



Positive Handling Policy

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Approved by Chair _____

Review Date: September 2022

Positive Handling Policy

1. Policy Statement

It is recognised that the vast majority of pupils in our schools respond positively to our behaviour and conduct expectations. The well-being, welfare and safety of all pupils and staff at Shine Academies is of paramount importance.

It is acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required.

Shine Academies acknowledges that physical techniques are only part of a whole setting approach to behaviour management. Positive Handling 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. As a Trust we do not support the routine use of physical interventions.

All staff at Shine Academies understand that school cannot use force as a punishment; it is always unlawful to use force as a punishment.

Positive Handling uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming themselves, 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

Every effort will be made to ensure that all staff:

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

2. Definitions

No legal definition of “reasonable force” exists however for the purpose of this policy and the implementation of it in Shine Academies, the clarification provided in the DfE guidance document ‘use of reasonable force’, 2013 is used:

DfE guidance document, Use of reasonable force: advice for Head Teachers, Staff & Governing bodies July 2013 states:

- *Use of reasonable force covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.*
- *Force is usually used either to control or restrain, and that ‘reasonable’ force means using no more force than is necessary.*
- *An example of control would be leading a pupil to safety by the arm, while staff might use restraint to break up a fight between pupils who will not separate voluntarily.*
- *Any member of staff at the school has the power to use reasonable force. It can also apply to people whom the head teacher has temporarily put in charge of pupils, such as unpaid volunteers or parents accompanying students on a visit organised by the school.*

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.

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Members of staff may 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 stop a fight in the playground*
- *Restrain a pupil at risk of harming themselves through physical outbursts*

The guidance also emphasises that:

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

Though it is not a legal requirement to have a policy on the use of force, behaviour policies should set out the circumstances in which force might be used.

It is acknowledged that in extreme cases it may not always be possible to avoid injury as an accidental consequence of the intervention.

3. Different types of physical contact with pupils:

1. Physical Contact

Situations in which proper physical contact occurs between staff and pupil. Examples of where touching a pupil might be proper or necessary:

- holding the hand of the child at the front/back of the line when going to assembly or when together around the school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercise or techniques during PE lessons or sports coaching; and
- To give first aid.

2. Physical Intervention

This may be used to divert a pupil from a destructive or disruptive action, for example guiding or leading a pupil by the arm or shoulder where the pupil is compliant.

3. 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. All such incidents must be recorded and be stored in an accessible way. If at all possible, more than one member of staff should be present if physical restraint is necessitated. The level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint.

4. Strategies for Dealing with Challenging Behaviour and Escalating Situations

Staff consistently use positive strategies to encourage acceptable behaviour and good order, in line with the Shine Academies Discipline Policy. Every effort will be made to resolve conflicts positively.

Staff should be able to justify that strategies other than force have been attempted and proved ineffective or would have been impractical. Furthermore, staff should recognise that restraint is only a small part of a wider spectrum of positive framework that may include:

- use of space
- safe environments
- diversions
- calm stances and postures
- non- threatening facial expressions
- low tone, volume and pace in communication
- careful use of words
- physical reassurance and prompts.

Consideration of these strategies should be maintained during and after the need for physical contact. As soon as it is safe, any hold or restraint should be gradually relaxed to allow the pupil to regain self-control. The pupil should be informed about what will happen next and be offered reassurance and encouragement to remain calm. In this way the pupil will be more likely to see the restraint as an act of care.

5. Using physical force

All members of school staff have a legal power to use reasonable force. (Section 93, Education and Inspections Act 2006).

The 1996 Education Act (Section 550 A) stipulates that:

A member of the staff of a school may use, in relation to any pupil at the school, such force as is reasonable in the circumstances for the purpose of preventing the pupil from doing (or continuing to do) any of the following, namely—

(a) committing any offence,

(b) causing personal injury to, or damage to the property of, any person (including the pupil himself), or

(c) engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise.

This applies where a member of staff is on the school premises and elsewhere at a time when, as a member of school staff, that adult has lawful control of the children concerned, for example, on a school trip.

