



ST. MARY'S  
ACADEMY TRUST

# **St Mary's Academy Trust**

## **Positive Handling Policy**

**Date agreed.....May 2020**

**Date to be reviewed .....May 2021**

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## **1. INTRODUCTION**

- 1.1 [NAME OF SCHOOL] recognises its legal and moral duty to promote the well-being of pupils, and protect them from harm. We believe that every pupil regardless of age has at all times and in all situations a right to feel safe. We agree that we have a primary responsibility for the care, welfare and safety of the pupils in our charge. We are committed to a positive behaviour policy which encourages pupils to make positive behaviour choices. We do however recognise that pupils sometimes do make the wrong choices. On rare occasions this may result in a situation that requires some form of physical intervention by staff.

## **2. PRINCIPLES**

- 2.1 Our policy for physical intervention is based upon the following principles:

- Physical intervention should be used only as a last resort when other appropriate strategies have failed.
- Any physical contact should be only the minimum required.
- Physical intervention must be used in ways that maintain the safety and dignity of all concerned.
- Incidents must be recorded and reported to the Headteacher and Designated Safeguarding Lead as soon as possible
- Parents will be informed of each incident

- 2.2 We aim to avoid the need for physical intervention and regard this as a last resort. We always aim to deal with behaviour using a positive approach and therefore this policy should be read in connection with our Behaviour Policy.

- 2.3 It is not possible to define every circumstance in which physical restraint would be necessary or appropriate and staff will exercise their own judgement in situations which arise. Staff will always act within the school's policy on behaviour, particularly in dealing with disruptive behaviour.

- 2.4 Staff are aware that when they are in charge of pupils during the school day, or during other supervised activities, they are acting in loco parentis and have a 'Duty of Care' to all pupils they are in charge of. They will, therefore, take reasonable action to ensure all pupils' safety and well-being.

## **3. THE LEGAL FRAMEWORK**

- 3.1 Section 93 of the Education and Inspections Act 2006 enables school staff to use reasonable force to prevent a pupil from:

- a) Committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b) Causing personal injury or damage to property;

c) Prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise

- 3.2 The law states that there is no definition of “reasonable force”. Whether the force used is reasonable will always depend on the circumstances of individual cases. Deciding on whether the use of force is justified will depend part upon the context in which the misbehaviour takes place. The test is whether the force used is proportionate to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour.
- 3.3 The statutory power conferred by section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence or to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils. Section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.
- 3.4 It is unlawful to use force as a punishment. This is because it would fall between the definition of corporal punishment, abolished by section 548 of the Education Act 1996.

#### **4. AUTHORISED STAFF**

- 4.1 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.
- 4.2 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.
- 4.3 The power may be used where the pupil (including a pupil from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

#### **5. MINIMISING THE NEED TO USE FORCE**

- 5.1 In order to reduce the possibility of force being needed the school will:
- create a calm, orderly and supportive climate that minimises the risk and threat of violence of any kind;
  - value the importance of developing positive relationships between staff and pupils;
  - develop an ethos which promotes independence, choice and inclusion; pupils are given maximum opportunity for personal growth and emotional wellbeing.
  - avoid situations and triggers known to provoke challenging behaviour;
  - ensure all staff are trained in skills to help them to defuse situations to avert escalation of behaviour into violence or aggression and how to de-escalate incidents should they arise.

- develop staff expertise through high quality training related to positive behaviour management strategies and positive handling (e.g. Team Teach and Emotive Language Therapy);
- place value on the development of pupils' personal, social and emotional skills;
- identify pupils with difficulties that may result in increased anxiety levels, and therefore an increase in the likelihood of challenging behaviour. These pupils will have a Positive Handling Plan (see Appendix A).
- use strategies that might include, going to a quiet space/room, away from bystanders or other pupils, so that staff involved can listen to concerns;
- ensure that staffing numbers are appropriate;
- effectively manage individual incidents, communicating calmly with the pupil, using non-threatening verbal and body language, ensuring the pupil can see a way out of a situation;
- wherever practicable, we will warn a pupil that force may have to be used before using it.

## **6. DECIDING IF THE NEED TO USE FORCE WOULD BE APPROPRIATE**

6.1 The use of force can be used to:

- remove a disruptive pupil from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving the classroom 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

6.2 The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances. Staff will make the clearest possible judgement about:

- a) The potential consequences of not intervening are sufficiently serious to justify use of force
- b) The chance of achieving the desired result by other means are low
- c) The risks associated with not using force outweigh those of using force

6.3 Staff (including people with temporary authorisation to have charge or control of pupils) will be kept informed about and advised on how to deal with pupils who present particular risks to themselves or others.

