



The Orchard Vision: *Inspiring Success*
Values: *Determination, Courage, Respect*

The Orchard Infant School

Positive Handling Policy

2023

Introduction

The term 'Positive Handling' includes a wide range of supportive strategies for managing challenging behaviour. Included in this framework are a small number of responses which may involve the use of force to control or restrain a pupil. The term 'physical restraint' is used when force is used to overcome active resistance. A clear and consistent positive handling policy supports pupils who have social, emotional and behavioural difficulties within an ethos of mutual respect, care and safety.

Pupils with severe behavioural difficulties sometimes present a risk to themselves and others. Section 550A of the Education Act 1996 describes the circumstances in which teachers and others authorised by the headteacher may use reasonable force to control or restrain pupils.

Examples of when such action may be reasonable are:

- to prevent injury to people
- to prevent damage to property
- to prevent the breakdown of discipline

This policy details how we implement the guidance in this school. It should be considered alongside the most recent LA policy statements and recent local and national guidance. It is designed to help staff to ensure that any actions they take are reasonable, proportionate and absolutely necessary.

Positive Behaviour Management

All physical interventions at our school are conducted within a framework of positive behaviour management. The school behaviour policy is intended to reward effort and application, and encourage pupils to take responsibility for improving their own behaviour. Part of our preventative approach to risk reduction involves looking for early warning signs, learning and communicating any factors which may influence inappropriate behaviour and taking steps to divert behaviours leading towards foreseeable risk. Where appropriate, pupils are encouraged to participate in the development of their own Positive Handling Plans by focusing on positive alternatives and choices. Parents are also encouraged to contribute.

Legal framework

This policy has due regard to all relevant legislation including, but not limited to, the following:

- The Education Act 2011
- The Children Act 1989
- The Equality Act 2010

This policy has due regard to the following guidance:

- *Use of reasonable force* DfE (2013)
- *Working Together to Safeguard Children* DfE (2018)
- *Keeping children safe in education* DfE (2019)

This policy operates in conjunction with the following school policies:

- Allegations of Abuse against Staff Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Behaviour Policy

Roles and Responsibilities

The **governing body** is responsible for:

- Monitoring the overall implementation of this policy.
- Ensuring that this policy is reviewed every three years.
- Responding to any complaints, in liaison with the headteacher, from pupils or parents regarding the use of reasonable force.

The **headteacher** is responsible for:

- Ensuring all members of staff receive the appropriate training to use reasonable force.
- Ensuring all members of staff understand the correct conduct in terms of positive handling.
- Handling any allegations of abuse in line with the *Allegations of Abuse against Staff Policy*.
- Maintaining the Positive Handling Log.
- Ensuring that any member of staff who uses reasonable force completes the *Positive Handling Reporting Form*.
- Responding to any complaints, in liaison with the governing body, from pupils or parents regarding the use of reasonable force.

The **SENCO** is responsible for:

- Providing training to members of staff on how to handle pupils with SEN/D.

- Ensuring staff understand how pupils with SEN/D may react differently to reasonable force.
- Ensuring that staff understand the additional vulnerability of pupils with SEN/D or medical conditions, and how reasonable force principles may need to be adapted for them.
- Developing individual behaviour plans for more vulnerable pupils and ensuring teaching staff are aware of these.

Support Structures

Risk Assessment

Dynamic risk assessment is a routine part of life for staff working with pupils who may exhibit extreme behaviour. Staff need to think ahead to anticipate what might go wrong. If a proposed activity or course of action involves unacceptable risk, the correct decision is to do something else.

Factors which might influence a risk assessment made in response to an immediate and developing situation, and therefore a decision about how to intervene, might include the state of health and fitness of the staff member, their physical stature, competence, confidence and relationships with the pupils concerned. Confidence and competence are often related to the level of staff training. Other than in an emergency, staff should only attempt physical controls when they are confident that such action will result in a reduction of risk.

Individual Pupil Risk Assessments

Individual Pupil Risk Assessments should be prepared for all pupils who may exhibit extreme behaviour. They should be drawn up by the class teacher and/or 1:1 support worker, in conjunction with the SENCo and any other staff regularly involved in the child's care, and approved by the headteacher. If appropriate, the child should be involved in the process.