The decision on whether to physically intervene is down to the professional judgement of the adult concerned. Whether the force used is reasonable will always depend on the particular

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circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means *the degree of force used should be no more than is needed to achieve the desired result. (DfE guidance document 'use of reasonable force', 2013)*

Individual members of staff cannot be required to use physical restraint. However, as teaching and non-teaching staff work in 'loco parentis' and should always operate with an appropriate 'Duty of Care', it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty. (DfE guidance document 'use of reasonable force', 2013)

Forms of restraint that will **not** be used in Shine Academies are in line with advice provided by a panel of experts (Physical Control in care Medical Panel 2008), who identified that: *certain restraint techniques presented an unacceptable risk when used on children and young people.* The forms of restraint that will not be used within Shine Academies are:

- the '**seated double embrace**' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing
- the '**double basket-hold**' which involves holding a person's arms across their chest
- the '**nose distraction technique**' which involves a sharp upward jab under the nose.

6. Those authorised to administer physical restraint

Section 550A of the Education Act 1996 permits adults who have lawful charge or control of children to use reasonable force to control or restrain them. These include:

- Teachers
- Family support workers
- Teaching assistants
- Representatives from outside agencies
- Other adults who may be working with children either on school premises or accompanying them on out of school activities, e.g. during field trips or on school journeys.

Wherever possible, Physical Restraint should only be used by those with appropriate training. However, it is acknowledged this may not always be possible, and physical restraint may be used as an emergency measure by someone without appropriate training to ensure the safety of children in their care. Any Physical intervention should be conducted making reasonable adjustment for students with SEN or disabilities. In this instance, someone with appropriate training should be called for immediately.

6. Recording incidents

School keeps a record of all incidents where physical intervention involving the use of force against resistance from a child has been necessary (see Appendix 3). The record should be completed by the end of the working day on which the Incident took place. A member of the Leadership Team will be told at the earliest possible time after an incident. Parents will be contacted in-line with our Discipline Policy as a Consequence form will have also been completed. The adult involved may seek guidance from a senior colleague and/or their trade union representative before filling in their report.

A member of the Leadership Team will discuss the incident with any children or staff who were present using the Triangulation Sheets and, where appropriate, collect a written account from them. In line with our commitment to working with parents, we aim to maintain an open discussion during any relevant procedure that may follow an incident.

School will regularly review the number and type of incidents in which physical intervention and/or restraint has been necessary. This will be used to ensure that there is adherence to this policy and to identify improvement needed in other policies and procedures of the school.

7. Risk assessment

When it is likely that a child's behaviour may necessitate the use of physical intervention and/or restraint as one of the reactive strategies, a risk assessment must be carried out using the format in Appendix 5. Parents will be involved in the creation of the Risk Assessment.

8. Positive Handling Plan

When the SEND Support Plan (Please refer to the Inclusion Policy) and risk assessment indicate the likely need for school staff to hold or restrain a child to prevent an injury, the school should record this in a Positive Handling Plan (see Appendix 4), to which, Parents will be involved.. The information in the Positive Handling Plan will help to inform this plan which will outline:

- Who has been consulted about the plan?
- The type of physical intervention to be used.
- Which adults are authorised to use this intervention.
- Parental consent for the plan.
- Head of School authorisation for the plan.

The recommended format for a Positive Handling Plan is included in Appendix 5.

9. Sharing of information

All members of the school community should know of the existence of this policy. In principle, as few people as possible should know of any specific incident, and staff should maintain confidentiality to the greatest possible extent. This is to enable governors and staff involved in any consequence or complaint to do so without having acquired hearsay knowledge.

10. Monitoring Incidents Where Physical Restraint Is Used

The Family Liaison Team will monitor records of any incidents and feedback to the Head of School in order to:

- Identify any patterns of behaviour that resulted in the use of physical intervention.
- Review the levels of staff awareness of, and compliance with, the school policy.
- Inform staff training needs.
- Explore the relationship between the use of physical intervention and behaviour in school.
- Governor's Children, Families and Community sub-committee may monitor incidents where physical restraint is used.