## **7. THE USE OF FORCE**

7.1 Any physical intervention used will always be the minimum needed to achieve the desired result. Wherever possible, staff will not use force unless another member of staff or responsible adult is present to support observe and call for assistance.

7.2 Before force is used, staff will:

- tell the pupil to stop, and inform them of the consequences should they continue;

- warn the child that physical restraint will be used if they do not do as they are asked;
- communicate in a calm and controlled manner;
- attempt to send for assistance;
- send other pupils away if possible;

7.3 If force has to be used, staff involved will:

- tell the pupil that they are restraining him/her to avoid the pupil harming themselves, others or property;
- use only the minimum degree of force necessary for the shortest period of time;
- use the strategies and techniques that they have been trained to use (Team Teach);
- attempt to communicate with the child throughout the incident;
- be sensitive of their own strength and body weight and to issues of gender;

7.4 After the incident, staff involved will:

- inform the Headteacher if he/she has not been involved;
- record the incident fully on the relevant paperwork;
- inform parents of the incident.

## **8. STAFF TRAINING**

8.1 At [NAME OF SCHOOL] strategically identified staff / all staff receive Team Teach training (**edit this sentence as required to reflect training in your school**). The programme is not just about the physical use of force. Its approach provides a framework to equip schools and individuals with attitudes, skills and knowledge to facilitate environments that are free from fear and safe from harm. The physical techniques are assessed by an expert risk assessment panel. Team Teach is approved by Ofsted and the Institute of Conflict Management (ICM). The Team Teach expectation is that people will communicate, assess, look and listen for opportunities to divert or de-escalate.

8.2 The absence of accredited training does not preclude a member of staff from using reasonable force where needed.

## **9. HEALTH AND SAFETY OF STAFF**

9.1 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 Headteacher immediately, as there may be an impact on their own safety and that of colleagues and/or pupils.

## **10. RECORDING AND REPORTING OF INCIDENTS**

10.1 Governing bodies have the duty to ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a pupil and reporting each such incident to parents of the pupil as soon as practicable after the incident. This is to ensure that parents are kept informed of serious events at school involving their child. It also provides a

level of transparency to avoid spurious or malicious allegations when use of force has been initiated.

- 10.2 Each significant incident is recorded using a 'Significant Incident Report Form' (See Appendix b). This report must be completed as soon as practicable after the incident. The member/s of staff involved in the incident will compile the record and ensure that the head teacher and Designated Safeguarding Lead checks the record. All records will be treated confidentially and dealt with in accordance with the Data Protection Act 2018 and GDPR.

## **11. POST INCIDENT REPORT**

- 11.1 Any member of staff or pupil at the school involved in or witnessing a serious incident involving the use of physical hold, may require additional support following the incident. Staff should ensure that they are fully recovered from an incident before resuming their duties and colleagues are encouraged to seek and offer support where it is deemed necessary. They will be given the opportunity to explore thoughts and feelings during and after the incident. This time will also be used to develop and record a strategy or alternatives for any future incidents. All staff are encouraged to support, guide and reassure each other.

## **12. COMPLAINTS AND ALLEGATIONS**

- 12.1 All complaints that the school receives will be taken seriously. All matters will be dealt in line with the school's complaints policy. Where an allegation is made that a member of staff has used force inappropriately or unlawfully school will follow the allegations to staff procedure. This means that the headteacher will inform the Local Authorities Designated Officer on the same day that the allegation is made.

## **13. MONITORING AND REVIEWING**

- 13.1 This policy will be monitored and reviewed on an annual basis, or in the event of national and local developments.

## **14. RELATED DOCUMENTS AND SCHOOL POLICIES**

- Use of reasonable force: Advice for headteachers, staff and governing bodies (DfE) July 2013
- Behaviour Policy
- Complaints Policy
- Safeguarding and Child Protection Policy

## **15. COVID-19 AMENDMENT**

15.1 During the period of the COVID-19 pandemic, some amendments/additional considerations are required around the above policy.

