

## Positive Handling Policy

This Policy operates in conjunction with the following Trust policies:

- Inclusion and Behaviour Policy
- Safeguarding and Child Protection Policy

### 1. Introduction

- 1.1 Schools have a duty to promote good behaviour and discipline. The Academy Head, with the support of the Trust Board, has the duty to ensure the health, safety and well-being of everyone in schools.
- 1.2 It is essential that staff act appropriately in order to minimise the risk of accusation of improper conduct towards a young person (see Procedure in Respect of Allegations of Child Abuse Made Against School Staff, and Suffolk Area Child Protection Committee: Joint Policies and Procedures for the Protection of Children). In addition, staff should be conversant with the requirement outlined in Part 4 of the statutory guidance "Keeping Children safe in education" (as amended).
- 1.3 Legislation that came into force in 2006 (Section 93 of the Education and Inspections Act), together with national guidance "Use of Reasonable Force" (July 2013) establishes the responsibility of teachers and other authorised staff who have lawful control or charge of pupils with regard to the application of reasonable force in order to prevent children committing an offence, causing injury or damage, or engaging in behaviour prejudicial to the maintenance of good order and discipline.
- 1.4 Under the Race Relations (Amendment) Act 2000, schools have a general duty to promote race equality.

### 2. Definitions

- 2.1 Physical contact - At Warren School we promote positive and appropriate physical contact, to enable our staff to deliver a nurturing environment, to ensure that the pupils thrive. For example: -comforting a distressed child (see DfE Guidance 2013).

Positive Handling – refers to any physical intervention applied by a member of staff where it is necessary to make physical contact with a pupil in order to manage their conduct or ensure their own or others safety. Handling strategies (Norfolk Steps) may be restrictive or non-restrictive and include prompting, guiding, supporting, blocking, holding and, in the most extreme cases, restraining.

Use of Reasonable Force – is the application of appropriate and proportionate force required to achieve the required outcome from the handling strategy employed (see above) without further endangering the student, member of staff or others present at the time of physical intervention. There is no precise legal definition of 'reasonable force' so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

Restraint - is the positive application of force in order to actively prevent a child from causing significant injury\* to him/herself or others or seriously damaging property.

\*Significant Injury would include: actual or grievous bodily harm, physical or sexual abuse, risking the lives of, or injury to, themselves or others by wilful or reckless behaviour, and self poisoning.

### 3. Responsibilities

3.1 The Trust Board - The Trust Board, through the Academy Head, are responsible for:

- > ensuring that all those working in school are familiar with and follow this policy
- > making a copy of the policy available to parents (references to parents should also be taken to be references to persons having parental responsibility)
- > annually reviewing the policy, its application and effectiveness
- > ensuring that risk assessments are regularly reviewed and updated

3.2 Academy Head - The Academy Head will:

- > ensure the policy is applied
- > maintain an up to date list of those members of staff whom they select as authorised to use reasonable force / positive handling and ensure that staff know who they are (see 3.3)
- > ensure those authorised staff are appropriately trained and regularly updated
- > ensure that all new staff receive guidance on the use of restraint as part of their induction programme
- > provide guidance for staff dealing with difficult and dangerous behaviour
- > oversee reporting and recording systems
- > monitor and review incidents
- > ensure that arrangements are in place for reviewing the policy annually

3.3 Authorised Staff

All members of school staff have a legal power to use reasonable force. This power applies to any member of staff, who has lawful control or charge of the pupils at the school. It can also apply to people whom the Head Teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying pupils on a school organised visit.

3.4 All Staff

It is the duty of everyone to consider their own safety and that of others at all times. In the event of circumstances arising that might result in an incident, staff should:

- > begin early de-escalation using preventative, non-confrontational methods
- > consider all options available to them, including withdrawal of themselves or others
- > seek support where possible
- > if authorised, consider the use of reasonable force / positive handling to make the situation safe
- > report, record and review

3.5 Criteria

Should an incident occur, an authorised member of staff will:

- > determine whether the criteria from Circular 10/98 apply (see Appendix 1 below)
- > employ preventative, non-confrontational strategies
- > as a last resort, use a form of restraint employing a recognised and agreed physical intervention.

### 4. Decision Making and The Last Resort principle

4.1 This policy aims to support staff by providing guidance for use in situations where pupils may need to be prevented from harming themselves or others, or from causing damage to property, by the use of restraint.

4.2 When making a decision to use positive handling there are two relevant considerations:

- > The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it; therefore, physical force could not be justified to prevent a pupil from committing a trivial misdemeanour or in a situation that clearly could be resolved without force.
- > The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result. Whether it is reasonable to use force, and

the degree of force that could reasonably be employed, will also depend on the age, understanding and gender of the pupil. (DfE Circular 10/98.)

The Race Relations Amendment Act (2000) dictates that issues of race, culture and faith also need to be taken into account. As an example, it would be inappropriate for a male member of staff to restrain a Muslim girl.

- 4.3 Positive handling is an action of last resort and is not a substitute for behaviour management strategies. The emphasis of such strategies should be on managing incidents and behaviour through non-physical, de-escalation strategies. Positive Handling should only be considered in order to control situations involving imminent danger to pupils or to others. It must be shown that on any occasion where positive handling is used that there was a reasonably held belief that if action had not been taken, significant injury to either the pupil or another person would have followed.
- 4.4 Where de-escalation of a situation has not been possible and positive handling is deemed necessary the minimum of physical force should be used, for the minimum of time, ensuring the least restrictive intervention necessary to make the situation safer.
- 4.5 Refer to: Reducing the Need for Restraint and Restrictive Intervention. DfE 27th June 2019

## **5. Training**

- 5.1 It is the policy of this school that all staff working closely with pupils are trained by an accredited provider in the pro-active and responsive positive handling strategies to complement the Inclusion and Behaviour Policy. In cases where a Behaviour Support Plan and Risk Assessment are in place, selected staff will be trained in any physical interventions to be used. These staff will be trained by an accredited provider (Norfolk Steps).

## **6. Reporting, Recording and Planning for the future**

- 6.1 A detailed, contemporaneous written report should be made in respect of any incidents where force is used by the member of staff concerned. The information that should be contained within this report is set out in DfE Circular 10/98 and is included as an appendix to this policy document (see Appendix 3). This form should be uploaded to MyConcern along with a full and detailed entry of the incident. Staff should be clear about any techniques used (see Appendix 6).
- 6.2 An Incident Report Form must be completed as soon as is reasonably possible and brought to the attention of the Head of Service.
- 6.3 The Academy Head or a designated senior member of staff will ensure that parents are informed as soon as is reasonably practicable of an incident where positive handling has been used.
- 6.4 Where positive handling is used there should be consideration of the need for behaviour support plan and risk assessment based on an individual pupil's needs. Appendix 5 Risk Assessment Flowchart should support this process.
- 6.5 Any behaviour support plan or risk assessment should detail likely triggers, specific strategies, non-physical de-escalation techniques and when positive handling should be considered. These documents should be reviewed regularly.
- 6.6 Where a complaint about the use of restraint / positive handling is made by a pupil or parent this will be reported to the Principal / CEO in accordance with the Procedure in Respect of Allegations of Child Abuse Made Against School Staff. In the event of such a complaint being made it is important that no investigation of the circumstances in which restraint / positive handling was used is undertaken by the school unless the Trust determines that this is the most appropriate course of action.

**7. Support for Staff and Pupils**

- 7.1 Schools should ensure arrangements are in place to provide support for staff following situations where they have had to restrain a pupil or have been involved in an incident which has been successfully deescalated but the staff member involved has requested time to recover.
- 7.2 A de-briefing session should be held with both staff and pupil(s) involved in any incident and outcomes reviewed to inform future practice in order to minimise risk of similar occurrences.
- 7.3 Whenever restraint has been used, staff and the child/young person should have separate opportunities to reflect on what happened, and wherever possible a choice as to who helps them with this. Those with cognitive and/or communication impairments may need specific help to engage in this process, for example, use of simplified language, visual imagery or Alternative and Augmentative Communication.

**8. Review**

- 8.1 All staff should be involved in the annual review of the policy. This should form part of the school self-evaluation process. Having reviewed the issue and evaluated their experience, the policy and management arrangements should be amended as necessary.
- 8.2 The Trust Board is responsible for reviewing annually the application and effectiveness of the policy.
- 8.3 The Trust's Teaching, Learning and Assessment Panel will arrange for the Positive Handling Policy to be reviewed and recommendations made to the Education and Learning Committee.

## Appendix 1 Extract from DfE Circular 10/98

Section 550A (Education Act 1996) allows teachers, and other persons who are authorised by the head teacher to have control or charge of pupils to use such force as is reasonable in all the circumstances to prevent a pupil 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 pupil were not under the age of criminal responsibility)
- > injuring themselves or others
- > causing damage to property (including the pupil's own property)
- > engaging in any behaviour prejudicial to maintaining the good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere

The provision applies when a teacher, or other authorised person, is on the school premises, and when he or she has lawful control or charge of the pupil concerned elsewhere e.g. on a field trip or other authorised out of school activity.

## Appendix 2

### Extract from DfE Circular 10/98:

#### **Recording Incidents**

It is important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where force is used. It may help prevent any misunderstanding of the incident, and it will be helpful should there be a complaint.

Schools should keep an up-to-date record of all such incidents, preferably in an incident book. Schools have a Pupil Restraint Log in the admin office (see Appendix 2.1). Immediately following any such incident, the member of staff concerned should tell the head teacher or a senior member of staff and provide a written report as soon as possible afterwards. That should include:

- > the name(s) if the pupil(s) involved, and when and where the incident took place
- > the names of any other staff or pupils who witnessed the incident
- > the reason that force was necessary (e.g. to prevent injury to the pupil, another pupil or member of staff)
- > how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long
- > the pupil's response, and the outcome of the incident
- > details of any injury suffered by the pupil, another pupil or a member of staff and of any damage to property

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report.

**Appendix 3**

**Physical Intervention Record Form**

School ..... DCSF No.....Year Group.....

Name of child/young person .....

Is this young person a looked after child/SEN/vulnerability? .....

When did the incident occur?

Date	Day of week	Time	Where?
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Staff involved

Name	Designation	BehaviourSafe Trained?	Involved: physically? (P) as observer? (O)	Staff signature

**Please complete a myconcern record of the incident.** My concern reference number:

BehaviourSafe technique(s) used (Refer to Positive Handling Policy – Appendix 5 and reference number/ name of technique)

Number and Name of Technique, Length of hold/ restraint, By whom	Why was this PI deemed necessary? Any de-escalation strategies used before?

**Good practice dictates that schools should review what happened and consider what lessons can be learned, which may have implications for the future management of the pupil. These need not be added to this form but should be incorporated in the individual plans for the child.**

Has the child/young person been held before?	Yes/No
<i>A child/young person should have an individual plan clearly detailing reactive strategies and physical intervention approaches if they have been involved in physical interventions on more than one occasion.</i>	
Does the individual support plan need to be reviewed as a result of this incident?	Yes/No
Does the risk assessment need to be reviewed as a result of this incident?	Yes/No
If yes, who will action and when? (less than four weeks)	

Who was the incident reported to, and when? .....	
.....	
Was there any medical intervention needed?	Yes/No
Include names of any injured person and brief details of injuries .....	
.....	
.....	
Please specify any related record forms	
Accident Book <input type="checkbox"/>	Anti Bullying and Racist Incident Record Form <input type="checkbox"/>
Skin Map <input type="checkbox"/>	Violent Incident Record <input type="checkbox"/> Complaints recorded <input type="radio"/>
Other (please specify) .....	

Was the pupil debriefed?	Yes/No
Were staff offered a debrief?	Yes/No
Was it taken up?	Yes/No

Parents/carers were informed

Date	Time	By whom?	By direct contact, telephone, letter?

