



# Positive Handling Policy

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**Responsible Person:** Heidi Lindle

## 1. Introduction

**Behaviour is always a form of communication.** Understanding that children are communicating through their behaviour gives adults the opportunity to respond differently. When children feel valued, respected and have their needs met, there is no longer a reason to use challenging behaviour to communicate. Punishing a child for a behaviour may stop the behaviour for the moment, but it does not give the child support or provide alternate ways to act in difficult situations. When adults help children find positive ways to communicate their needs to others, children learn important social and problemsolving skills that will help them throughout their life.

We are committed to a positive behaviour policy which encourages children to make positive behaviour choices. On rare occasions circumstances may result in a situation that requires some form of physical intervention by staff.

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;
- Parents/Carers will be informed on the day of the incident.

## 2. The purpose of this document

We believe everyone has a right to:

- Recognition of their unique identity and to be treated with respect
- Learn and work in a safe environment;
- Be protected from harm, violence, assault and acts of verbal abuse.

Pupils and their parents attending 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 school's policies;
- Be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school.

## 3. Managing challenging behaviour

We also recognise that there is a need, reflected in common law, to physically intervene when there is an obvious risk to the safety of children, staff and property. This applies both on and off setting sites. If used at all, the use of force to control or restrain pupils will be used in the context of a respectful, supportive relationship with the child in order to ensure minimal risk of injury to children and staff. It should never be acceptable for a member of staff to restrain a child by themselves – restraint means to hold back physically or to bring a pupil under control – if there is no other choice but to do so it should be for the shortest amount of time possible whilst waiting for help and assistance from other staff.

**4. The Legal Framework** Section 93 of the Education & Inspections Act 2006 allows 'teachers and other persons who are authorised by the Head Teacher who 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:

- Causing injury to his/herself or others;
- Committing an offence;

## 5. Our approach

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

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

Staff should be aware that when they are in charge of children during the school day, or during other supervised activities, they are acting in loco parentis and have a 'Duty of Care' to all children they are in charge of. They must, therefore, take reasonable action to ensure all pupils' safety and wellbeing.

Staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention. Staff should understand the importance of listening to and respecting children to create an environment that is calm and supportive, especially when dealing with children who may have emotional and behavioural needs, which may increase their aggression. All staff should understand the importance of responding to the feelings of the child, which lie beneath the behaviour, as well as the behaviour itself.

If a child is behaving disruptively or anti-socially, every non-physical strategy will be used to manage the behaviour positively to prevent a deterioration of the situation. Staff should view physical intervention with a child as a 'last resort' and for the purposes of maintaining a safe environment.

## 6. Use of physical restraint

Physical restraint should be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allows the pupil to regain self-control. It should never take a form which could be seen as punishment.

Staff are only authorised to use reasonable force in applying physical restraint, although there is no absolute definition of this. What constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied. Teachers should apply the training they receive to de-escalate (Team Teach) where possible then use the appropriate holds as practised in the training. However, as a general rule, only the force necessary to stop or prevent danger should be used, in accordance with the guidelines below.

Examples of situations where positive handling may be appropriate include:

- Child or young person attacks member of staff or another child; Child or young person is fighting;
- Child or young person is engaging in, or on the verge of, committing deliberate damage or vandalism to property;
- Child or young person is causing or at risk of causing injury or damage by accident, by rough play or by misuse of dangerous materials or objects;

**Refusal of a pupil to remain in a particular place is not enough on its own to justify force. It would be justifiable where allowing a pupil to leave would:**

- entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property

**The procedure for restrictive physical intervention set out below must always be followed:**

- Give the child clear warning. Offer an escape route from the situation, for example, through calming or following instructions;
- Once the restrictive physical intervention is judged necessary it should happen quickly, smoothly and confidently;
- Always remain calm and talk in a conciliatory tone. Ignore any abuse and let the high emotional state run its course;

- Once things begin to calm, it can be coupled with significant changes in restrictive physical intervention, this should be on staff terms, not when demanded by the child;
- The aim is to talk through the situation and discuss the behaviour that caused the whole episode;
- The extent of force used should be no more than necessary to control the situation.

## 7. Actions after an incident

Physical restraint often occurs in response to highly charged emotional situations and there is a clear need for debriefing after the incident, both for the staff involved and the pupil. The Head teacher should be informed of any incident as soon as possible and will take responsibility for making arrangements for debriefing once the situation has stabilised. An appropriate member of staff should always be involved in debriefing the pupil involved and any victims of the incident should be offered support. The parents/carers will be informed at the earliest possible opportunity.

- If the behaviour is part of an ongoing pattern it may be necessary to address the situation through the development of a behavioural support plan, which may include a therapy programme, or other strategies. This may require additional support from other services.
- All incidents should be recorded immediately, in the event of any future complaint or allegation. A copy should be filed in the child's appropriate file and may be used in order to inform individual and school risk assessments.
- A member of the leadership team will contact parents as soon as possible after an incident, normally on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

## 8. Arrangements for informing parents

- All parents/carers will be informed immediately after an incident where positive handling is used with a child. Parents/carers will need to be notified sensitively and to be made aware of the full circumstances.
- Parents/carers should be informed of the school's policy regarding positive handling and their behaviour policy.

## 9. Risk Assessments

If we become aware that a pupil is likely to behave in a disruptive and/or challenging way that may require the use of reasonable force, we will plan how to respond if the situation arises. Such planning will address:

- Strategies to be used prior to intervention;
- Ways of avoiding 'triggers' if these are known;
- Involvement of parents/carers to ensure that they are clear about the specific action the school might need to take;
- Briefing of staff to ensure they know exactly what action they should be taking;
- Identification of additional support that can be summoned if appropriate.

## 10. Complaints and Allegations

A clear restraint policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under the complaints disciplinary or allegation management procedures. It is our intention to inform all staff, pupils, parents and governors about these procedures and the context in which they apply.

## 11. Key Legal References

This Positive Handling guidance is written with reference to the following key legal concepts and documents:

- DfE Use of Reasonable Force Guidance
- Offences Against the Persons Act 1861 (concepts of Assault and Assault and Battery);
- Common Law concepts of false imprisonment and common law defence;
- DfE Circular 10/98;
- The Children Act 1989;
- DoH/DfES Joint Guidance on Physical Interventions 2002;
- The Education Act 1996;
- Education and Inspection Act 2006;

- Screening, searching and confiscation – advice for Headteachers, staff and governing bodies.
- Human Rights Act 1998;
- Disability Discrimination Act 1995;
- Health and Safety at Work Act 1974.