- Pupils will NOT be able to be sent to another classroom as a de-escalation technique.
- Designated quiet rooms/spaces may still be used but these rooms/spaces must be designated to a specific pupil or be suitably cleaned after use.
- Staff debriefing after an incident should continue to happen, however this must be carried out at a social distance (2m).
- Staff should be offered and given access to PPE when holding a pupil. PPE must be stored within the area designated to the pupil who may require restraining. There should also be PPE that can be easily accessed from other areas the pupil may spend time (e.g the hall, the playground). Staff should know where PPE is located.
- Staff should change clothes after being in hold with a pupil.
- Risk assessments for all pupils who may require the use of force must be carried out. These will determine if the pupil is or is not currently safe to attend school.



**APPENDIX A**

**Positive Handling Plan/Risk Assessment**

<b>Name of child</b>	
<b>Name of school</b>	
<b>Class teacher:</b>	
<b>Nominated staff member to oversee plan:</b>	
<b>Plan written on (date):</b>	<i>To be reviewed termly</i>

<b>What does the behaviour look like?</b>		
<b>Stage 1 Anxiety Behaviours</b>	<b>Stage 2 Defensive Behaviours</b>	<b>Stage 3 Crisis Behaviours</b>
<u>Behaviours</u>	<u>Behaviours</u>	<u>Behaviours</u>
<u>Strategies</u>	<u>Strategies</u>	<u>Strategies</u>
<b>Stage 4 Recovery</b>	<b>Stage 5 Depression</b>	<b>Stage 6 Follow Up</b>
<u>Behaviours</u>	<u>Behaviours</u>	<u>Behaviours</u>
<u>Strategies</u>	<u>Strategies</u>	<u>Strategies</u>

**TOPOGRAPHY OF BEHAVIOUR**

In a mainstream/alternative/special setting, the service user displays the following challenging behaviours (please highlight):

Disruption (minor/major)	Aggression/Violence
Non-cooperation	Inappropriate sexual behaviour
Verbal abuse	Absconding
Vandalism	Self-harm
Impulsivity/dangerous	Substance/alcohol abuse
Bullying	Withdrawal
Discrimination	Other:

On a persistent/daily/weekly/less-than-weekly basis  
 To some/all male/female peers and/or some/all male/female adults  
 If 'some' give further details (e.g. ethnic minority, age)

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**What are the common triggers?**

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**De-escalation skills**

	Try	Avoid	Notes
Verbal advice & support			
Giving space			
Reassurance			
Help scripts			
Negotiation			
Choices			
Humour			
Logical consequences			
Planned ignoring			
Take up time			
Time-out			
Supportive touch			
Transfer adult			
Success reminded			
Simple listening			
Acknowledgment			
Apologising			
Agreeing			
Removing audience			
Others			

**Diversions and distractions / Praise Points**

<ol style="list-style-type: none"> <li>1.</li> <li>2.</li> <li>3.</li> <li>4.</li> </ol>
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**Any medical conditions to be taken into account before using physical interventions?**

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Preferred method of physical intervention?			
INTERMEDIATE	Try	Avoid	Notes
Friendly escort			
Single elbow			
Figure of four			
Double elbow			
Single elbow in seat			
T Wrap			
T Wrap to seats			
Seats to T Wrap			
T Wrap to ground			
Cradle			
ADVANCED	Try	Avoid	Notes
Full Shield			
Front Ground Recovery			

Are there any factors to consider when debriefing? E.g. Communication aids, staff etc.	
Hear Explain Link Plan	<ul style="list-style-type: none"> <li>• Staff de-briefing</li> <li>• Post incident learning</li> </ul>

How should we record incidents and who should we inform?
<ul style="list-style-type: none"> <li>• Significant incident form completed</li> <li>• Report to head teacher and Designated Safeguarding Lead</li> <li>• Inform parents of incident. Follow up letter home if it is determined to be a significant incident</li> <li>• Records updated if needed (e.g. School Focused Plan)</li> </ul>

**FREQUENCY/SEVERITY OF RISK** (Please highlight a number)

12		Persistent incidents of non-compliance and severe challenge including dangerous, violent and aggressive behaviour, bullying and assault associated with premeditation, and undermining adult authority to the detriment of the security of the structured environment and the safety and welfare of other students and adults. (Occasional high levels of potential violence and high risk behaviours)
11	←	
10		Hourly incidents of non-compliance and severe challenge including dangerous, violent and aggression associated with the loss of emotional control, regular absenting from class necessitating monitoring and undermining adult authority to present challenge to the security of the structured environment.
9	←	
8		Daily incidents of non-compliance/challenge including dangerous behaviour associated with impulsiveness, a lack of anticipation and acceptance of consequentially, and absenting or absconding, ignoring adult service and guidance.
7	←	
6		Weekly incidents of non-compliance/challenge including aggressive confrontations with others, and avoiding adult supervision.
5	←	
4		Less-than-weekly incidents of non-compliance/challenge associated with mood swings.
3	←	
2		Normal range of behaviour given age, maturity, emotional difficulty and personal circumstances.
1		

**Head teacher:** Name.....

Signed.....