11. Action after an Incident

The Head of School will ensure that each incident is reviewed, investigated and recorded as stated above. If further action is required, this will be pursued through the appropriate procedures, which may include:

- Child Protection Policy
- Dealing with Allegations against Staff Policy
- Behaviour and Attitudes Policy
- Local Authority Exclusion Procedure

12. Complaints

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them. Complaints following a dispute about the use of physical intervention by an adult should be pursued in accordance with the Complaints Policy.

This policy will be reviewed by governors annually unless there are changes within the Trust.

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APPENDIX 1: Advice for staff

At Shine Academies we believe that physical intervention and/or restraint should be the last resort. In the majority of cases de-escalation and diffusion are the appropriate methods of dealing with situations that might result in a threat to the health and safety of any individuals.

On extremely rare occasions it may be appropriate for staff to intervene physically with or between pupils. These include:

- Injury, or risk of injury, to another pupil
- Injury, or risk of injury, to a member of staff
- Serious damage to property
- Injury, or risk of injury, to the pupil themselves

General Advice

- Any intervention should be a last resort and be proportionate, reasonable and appropriate, and be done with the aim to reduce not provoke.

- All staff owe a duty of care to pupils. To take no action, where the outcome is that a pupil injures him/herself, or another, including staff, could be seen as negligence.

- Members of staff facing confrontational situations with pupils are reminded that the following behaviours can either reduce or inflame incidents, and that a brief moment of risk assessment may allow the time to decide on the appropriate action necessary.

- Staff are strongly advised **not** to physically stop pupils from leaving their room. They should give a clear choice and spell out consequences, but should never block a pupil's exit unless there is a risk of injury or the pupil is attempting to leave the school premises.

- Remain calm – the ability to try and remain calm and appear relaxed is less likely to provoke. A relaxed posture and a non-threatening (CALM) stance, i.e. not toe-to-toe, are recommended.

- Awareness of Space – try to be aware of the space around you and avoid stepping into another individual's personal/intimate space. Try to take a step back outside the circle of danger.

- Pacing and Chasing – angry people often pace around in tense situations and staff should try to avoid the temptation to follow as they attempt to help them calm down. This can be counter-productive as it may trigger an animal chase response and drive the other person away. Where possible it is preferable for the staff member to stand still, speaking calmly, clearly and confidently – or even sit down.

- Intonation - when people are anxious or angry they tend to talk faster, higher and more loudly. In a potential crisis situation staff need to deliberately speak slower, lower and more quietly

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When in a threatening situation:

- Connect with the child using the pupil's name
- Recognise the pupil's feelings
- Tell the pupil that you are there to help
- Tell the child 'you talk and I will listen'
- Give direction
- Keep a social distance
- Have a relaxed body posture
- Keep intermittent eye contact
- Keep your palms open
- Have a sideways stance

Think of the values of stepping back from a situation, both physically and emotionally:

- Allows a more considered response
- Time to make a 'dynamic' risk assessment and seek assistance
- Allows other person 'take up' time to make their own choices

Application of Force (DfES advice to schools 10/98)

Staff should **NOT** act in a way that might reasonably be expected to cause injury. This includes:

- Slapping, punching, kicking or tripping a pupil
- Twisting or forcing limbs against joints
- Indecently touching, holding or pulling a pupil by the hair or ear
- Other than in circumstances that are exceptional, using reasonable force to hold a pupil face down on the ground

In the event of a serious incident e.g. a fight, staff should:

- Make their presence felt – "stop fighting, stop fighting"
- Send for assistance
- Spell out sanctions
- Remove the 'fuel' by clearing the 'audience' away
- Be a witness
- Intervene physically if confident and having assessed the degree of risk

Do not ignore it or walk away!