Positive Handling Plans

Risk management is regarded as an integral part of behaviour management planning. All pupils who have been identified as presenting a risk should have a Positive Handling Plan (see Appendix 2). The plan details any strategies which have been found to be effective for that individual, along with any particular responses which are not recommended. If particular physical techniques have been found to be effective they should be named, along with alerts to any which have proved ineffective or which caused problems in the past. Positive Handling Plans should be considered alongside any EHCP and any other planning documents which relate to the pupil. They should take account of age, sex, level of physical, emotional and intellectual development, special need and social context. Positive Handling Plans should result from multi-professional collaboration and be referred to in any Pastoral Support Plan or IEP.

Support

At this school the following support structures are in place:

- ISPs, Behaviour Support plans, Individual Pupil Risk Assessments and Positive Handling Plans are kept in the SEN folder on the school server (Staff Share) to ensure all relevant information about each pupil is available to all members of staff

working with them. They are also available as a written record in the SENCo's office. All staff working closely with a pupil who is the subject of such a plan/assessment will be given paper copies of relevant documents.

- Use of specific protocols/language to secure help from colleagues, including a change-over of staff during an incident with a pupil.
- Debrief sessions after an incident with the pupil involved, reflecting on how the incident was managed by all involved and identifying any points for review or learning.
- Yearly refresher meetings in strategies and techniques for key staff, and continuous review by SLT to inform these.

Alternatives to Physical Intervention

We will minimise the need to use reasonable force by:

- Creating a calm environment that minimises the risk of incidents that might require using force.
- Using Emotion coaching and Zones of Regulation approaches to teach pupils how to manage conflict and strong feelings.
- De-escalating incidents if they do arise – use of diversion, distraction and other strategies.
- Only using force when the risks involved in doing so are outweighed by the risks involved in not doing so.
- Completing Positive Handling Plans (see Appendix 2) and Individual Pupil Risk Assessments, thereby recording and improving our understanding of the pupil concerned and of known triggers.

Non-Physical Interventions

A member of staff who chooses not to make a physical intervention can still take effective action to reduce risk. They can:

- Show care and concern by acknowledging unacceptable behaviour and requesting alternatives using negotiation and reason.
- Give clear directions for pupils to stop.
- Remind them about rules and likely outcomes.
- Attempt to distract or divert the pupil.
- Remove an audience, or relocate vulnerable pupils to a safer place.
- Make the environment safer by moving furniture and removing objects which could be used as weapons.
- Ensure that colleagues know what is happening and get help.

Modifications to Environment

Staff should conduct risk assessments of those areas of the school in which pupils who are known to exhibit extreme behaviour may work, or be withdrawn to. In general, it is sensible to keep such environments clutter free; this may mean considering secure storage for a range of everyday objects when they are not being used (e.g. pointed implements) and the arrangement of furniture. Such considerations should also extend to the development of protocols to encourage angry pupils to take themselves to a designated safer place.

Help Protocols

The expectation at our school is that all staff should support one another; this means that staff should always offer help, and should always accept it. Offering help does not mean taking control of the situation, although at times this may be a suitable course of action; at others, it

may simply mean remaining nearby, fetching another staff member, or looking after someone else's group. Supporting a colleague does not only mean agreeing with their suggestions and offering sympathy when things go wrong; real support sometimes means acting as a critical friend to help colleagues become aware of possible alternative strategies.

Well Chosen Words

A well-chosen word can sometimes avert an escalating crisis. However, when pupils are becoming angry the only purpose in communicating with them is to prevent further escalation: it is sometimes better to say nothing, or to take the time to choose words carefully, than to say the wrong thing and provoke a further escalation (e.g. arguing with an angry child, telling them to calm down or pointing out what they have done can make things worse, depending on their emotional state).

The Use of Force

Key Points

Non-statutory guidance issued in 2013 states that:

- School staff have a legal power to use reasonable force, and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Suspension must not be an automatic response when a member of staff has been accused of using excessive force.
- Senior school leaders should support their staff when they use this power.

Staff authorisation to use force

- All staff who have control or charge of pupils (i.e. teachers, teaching assistants and mid-day assistants) automatically have the statutory power to use reasonable force.
- Staff whose jobs do not normally involve supervising pupils, and volunteers working with pupils, will acquire the statutory power to use force when authorised by the headteacher to be in control or charge of pupils, but unless circumstances dictate otherwise (e.g. when immediate intervention is required to ensure pupil safety) these categories of staff will defer to intervention by staff with permanent authorisation (as above).

Force may be used if:

- The potential consequences of not intervening are sufficiently serious to justify using force.
- The chances of achieving the desired result by other means are low.
- There is a greater risk associated with not using force than of using it.

