



Highgate Primary Academy

Positive Handling Policy

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Introduction

Highgate Primary Academy recognises that we have a legal and moral duty to promote the wellbeing of all our children, and protect them from harm regardless of their age. Our children have the right to feel safe in all situations and we agree that we have a responsibility to ensure that pupils in our Academy are safe, cared for and their welfare is upheld. At Highgate we are fully committed to our behaviour policy which encourages children to make good choices, however we do understand that pupils sometimes do make the wrong choices and occasionally this may result in a situation where staff need to physically intervene using positive handling skills in order to keep everyone safe.

Definition of positive handling and restraint and at Highgate Primary Academy

Physical positive handling and restraint is the positive application of force with the intention of protecting the child from harming themselves or others or seriously damaging property.

What is the purpose of this policy?

It is very rare for a positive handling restraint to be used at Highgate Primary Academy but occasionally situations arise when it proves necessary for an adult in the academy to use reasonable force (restraint) on a pupil. This policy describes the academy's approach towards the use of restraint.

General policy aims

Staff at Highgate Primary Academy recognises that the use of reasonable force is only one of the strategies available to secure the safety and the well-being of pupils. Positive handling of pupils is to be carried out **as a last resort** in a tiny minority of situations when other appropriate strategies have failed; it is also used to maintain good order and discipline within our Academy where a child is significantly disrupting or endangering the education and safety of themselves or others. We always aim to deal with behaviour using a positive approach and therefore our policy on restraint should be read in conjunction with our Behaviour Policy and Child Protection policy.

Specific aims of the restraint policy:

- To protect every person in the academy community from harm
- To protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful

- To provide adequate information and training for staff so that they are clear as to what constitutes appropriate behaviour and to enable them to acquire skills to manage conflict effectively and deal with violent or potentially volatile situations
- To encourage staff to Support each other during and after an incident has taken place
- To create an academy climate which is calm, orderly and supportive to minimise the risk and threat of violence
- Maintain and celebrate positive relationships between both staff and pupils
- To manage individual incidents well and recognise that situations can lead to challenging behaviour and these are often foreseeable

Who is authorised to use restraint?

All members of staff are authorised to use restraint but it is expected that the right will be exercised sparingly and only under the circumstances described in this policy.

When is it appropriate to use restraint?

It is important to use restraint in certain circumstances if other strategies have not worked (however, it is important to note that often decisions to use restraint have to be made very quickly and under pressure and so all other strategies may not have been used on every occasion). Staff will assess the circumstances of each case to make the best judgement whether or not to use force and what force to use; taking into account any pupils with Special Education Needs (SEN) and/or disabilities. Staff will aim to make the best judgement based on the following:

- The use of force outweighing the risks associated with not using force
- Potential consequences are more serious than the use of force
- Using any other means to achieve the desired result are low.

Examples of situations where it may be appropriate to use restraint are when:

- a pupil attacks a member of staff, or another pupil;
- pupils fighting;
- a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects;
- a pupil is running in a corridor in a way in which he/she might have or cause an accident likely to injure her/himself or others;
- a pupil absconding from a class or trying to leave academy;
- a pupil persistently refuses to obey an order to leave an area, putting themselves or others at risk;

- a pupil behaves in such a way that seriously disrupts a lesson;
- a pupil is behaving in a way that disrupts an academy event, trip or visit;
- a pupil is trying to leave the classroom and there is a risk to their safety or their behaviour may disrupt others;
- a pupil is at risk of harming themselves through physical outbursts

How do we avoid using restraint?

High expectations and rigorous behaviour procedures are evident and expected across the school. As part of our behaviour expectations, we see it as the responsibility of every staff member to get to know and have positive relationships with the children. This means that when a child needs additional behavioural support, staff can use de-escalation techniques where necessary and attempt to make interventions suitable for each individual child before a situation escalates to needing positive handling or restraint.

Positive handling plans (PHP)

These are plans drawn up between the academy and the parent of a child for whom restraint may need to be used. Behaviour triggers, de-escalation techniques and an agreed method of physical restraint are identified and agreed. All staff will have access to the positive handling plan for each identified child.