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APPENDIX 2: Non-Physical crises intervention techniques

Do	Don't
appear calm and relaxed	appear afraid and unsure of yourself; appear bossy, arrogant; assume an "I don't give a damn about you" attitude
keep the pitch and volume of your voice down.	raise your voice
feel comfortable with the fact that you are in control (if you control yourself, you control the situation); project a calm assured feeling that you will see the situation through to peaceful end no matter what happens	appear to expect an attack (or you will have one)
talk with the pupil	give commands; make demands
be very matter of fact if the pupil becomes agitated; be sensitive and flexible; be flexible yet consistent; be aware of body language; monitor breathing (chest movements) which can telegraph aggressive responses	make threats (Especially any that you are not absolutely sure that you can carry through!); maintain continuous eye contact; gesticulate (this may provoke confrontation)
stay close to the pupil and attend to him/her	turn your back or leave; invade the pupil's personal space
be patient; if a pupils agitation increases to the verge of attack: * Acknowledge his/her feelings; * Continue with a matter of fact attitude; * Always leave the pupil an avenue of escape	display emotion; argue; corner the pupil physically or psychologically
where possible, remain seated as long as the pupil does; avoid crowding	get up and move towards the pupil
stay near him/her, about one arm's length away; stand to one side; give the pupil more space if appropriate	give up
seek to relax your muscles and keep them under control.	tense your muscles

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APPENDIX 3: Physical Intervention Incident Recording Form

Name of child:				Class:		Date:	
Gender:		Ethnicity:		Time of incident:		Location of incident:	
Names of staff involved:				Names of witnesses:			
Reason for intervention				External agencies informed: (Circle)			
				<ul style="list-style-type: none"> • Parent/ carer • Medical Staff • Police • Social Services • Other (please specify) 			
Description of behaviour displayed: (Circle)							
<ul style="list-style-type: none"> • Verbal abuse • Biting • Kicking • Clothes grabbing • Use of weapons (throwing) • Pushing 		<ul style="list-style-type: none"> • Slapping • Pinching • Hair grabbing • Body holds • Head butting • Disruption 			<ul style="list-style-type: none"> • Spitting • Punching • Neck grab • Arm grab • Self-harm • Damage to property 		
Who was at risk?							
Positive steps taken: (Circle)							
<ul style="list-style-type: none"> • Verbal advice • Clear Directions • Negotiations • Humour 		<ul style="list-style-type: none"> • Time out • Change of staff • Limited choice • Success reminders 			<ul style="list-style-type: none"> • Distraction • Planned ignoring • Consequences 		
Physical interventions used and its duration: (Circle)							

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Why was this the best action for the child?			
Detail any medical intervention that was undertaken:			
Injury to child:		Action taken:	
Injury to Staff:		Action taken:	
Injury to others:		Action taken:	
Action following the incident: (Circle)			
<ul style="list-style-type: none"> • DCPL informed and signed this record • SMT member informed and signed this record • Procedural / policy change • Child support 		<ul style="list-style-type: none"> • Parent/carer informed • Risk Assessment to be carried out/reviewed • Positive handling plan to be completed/ reviewed • Staff support 	
Completed by:		Role:	

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APPENDIX 4: Positive handling plan

Name of child:				Class:		Date:	
Gender:		Ethnicity:		SEND Code:		Review Date:	
Additional information: e.g. medical needs							
Identified behavioural triggers:							
Agreed supportive strategies: (including the identification of a Key Worker)							
Handling strategies to be used:							
Process of recovery:							
Records to be completed: Incident record, key events, medical book etc.							
Review of plan:							

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Agreed form of communication with parents:

Signatures:

Parent/Carer:..... **Date:**.....

Head of School:..... **Date:**.....

SENCo:..... **Date:**.....

Key Worker:..... **Date:**.....

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APPENDIX 5: Individual Risk Assessment for children with SEND and/ behavioural difficulties

Name of child:				Class:		Date:	
Gender:		Ethnicity:		SEND Code:		Review Date:	
Identifiable Risk:							
Assessment of risk:							
When does the risk occur:							
What actions are being taken to reduce the risk?							
What is the likeliness that the risk will occur?							
Low			Moderate			High	
If the risk arises, who is likely to get hurt?							
What injuries are likely to occur?							
How serious are the adverse outcomes likely to be?							
Mild			Moderate			Serious	
What actions will be taken to minimise risks?							

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What actions are being taken to minimise the risks?

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Signed:

Role:

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Date:

Copy to:

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