



## **Positive Handling Policy**

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## **Introduction**

The policy has been developed in response to the following statutory guidance:-

- DCSF non-statutory guidance for “The Use of Force to Control or Restrain Child or young persons” 2008;
- Joint DfES and DoH “Guidance for Restrictive Physical Interventions” 2002;
- The British Institute of Learning Disabilities (BILD) document “Physical Interventions: A Policy Framework”;
- “Valuing People White Paper: A New Strategy for Learning Disability for the 21<sup>st</sup> Century”;
- DoH Guidance under Section 7 of the Local Authority and Social Services Act 1970;
- National Minimum Standards for Care Homes for Younger Adults and Adult Placements;
- Department of Health Children Act 1989 and 1993 Guidance on "Permissible Forms of Control in Children's Residential Care";
- Human Rights Act 1998;
- Disability Discrimination Act 1995 and the SEN and Disability Act 2001;
- The UN Convention on the Rights of the Child (entered into force 2.9.90);
- Care Standards Act 2000

It also follows the guidance within the Positive Handling Policy issued by Sunderland City Council and the DFE and Department of Health’s Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties.

The policy should be read in conjunction with other Trust policies relating to interactions between adults and pupils.

The policy has been prepared for the support of all teaching and support staff who come into contact with pupils and for volunteers working within the Trust to explain the Trust’s arrangements for the care and control of pupils presenting very challenging behaviour. Its contents are available to parents and pupils. A statement about the Trust’s Discipline and Behaviour policy is made to parents in the individual academy’s prospectus.

This statement includes information on the use of reasonable force to control or restrain pupils.

## **Purpose of policy**

Good personal and professional relationships between staff and pupils are vital to ensure good order in our Trust. It is recognised that the majority of pupils in our Trust respond positively to the discipline and control practised by staff. This ensures the well-being and safety of all pupils and staff in Inspire Multi Academy Trust. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of

reasonable force may be required. Inspire Multi Academy Trust acknowledges that physical techniques are only part of a Trust approach to behaviour management.

Every effort will be made to ensure that all staff in this Trust:-

- clearly understand this policy and their responsibilities in the context of their duty of care for taking appropriate measures where reasonable force is necessary and
- are provided with appropriate training to deal with these difficult situations.

### **Implications of the policy**

The Education and Inspection Act 2006 stipulates that reasonable force may be used to prevent a pupil from doing, or continuing to do, any of the following:-

- engaging in any behaviour prejudicial to maintaining good order and discipline at the Trust among any of its pupils, whether the behaviour occurs in a classroom during a teaching session or elsewhere within the Trust (this includes authorised out-of-Trust activities);
- self-injuring;
- causing injury to others;
- committing an offence;

Individual members of staff cannot be required to use physical restraint. However, teaching and non-teaching staff work in loco parentis and should always operate with an appropriate 'Duty of Care'; they could be liable for a claim of negligence if they fail to follow the guidance within this policy.

The application of any form of physical control places staff in a vulnerable situation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow the policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

Reasonable force will only be used as a last resort when all other behaviour management strategies have failed or when pupils, staff or property are at risk.

### **Definitions**

Reasonable force - No legal definition of reasonable force exists. However, for the purpose of this policy and the implementation of it in Inspire Multi Academy Trust:-

- positive handling uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming him/herself, others or property.
- the scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled, and the nature of the harm they might cause.

Physical contact - Situations in which proper physical contact occurs between staff and pupils, e.g. in the care of pupils with learning disabilities; in games/PE; to comfort pupils.

Physical intervention - This may be used to divert a pupil from a destructive or disruptive action, e.g. guiding or leading a pupil by the hand, arm or shoulder with little or no force.

Physical control/restraint - This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. It is important to note that the use of 'reasonable force' should be seen as a "last resort".

The level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint.

Physical intervention, control or restraint is not used as a punishment.

### **Underpinning values**

Everyone attending or working in this Trust 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 this Trust and their parents 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 Trust's policies;
- be informed about Trust rules, relevant policies and the expected conduct of all pupils and staff working in the Trust;
- be informed about the Trust's complaints procedure.

The Trust will ensure that pupils are given support to understand the need for and respond to clearly defined limits, which govern behaviour in the Trust.

### **Authorised staff**

In this Trust: all staff are authorised to use reasonable force within the context of The Education and Inspection Act 2006 – 'The use of reasonable force to control and restrain pupils'.

The Trust provides training for identified staff in Team Teach positive handling and the Headteacher retains a list of all those staff trained. The list is reviewed on an annual basis (or more frequently if the context requires it).

The Headteacher is responsible for making clear to whom such authorisation has been given (in what circumstances and settings they may use force and for what duration of time this authorisation will last).

The Headteacher will ensure that those authorised are aware of, and understand, what

the authorisation entails and that any force used is reasonable, proportionate and necessary.

Team-Teach techniques seek to avoid injury to the service user, 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 service user remains safe.

Those whom the Headteacher has not authorised will be told what steps to take in the case of an incident where control or restraint is needed.

### **Staff from the LA working within the Trust**

Support services will have their own policies for care and control of pupils. When working within the Trust, it is the Headteacher's responsibility to ensure that colleagues from support services are aware of the Trust policy and practice.

### **Training**

It will be the responsibility of the Headteacher to arrange suitable training. Training for all staff will be made available. No member of staff will be expected to undertake the use of reasonable force without appropriate training. Prior to the provision of training, guidance will be given on action to be taken. Arrangements will be made clear as part of the induction of staff and refresher training will be provided as part of on-going staff development.

Following a review of existing Trust practice(s), in consultation with governors/staff and the Local Authority, the Trust is committed to using recommended LA providers, in providing that this approach continues to adopt the British Institute for Learning Difficulties (BILD) Code of Practice on physical intervention, and has been or is working towards being accredited through the BILD Physical Interventions Accreditation Scheme.

Inspire Multi Academy Trust acknowledges that physical techniques are only a part of a whole setting approach to behaviour management. The governors of the Trust will ensure that:-

- the behaviour policy is reviewed as required, or at least every 2-years, taking account of any national or local guidance or case intelligence.
- training will be delivered on a needs-based approach and procedures are in place to monitor incidents, following a behavioural audit and implementation of appropriate risk management procedures;
- All training will include theory on at least the following:-
  - causes of challenging behaviour;
  - prevention strategies;
  - positive behaviour management;
  - de-escalation;
  - risk assessment;
  - behaviour support planning;
  - de-briefing following incidents.
- Physical techniques are not treated in isolation and the Trust is committed to

ensuring that, as a result of incidents, learning opportunities are created for children that allow them to 'own' and take responsibility for their behaviour.

## **Conclusion**

Procedures need to be in place to ensure that appropriate support is provided for staff and that following an incident pupil/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

All the techniques used take account of a young person's:-

- age;
- gender;
- level of physical, emotional and intellectual development;
- special needs;
- social context, and
- they provide a gradual, graded system of responses.

Where appropriate, Positive Handling Plans are written for individual children and, when appropriate, these will be designed through multi-professional collaboration. These should be used alongside a child's SEN Support Plan.

Where a child has additional needs or a diagnosis which can impact upon their behaviour, advice will be sought from all other professionals involved with the child. This information will be shared with appropriate staff and a manageable number of strategies implemented into any consequence/reward system, behaviour support plan or positive handling plan.

The school will invite all professionals involved with the child to a planning meeting, including parents, to discuss appropriate strategies of support. This will ensure that outside agencies are aware of the range of all professional advice given and any conflicting advice and opinions can be discussed before implementing strategies within the positive handling plan.

Parents will sign a copy of any positive handling plan and be given a copy for their own reference. Where a child lives between addresses, the school will ensure that both parents are informed, and receive a copy of a positive handling plan where possible. Any strategies implemented will be reviewed, evaluated and changed accordingly, in consultation with professionals and parents. Parents will be informed if any professional agency declines to attend planning meetings.

Risk assessments need to be completed against each child when it is anticipated that physical restraint may need to be used, in the context of identified target behaviour(s) and environments in which they occur. The assessment should identify the benefits and the risks associated with the strategies being proposed, with the strategies then incorporated into positive handling plans and support plans.

A record should be kept of any incident where physical intervention has been used. A member of the senior leadership team should always be informed as well as the parent of the child involved.

## Appendix 1

### Use of force to control or restrain pupils: incident record form (exemplar)

<b>Details of pupil or pupils on whom force was used by a member of staff (name, class).</b>
<b>Date, time and location of incident.</b>
<b>Names of staff involved (in directly or as witnesses).</b>
<b>Details of other pupils involved (directly or as witnesses), including whether any of the pupils involved were vulnerable for SEN, disability, medical or social reasons.</b>
<b>Description of incident by staff involved including any attempts to de-escalate and warnings given that force might be used.</b>
<b>Reasons for using force and a description of force used.</b>
<b>Any injury suffered by staff or pupils and any first-aid and/or medical attention required.</b>
<b>Reasons for making a record of the incident.</b>

<b>Follow-up, including post incident support and any disciplinary action taken against pupils.</b>	
<b>Any information about the incident shared with staff not involved in it and external agencies.</b>	
<b>When and how those with parental responsibility were informed about the accident and any views they have expressed.</b>	
<b>Has any complaint been lodged (details should not be recorded here)?</b>	
<b>Report compiled by:</b>	<b>Report countersigned by:</b>
<b>Name and role:</b>	<b>Name and role:</b>
<b>Signature:</b>	<b>Signature:</b>
<b>Date:</b>	<b>Date:</b>