Using Force

- We will use force only when other strategies (e.g. diversion) have proven ineffective.
- Our aim is to use only the minimum amount of force necessary, for the minimum amount of time, to prevent injury, damage to property or the breakdown of discipline.
- We will use force in accordance with recommended best practice (Team Teach).
- We will give a clear verbal warning to a pupil that force may have to be used.
- We will avoid any form of restraint that is likely to injure a pupil (e.g. constrict breathing) unless in extreme emergencies where there is no viable alternative.
- As far as possible, staff will not use force unless or until another responsible adult is present to support, observe and/or call for assistance. If there is an immediate risk of personal injury to the pupil concerned, other pupils and/or members of staff,

however, it may be necessary to act immediately and alone, but this situation should be avoided if at all possible through, for example, judging whether a situation is likely to escalate and seeking early support.

Proactive Use of Force

It is sometimes reasonable to use physical controls to prevent extreme behaviour from becoming dangerous provided that it is an agreed part of the Positive Handling Plan. Examples of this are where a pupil has shown ritual patterns of behaviour, which in the past have led to the child becoming more distressed and violent. In such circumstances it may be reasonable to withdraw the child to a safer place when the pattern of behaviour begins, rather than wait until the child is distressed and out of control. The paramount consideration is that the action is taken in the interest of the child and that it reduces, rather than increases, risk.

Reasonable and Proportionate

Any response to extreme behaviour should be reasonable and proportionate to the behaviour, and to the nature of the harm that might be caused. If staff feel they are becoming angry they should consider withdrawing to allow someone else to deal with the situation.

Unreasonable use of Force

It is not reasonable to use force simply to enforce compliance in circumstances where there is no risk. Nor is it reasonable to use any more force than is necessary to achieve a reduction in risk. Under no circumstances should pain be deliberately inflicted or should pupils be deliberately subjected to undignified or humiliating treatment (this should not be confused with the unavoidable discomfort associated with some approved techniques for disengaging from assaults such as bites and grabs). Other than as a one-off emergency measure to protect health and safety, force should never be used to keep a pupil secluded. Seclusion is only lawful by specific court order and cannot become part of a planned strategy.

Training and Record Keeping

Staff Training

- Whole school training will occur on a regular basis, facilitated by recognised providers
- New staff employed to sensitive positions (e.g. 1:1 support for a child with behavioural needs) will be trained in the appropriate use of force at the earliest opportunity, if they do not already possess suitable qualifications. Until such training has occurred, new staff should defer to trained staff if the use of force is required (unless the situation poses an immediate risk such that deferral would result in a breach of the duty of care).

Positive Touch Training

It is the policy of our school that all staff working closely with pupils with specific behavioural or emotional needs are trained in proactive and responsive positive handling strategies and techniques, to complement the behaviour management approaches and strategies reflected in the school's Behaviour Policy.

Record Keeping

Whenever force is used the incident must be recorded on CPOMS with correct categories selected. All staff involved in an incident should contribute to the record, which should be completed within 24 hours. See Appendix 3 for the details that need to be included in this report.

Staff should bear in mind that these records will be retained and must not be altered. They will be kept for many years and could form part of an investigation at some time in the future.

The records should not be completed until the individuals concerned have recovered from the immediate effects of the incident: they should not be rushed.

Reporting

Whenever an incident requiring the completion of a Positive Handling Reporting Form occurs, parents/carers must be informed at the earliest opportunity, and certainly within 24 hours of the incident occurring. Outside agencies may be informed if necessary.

Post Incident Support Structure for Pupils and Staff

Following a serious incident, support for all involved will be offered. Until the incident has subsided the main priority is to reduce risk and further de-escalate the situation. Staff should avoid saying or doing anything which could inflame the situation during the recovery phase.

Immediate action should be taken to ensure medical help is sought if there are any injuries which require more than basic first aid. All injuries should be reported and recorded using the school's systems. It is important to note that injury in itself is not evidence of malpractice. Even when staff attempt to do everything right, things can go wrong. Part of the post incident support for staff may involve a reminder of this.

Time needs to be found to repair relationships: when careful steps are taken, a serious incident does not necessarily result in long term damage. This is an opportunity for learning for all concerned. Time needs to be given to following up incidents so that pupils and staff have an opportunity to express their feelings, suggest alternative courses of action for the future and appreciate the perspective of others involved.

Staff should be debriefed to allow them time to reflect on the incident and their responses to it, to ascertain any need for further support (e.g. referral to Occupational Health), to determine any training needs, and to decide upon any modifications needed to pupil Positive Handling Plans and Risk Assessments.

