



Newbottle and Charlton C.E. V.A. Primary School

*Every person matters, every moment counts ;
"I can do all this through him who gives me strength."*

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Positive Handling Policy

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Introduction

This policy sets out the school's expectations in relation to the use of positive handling and reasonable force in schools for all pupils including those with learning disabilities, autistic spectrum disorder and mental health difficulties.

Underpinning this policy are the beliefs that everyone has the 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 and their parents attending schools and other settings can expect:

- Individual consideration of pupils' needs by trained staff who have a responsibility for their learning and protection
- To be informed about the school or education settings rules, policies and the expected conduction of all pupils and staff

The policy recognises that schools and other settings have a duty of care towards their pupils and staff. It is therefore necessary and appropriate for schools and settings to proactively plan for challenging behaviour to prevent injury or damage.

The majority of staff have been trained in the Team Teach approach which is a holistic behaviour management response that aims to use de-escalation and behaviour strategies as a standard response to challenging behaviour. However it also incorporates restrictive positive handling techniques as the situation requires. This will never be used in isolation.

The policy is available to parents on request and on the school website.

Relationship to Other Policies

This policy should be read in conjunction with the Child Protection Policy and the Behaviour Policy.

The Legal Framework

(i). The Best Interest Principle

The welfare of the child shall be the paramount consideration. Paramount in this context means that it is the first thing people should think about and it should take precedence over every other consideration.

(ii). Duty of Care

The term "duty of care" is an important legal term. Anyone who is lawfully authorised to work with children, has a duty of care. Schools owe a duty of care to their pupils. "Negligence" involves a breach of that duty and has three main elements:

- Firstly, there must be a duty of care
- Secondly there must be a breach of that duty of care
- Thirdly there must be some ensuing damage or injury related to that breach

As the statutory power to use force is held by individual members of staff, no school should have a policy of no physical contact, because this could make staff feel deprived of that power or hinder their exercise of it. (EIA 2006)

Health & Safety legislation requires that employers also have a duty of care towards their employees. It would be negligent of an employer not to provide the time and resources for the appropriate level of training for their role/setting. It would also be negligent of an employee not to access training when it was offered, or to assess information, which was made available, though employees may choose to opt out of physical restraint training due to physical or medical issues, whilst still attending de-escalation training.

(vi). **Reasonable and Proportionate**

Common law hangs on the word “reasonable” in the context of physical interventions, yet it changes meaning according to the circumstances of each case. For example, an action taken in response to an attack with a baseball bat might be deemed reasonable by a court, whereas exactly the same action taken in response to a verbal assault would be judged to be excessive and unreasonable. What determines the reasonableness of a particular intervention is often governed by whether or not it was “proportionate”. The degree of force used should be the minimum to achieve the desired result. Good training provides techniques which rely on a combination of psychology and biomechanics to reduce the amount of force required. It is good practice for schools to have an explicit policy on the Use of Reasonable Force to control or restrain pupils.

(vii). **Absolutely Necessary**

There are times when those with a duty of care believe that they must take necessary action to protect the interests of the child. If they fail to take action and, as a result, negligently allow a child to come to harm, they could be liable for any damage which ensues. When people are honest in their attempts to do the right thing, they are said to be acting in “good faith”. Staff who act in good faith, in the best interests of those for whom they have a duty of care, deserve support.

(viii). **Lawful Defences**

Rather than focus on preventing staff from taking any action which could possibly result in accusations, which too often has resulted in staff not taking any action at all, we should focus on lawful defence. The clearest lawful justification is that the actions of staff are reasonable, proportionate and in the best interests of the young person. Under Human Rights legislation they should be “absolutely necessary”.

Health and Safety

If hazardous behaviour presents a significant risk of injury to people, there is a Health and Safety issue to be addressed. Hazardous behaviour should be regarded just as seriously as hazardous equipment. Dangerous occurrences should be reported to the person responsible for Health and Safety in the school/setting or service on behalf of the employer. Trade union safety representatives should also be informed.

When considering a pupil's behaviour staff should think about the following questions:

- Can we anticipate a Health and Safety risk related to this pupil's behaviour?
- Have we got all the information we need to conduct a risk assessment?
- Have we produced a written plan as a result?
- What further steps can we take to prevent dangerous behaviour from developing?

Formal Risk Assessments and Positive Handling Plans:

The school will assess the frequency and severity of incidents that require the use of force across the whole setting.

The use of individual risk assessments when pupil's challenging behaviour could be associated with:

- Communication impairments that make them less responsive or less able to communicate
- Physical and/or sensory impairment
- Conditions that may make the pupil more vulnerable e.g. epilepsy, brittle bone syndrome
- Requiring the use of equipment such as wheelchairs, breathing or feeding tubes

A positive handling plan clearly sets out the techniques that should be used and those that should not normally be used. The plan should also document situations that may provoke challenging behaviour and any successful preventative strategies. The plan should also document how physical intervention should be used appropriately. These plans should be developed and agreed by staff, parents and the pupil concerned wherever possible.

The document should be reviewed by the parents of the pupil and the pupil themselves if appropriate. It is also important to gain the consent of the parents in relation to the plan wherever possible, though it may be necessary to implement a Positive Handling Plan without parental consent.

Positive Behaviour Management:

Schools and settings must seek to reward effort and encourage pupils to take responsibility for improving their own behaviour, wherever possible. When incidents do

arise, alternatives to physical intervention requiring force must be used in the first instance.

Responding to unforeseen emergencies and the use of reasonable force: The use of restraint must always be a last response to challenging behaviour. De-escalation techniques that are appropriate to the pupil, set within a positive approach to behaviour, must always be used in the first instance. However, it is acknowledged that there may be a very small number of circumstances where reasonable force may be required.

The Principle of Last Resort

Staff will only use physical restraint when there is no other realistic alternative. This does not mean that we always expect people to methodically work their way through a series of failing strategies before attempting an intervention in which they have some confidence. Nor does it mean always waiting until the danger is acute and imminent, by which time the prospect of safely managing it may be significantly reduced. It does mean that staff should conduct a dynamic risk assessment and choose the safest alternative available. This includes thinking creatively about any alternatives to physical intervention which may be effective.

There is no legal definition about when it is reasonable to use force, it can only be deemed reasonable if circumstances warrant it and as such, the judgement can often be finely balanced. The Education and Inspection Act 2006 states that reasonable force may be used to prevent a pupil from doing or continuing to the following:

- Causing harm to themselves
- Committing a criminal offence
- Causing harm to another person
- Any behaviour that could be considered prejudicial to the maintenance of good order and discipline

Reasonable force could cover a broad range of actions. Force will usually involve action taken to control or restrain. 'Reasonable in the circumstances' means using no more force than is needed and the following factors should be considered:

- Being in the best interests of the pupil balanced against respecting the safety and dignity of all concerned, including other pupils or adults present
- Restraint must not be used as a form of punishment
- Techniques used to restrain or restrict the liberty of movement must be reasonable and proportionate to the circumstances, risk and seriousness of harm and be applied with the minimum level of force necessary by appropriately trained staff

Force must not be used to deliberately inflict pain or as a punishment, this would be considered an unreasonable use of force. Staff should not react in anger and if they feel that they are becoming angry, they must withdraw to allow someone else to deal with the situation.

Incident Reporting and Follow-up Actions:

When an incident involving the use of force has been used, this policy recommends that any incident is recorded as soon as practicable and within 24 hours of an incident taking place. All incident records must be stored securely. All incidents should be recorded securely as an agreed accurate action of events for all those involved- These will be recorded on the online platform called MYCONCERN after informing the headteacher.

The purpose of recording an incident is to ensure that policy guidelines have been followed, to inform parents/carers, to prevent the misunderstanding of an incident and provide a record for any future enquiry.

All staff working within a school or setting are aware of their whistle-blowing policy and how to use this to escalate concerns regarding the mis-use of restraint as necessary.

When a serious incident occurs, it can be upsetting for all involved and may result in injuries to children or staff. Immediate action must be taken to provide first aid for any injuries or medical attention sought for more serious injuries. Emotional support for children and staff will also be considered after the incident has occurred.

The Post Incident Support Structure for Pupils and Staff/Employees

Following a significant incident, the school will offer support to all involved. People take time to recover from a serious incident. Until the incident has subsided, the priority is to reduce risk and calm the situation down. 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 systems.

It is important to note that an 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 reminding them of this, as people tend to blame themselves when things go wrong. Time needs to be found to repair relationships. When careful steps are taken to repair relationships, 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. When time and effort are put into a post incident support structure the outcome of a serious incident can be learning, growth and strengthened relationships. Parents must be informed of any incidents as soon as it is

reasonably possible. After any serious incident, consideration must be given to meeting with parents to discuss the incident, review the child's positive handling plan (if they have one) and agree any subsequent actions to try to avoid any future incidents. This meeting may also be an opportunity to discuss whether multiagency partners should be involved in identifying follow up action.

Complaints:

Parents and pupils have the right to complain about actions that may be taken by school staff. If a specific allegation is made against a member of staff, then the school's policy on complaints will need to be followed.

Training:

The majority of staff trained in positive handling through the Level 1 Accreditation programme by Team Teach. Each staff member will be given a guideline booklet and there will be opportunities will be arranged for staff to practice their training between the main training session.