Form completed by:	Name	Designation	Date and time

**If further advice is required around any issues related to physical intervention or the completion of this form please contact DSL**

## Appendix 3

### School Policies, Procedures and Other Sources of Support and Guidance

#### **School Policies:**

- > Safeguarding
- > Behaviour and Inclusion
- > Anti-bullying
- > Single Equality Scheme
- > Staff Performance Management
- > Health and Safety

#### **School Procedures:**

- > Pastoral Support Planning (PSPs)
- > Individual Education Planning (IEPs)
- > School Support Plan (SSP)
- > Procedure in Respect of Allegations of Child Abuse Made Against School Staff (January 1999)
- > General Complaints Procedure for Parents and Others
- > Risk Management
- > Harassment and Bullying Procedure

#### **Other Sources of Support and Guidance:**

- > Suffolk Advisory Service
- > Norfolk Advisory Service
- > Educational Psychology Service
- > Bellscroft Consultancy
- > Gemstones
- > BILD (British Institute of Learning Difficulties) Good Practice Guide
- > Joint NEOST/Teacher Union Guidance on Education Staff and Child Protection: Staffing facing an allegation of abuse. Guidelines on practice and procedure (September 2002)

## Appendix 4 Relevant Legislation

- > Section 550a, Education Act 1996
- > DfE Circular 10/98
- > Criminal law Act 1966
- > Crime and Disorder Act 1998
- > Human Rights Act
- > Health and Safety Legislation
- > Race Relations (Amendment) Act 2000
- > Reducing the Need for Restraint and Restrictive intervention 27<sup>th</sup> June 2019

## Appendix 5 **Restraint Policy – Flowchart (Risk Management)**

### **Risk Management - Difficult and Dangerous Behaviour**

Successful inclusion of more young people into mainstream settings increases the need to help all staff to develop their competence and confidence in maintaining good order and discipline in an environment that is conducive to meeting the needs of all pupils.

The vast majority of people in schools will never require any form of physical intervention. However, some staff deals, on a day to day basis with people who exhibit difficult and dangerous behaviours.

5% of recorded incidents of violence in schools in 2000/2001 related to adult behaviour. It is, therefore, vital to include this possibility in any risk assessment.

We must minimise the risk of accusations of improper conduct towards others and enable staff to act appropriately in different circumstances.

Strategies for dealing with difficult and dangerous behaviour need to be varied and matched carefully to particular circumstances and individual needs.

### **Restraint Policy - Flowchart**

#### **Risk Management**

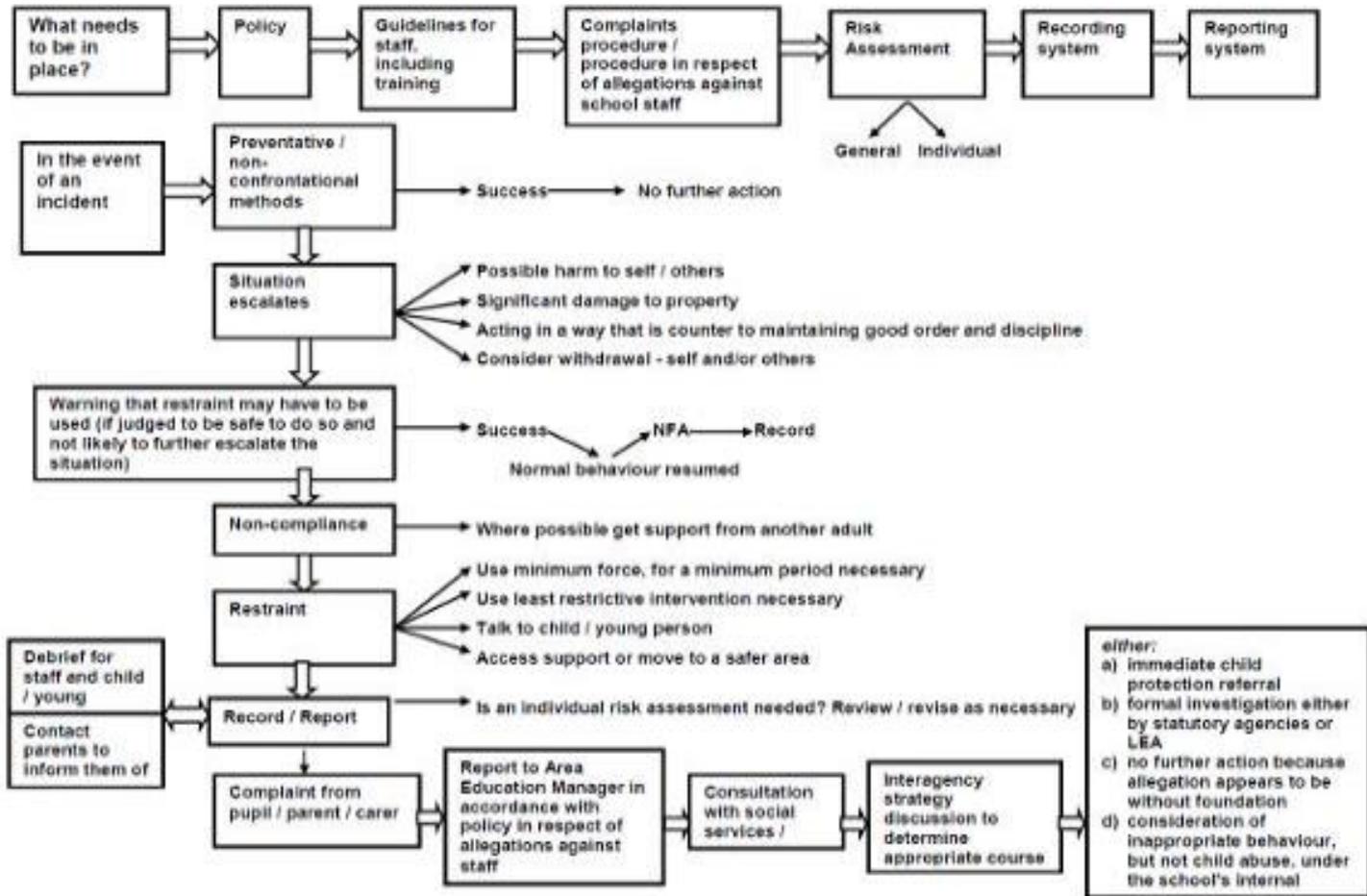
Risk Management addresses three questions:

1. What could go wrong?
2. What preventative measures are in place?
3. What further action is required?

The issues are:

- What harm could be caused to self?
- What harm could be caused to anyone else?
- What harm could be caused to property?
- What or who could cause the harm?
- In what circumstances could it happen?
- What is the likelihood of such circumstances arising?

### Positive Handling Policy – Flowchart



## Document Control

### Changes History

Version	Date	Amended By	Details of Change
V2	01/12/2017	Principal/CEO	Language and terminology changes
V3	05/01/2018	Principal/CEO	Updating of referenced documents
V4	28/03/2019	ELM	Updating of LGB to LC (1.1 & 4.1), Updated SSP terminology
V5	02/04/2020	HOS WISA	Supplied additional clarity 2.3, 4.3 and 7.3 Referenced relevant documents 3.5 and appendix 4
V6	01/04/2021	HOS WISA	Removal of link to DfE not working. Added Appendix 2.1 reporting form
V7	26/01/2022	HOS WISA	Added a definition of the different types of Handling
V8	21/9/2022	Gemma Bucklee	Updated terminology in line with Bells Croft Training
V9	18/9/2023	HOS- Inclusion	Review of document Inclusion of training by accredited provider, process for updating risk assessments and behaviour plans after an incident, aligning with ethos with behaviour and inclusion policy, and clarifying language around decision making and positive handling as a last resort.

### Approval

Name	Job Title	Signed	Date
Andrew Aalders-Dunthorne	Principal/CEO	Electronic signature	01/08/2016
Dawn Carman-Jones	On behalf of the Trust Board	Electronic signature	01/08/2016
Andrew Aalders-Dunthorne	Principal/CEO	Electronic signature	31/03/2022
Dawn Carman-Jones	On behalf of the Trust Board	Electronic signature	31/03/2022
Andrew Aalders-Dunthorne	Principal/CEO	Electronic signature	6/10/2022
Dawn Carman-Jones	On behalf of the Trust Board	Electronic signature	6/10/2022
Andrew Aalders-Dunthorne	CEO	Electronic signature	25/1/2024
Dawn Carman-Jones	On behalf of the Trust Board	Electronic signature	25/1/2024

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