Complaints

It is not uncommon for pupils to make allegations of inappropriate or excessive use of force following an incident - see Appendix 1 for specific guidance related to such complaints. The school has a Complaints Policy, which applies equally to staff. Any staff concerns regarding the welfare of children should be taken to the designated Safeguarding Lead, and any safety concerns reported to the Health and Safety manager (currently the Headteacher in both cases).

Monitoring and Evaluation

The DSL team will ensure that each incident is reviewed, and instigate further action as required.

References

Use of reasonable force (non-statutory guidance) DfE 2013 (reviewed 2015)

Section 550A of the Education Act 1996: The Use of Force to Control or Restrain Pupils

Appendix 1

Key extracts from DfE non-statutory guidance ‘Use of reasonable force’ 2013 (reviewed 2015)

When can reasonable force be used?

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- 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.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- remove disruptive children 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.

Schools cannot:

- use force as a punishment - it is always unlawful to use force as a punishment.

Complaints against the use of force

- All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.
- Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

- Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

Appendix 2 Positive Handling Plan

Name:

Date:

Trigger Behaviours: Describe common behaviours/situations which are known to have led to positive handling being required. When is such behaviour likely to occur?

Description of Behaviour: (what behaviour looks/sounds like).

Preferred Supportive & Intervention Strategies (Other ways of reducing behaviours, Strategies that where and when possible should be attempted prior to positive handling.

- | | | | |
|---------------------------|--------------------------|-----------------------------|--------------------------|
| Verbal advice and support | <input type="checkbox"/> | Distraction | <input type="checkbox"/> |
| Reassurance | <input type="checkbox"/> | Time out | <input type="checkbox"/> |
| CALM talking/stance | <input type="checkbox"/> | Withdrawal | <input type="checkbox"/> |
| Negotiation | <input type="checkbox"/> | Cool off (Directed/offered) | <input type="checkbox"/> |
| Choices/ Limits | <input type="checkbox"/> | Humour | <input type="checkbox"/> |
| Consequences/rewards | <input type="checkbox"/> | Change of Adult | <input type="checkbox"/> |
| Planned Ignoring | <input type="checkbox"/> | Success reminder | <input type="checkbox"/> |

Other;

Praise points/strengths – areas that can be developed and built upon.

- 1.
- 2.
- 3.

Medical Conditions that should be taken into account.

Preferred handling strategies (Describe preferred holds, number of staff and preferred staff if available, get outs for staff and student)

Debriefing process following incident. (Where, when and additional care to be provided)

Recording and notifications required; (parents, social care etc)

Review Date:

Parent/Guardian:

Signed:

Date:

School staff:

Signed:

Date:

Other Key factors to consider;

- **Behaviour difficulties**
- **Staff understanding of behaviour difficulties**
- **Preferred Behaviour**
- **Possible environmental changes**
- **Monitoring progress**
- **Help from parent/guardians**
- **Rewards**

Disruption to lesson/activity Hitting Spitting kicking
Head butting
Other (give details):

Pupil Response (describe what happened)

De-escalation Techniques Used

Verbal advice and support Reassurance Persuasion Distraction
Appropriate humour Change of staff Time out offered
Time out directed Planned ignoring Negotiation
Success reminder Consequence reminder Choices offered
Other (give details)

Post Incident

Details of Support/Repair/Reflection taken place with pupil and by whom (member of staff):

Pupil views on incident:

Medical Intervention:

Breathing/circulation checked during incident: Yes No
Checked by first aider: Yes No
Details:
Injury to Child: Yes No

Details (what and where):

Referred to GP: Yes (by who) No

Injuries to staff: Give details below

Reporting

Senior Manager informed:

Parent/Guardian informed: Phone Letter

Time: Date: by whom:

Parental Comment:

Other agencies informed: (give details)

Action taken as a result of the incident: (Consequences, resolution etc)

Staff Debrief

Date: by whom:

Action required:

Report compiler's signature:

Monitoring by Senior Manager

Was sufficient/appropriate de-escalation undertaken:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Were there grounds for use of physical control:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Were approved physical techniques used:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Has appropriate/sufficient post incident action been Taken, carried out:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Is record keeping complete and comprehensive:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Were all relevant people informed:	Yes <input type="checkbox"/>	No <input type="checkbox"/>
Were there any staff/student complaints about the Incident:	Yes <input type="checkbox"/>	No <input type="checkbox"/>

Other comments:

Signed:

Date: