*

Whether the degree of force used is reasonable will also be determined by the child's age, gender, stature, medical history, level of physical, emotional and intellectual development, special needs, and social context.

### **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.

A **planned intervention** is one that is described/outlined in a specific pupil's Positive Handling Plan. This should cover most interventions, as possible scenarios will be identified and planned for when the PHP is drawn up.

An **emergency positive handling** 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.

### **Risk Reduction Plans (RRP)**

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

The RRP will identify the key drivers and trigger points for a child's behaviour and a gradual and graded system of staff response which may include the application of gradually increasing or decreasing levels of force in response to the child's behaviour.

Any techniques used will take account of a young person's;

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

### **Personal Safety**

There may be times when a member of staff may need to defend themselves from a physical assault or to 'break away' from a child who has taken hold of them (e.g. biting). It is acknowledged that with some disengagement techniques pupils may encounter some minimal discomfort when appropriate release techniques are used. However, this is very brief and poses less of a risk than the behaviour they are employed in response to e.g. biting. Any minimal discomfort (example scratching and bruising) to the child should not automatically be considered as excessive force by the member of staff.

### **Responsibility of Staff**

All staff have authority to use reasonable force to control or restrain pupils and act in their duty of care. Adults must avoid putting themselves into physical danger. If self-defence is necessary, then the minimum force must be used considering the pupil's best interests.

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 positive handling 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.

### **Help Protocols**

The expectation is that all staff should support one another. This means that staff always offer help and accept it. Help does not always mean taking over. It may mean remaining nearby in case help is needed, getting somebody else, or teaching a colleague's group or class. Colleagues support each other by acting as critical friends during and after incidents.

### **Training Issues**

When positive handling is required the school is committed to using Team-Teach philosophy and techniques. Team-Teach Ltd is a training provider that is accredited through ICM (Institute of Conflict Management) and adheres to their Code of Practice on positive handling.

## Action and support after an incident

In most circumstances, it is important to 'debrief' as soon as possible after the incident (child and staff member(s) involved). However, all people involved will require a short period of time to allow heightened emotions to dissipate before engaging in this process.

At the Federation we will endeavour to:

- ISOLATE – we will ensure the person is somewhere quiet and calm;
- EXPLORE – we will allow the person to tell us what has happened first;
- SHARE – we will then give our (or other's) perspective of a situation;
- CONNECT – through careful questioning, we will connect the behaviour to the drivers, ie, we will seek to discover not just *what* happened, but *why* it happened;
- ALTERNATIVES – we will explore alternative ways that a situation could have been dealt with;
- PLAN – we will ensure that plans are put in place (or reviewed if a RRP already exists) to help us deal with any future incidents;
- RE-ENGAGE – we will consider the emotional wellbeing of the pupil and how best to re-engage them back to their normal working environment.

The Executive Headteacher 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:

- Review of individual Risk Reduction Plans;
- Child Protection Procedure (this may involve investigations by police and/or social services);
- Staff or pupil disciplinary procedure;
- School relationship policy;
- Suspensions / Exclusions procedure where appropriate.

## Recording and Reporting of Incidents

If positive handling is used, the Executive Head teacher or Head of School must be notified at once.

The parent(s)/carer(s) of the child will be notified as soon as possible via a telephone call or face to face and be given the opportunity to discuss the incident.

The Bound and Numbered Book will be completed as soon as possible after the incident (within 24 hours), normally prior to staff going off duty and be signed by the member of staff completing the record and the Executive Headteacher/ Head of School.

## Complaints

In the event of an allegation that a member of staff has used unreasonable force, or where a child has been injured during positive handling, the Executive Headteacher should conduct a full enquiry or undertake a consultation with the Local Authority Designated Officer (LADO) in line with the school's safeguarding procedures.

For other types of complaint relating to an incident, the normal procedures of the school will be used and these will be made clear to all parent(s)/carer(s).

## Other relevant policies

This policy should be read in conjunction with: Relationship Policy, Health and Safety Policy and Safeguarding/Child Protection Policy.