**SENDCo:** Name.....

Signed.....

**Class teacher:** Name.....

Signed.....

**Parent/Carers:** Name.....

Signed.....

Name.....

Signed.....

**Child (if age appropriate):** Name.....

Signed.....

**APPENDIX B**

**SIGNIFICANT INCIDENT REPORT FORM (SIR)**

**Section A**

<b>Log number:</b>		
<b>Name of Pupil:</b>		<b>Year group:</b>
<b>Details of any SEN/Disability/Vulnerability:</b> e.g. Child in Care, ADHD, ASD		
<b>Date of incident:</b>	<b>Time:</b>	<b>Location:</b>
<b>Name of Staff Members involved:</b>		<b>Names of any Witnesses:</b>
<b>Name of any other pupils involved:</b>		

<b>Reasons for intervention</b>			
Danger to self		Danger to others	
Severe damage to property		Severe disruption to other children	
Describe Lead up to incident including attempts to de-escalate:			

<b>De-escalation techniques used &amp; effectiveness rating (1 = not effective, 5 = very effective)</b>			
Verbal advice & support		C.A.L.M talking	
Distraction		Options offered*	
Time out offered		Planned ignoring	
Time out directed		Success reminded	
Transfer adult		Contingent touch	
Choices, limits & consequences		Persuasion	
Reassurance		Step away	
Appropriate behaviour reminder		Negotiation	
Praise points		Take up time*	
Others*		Please specify	

<p><b>Details of incident:</b></p> <p>*include relevant details and learning points</p>
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<b>Witness signatures:</b>

**Section B** (to be completed if physical intervention used)

<b>Physical intervention used &amp; effectiveness rating (1 = not effective, 5 = very effective)</b>			
Guided escort		Friendly hold	
Seated hold		Describe hold: * use extra sheet if necessary	

Breathing monitored		Number of staff involved	
Duration of physical intervention			

**Section C** (medical intervention)

Injury suffered by child	Yes/No	If yes, please complete HS2 (NE) form (blue) and attach copy*
Treatment required	Yes/No	
Injury suffered by staff	Yes/No	If yes, please complete HS2 (NE) form (green) and attach copy*
Treatment required	Yes/No	
Injury suffered by others	Yes/No	If yes, please complete HS2 (NE) form (blue) and attach copy*
Treatment required	Yes/No	

*\*please complete incident log in all cases and accident log where applicable*

<b>Action taken</b>					
Return to class		Restorative justice		Referred to Police	
Time-out in room		Withdrawal room		Contacted home	
Other:		Please specify:			

Potential refer to other service		Potential EHA	
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**Section D** (Follow up)

**Pupil's point of view**  
(if applicable)

**Pupil's behaviour target** (amend School Focused Plan)  
(if applicable)

**Section E** (Designated Safeguarding Lead check list- please tick)

Incident/accident log book completed	
Serious incident form checked	
Barnsley MBC forms checked and dispatched	
Informed parents (follow up letter sent)	
Staff debriefed	

Action taken by Designated Safeguarding Lead:

Designated Safeguarding Lead signature:

Date:

## RESTRAINT MEDICAL ADVICE

It is important that staff involved in applying restraints are aware of the signs and symptoms that may indicate that a person is in distress. It may be the case that an incident should be treated as a medical emergency rather than a restraint incident.

When attempting to restrain a violent person, the team must be aware of the following:

Extreme excitement, agitation usually associated with drugs (excited delirium-psychoosis)

- Exceptional or unexpected strength
- Unusual rises in body temperature
- Exceptional violence
- Abnormally high tolerance of pain
- Bizarre behaviour – as if high on drugs

Distress or sudden collapse during restraint

- Sudden, abnormal passivity
- Noisy or laboured breathing
- Coughing or foaming from the mouth
- Face, lips, arms or legs becoming blue/purple or very pale

One or more of these signs will warn staff that they need to be particularly vigilant in monitoring the person's responses and be prepared to treat the incident as a medical emergency. Monitoring the person's breathing will also assist staff in judging whether the person is in need of urgent medical attention.