Why use restraint?

Physical restraint should avert danger by preventing or deflecting a child's action or perhaps by removing a physical object, which could be used to harm him / herself or others. It is only likely to be needed if a child appears to be unable to exercise self-control of emotions and behaviour. 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 Academy's behaviour guidance, particularly in dealing with disruptive behaviour. Staff should be aware that when they are in charge of children during the academy day, or during other supervised activities, they are acting in loco parentis and should, therefore, take reasonable action to ensure pupils' safety and well-being. Failure to physically restrain a pupil who is subsequently injured or injures another, could, in certain circumstances, lead to an accusation of negligence. At the same time staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention.

Alternative strategies

There are some situations in which the need for physical restraint is immediate and where there are no equally effective alternatives (e.g. is a pupil is about to run across a road). However, in many circumstances there are alternatives e.g. use of assertiveness skills such as:

- Repetition of an instruction until the pupil complies
- Use of a distracter, such as shouting loudly or a loud whistle, to interrupt the behaviour (such as a fight) long enough for other methods of verbal control to be effective
- Transfer of adult
- Success reminders and positive reassurance
- Appropriate behaviour reminder
- Other techniques designed to defuse the situation, such as planned ignoring and the avoidance of confrontation, or use of humour (in these cases the incident can be dealt with later when emotions are no longer running high)

Use of physical restraint

Staff are only authorised to use reasonable force in applying physical restraint, although there is no absolute definition of this, as what constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied. However, as a general rule, only the force necessary to stop or prevent the behaviour should be used, in accordance with the guidelines below. There are some forms of physical intervention, which may involve minimal physical contact, such as blocking a pupil's path or the staff member physically interposing him or herself between the pupil and another pupil or object. However, in some circumstances, direct physical contact may be necessary. In all circumstances other methods should be used if appropriate or effective. Physical restraint should be a last resort. When physical restraint becomes necessary:

Staff will:

- Communicate to the pupil (where possible) that they may need to be positively handled if their behaviour becomes disruptive or unsafe when a situation arises
- Use non-threatening verbal and body language, ensuring the pupil can see a way out of a situation
- Talk to the pupil in a calm and controlled manner throughout the incident
- Explain to the pupil that they need to stop the unwanted behaviour and if they fail to do this there may be consequences that follow
- Use quiet areas which are not in view of bystanders and send other pupils away, so that everyone is safe and to maintain dignity for the pupil being positively handled
- If a pupil needs physical intervention explain to them what you are doing and why (e.g. to stop them harming themselves or damaging property)
- Try and talk to the pupil throughout the incident

- If necessary explain to the pupil why they are being positively handled e.g. to stop them self-harming, hurting others or to avoid property damage
- Use the minimum force necessary to achieve the desired result
- Tell the pupil what s/he must do for you to remove the restraint (this may need frequent repetition)
- Use simple and clear language
- Hold limbs above a major joint if possible e.g. above the elbow
- Relax your restraint in response to the pupil's compliance
- Preserve the safety and dignity of all concerned
- Record e.g. relevant paperwork and report incidents to the Head teacher and Designated Lead for Safeguarding (if they have not been involved) as soon as possible and also inform parents of each incident
- Take into consideration the pupils own strength, body weight and gender
- Where ever possible only use force if another member of staff or responsible adult is present to support, observe and offer assistance
- Always ask for help and support if it is needed

Staff will never:

- Act in temper
- Involve themselves in a prolonged verbal exchange with the pupil
- Attempt to reason with the pupil
- Involve other pupils in the restraint
- Touch or hold the pupil in inappropriate areas
- Twist or force limbs back against a joint
- Bend fingers or pull hair
- Hold the pupil in a way which will restrict blood flow or breathing
- Hit, kick or trip up the pupil
- Use physical intervention as a threat or punishment

Types of positive force to be used include:

- Guiding a pupil by the hand or arm
- Escorting a pupil away from conflict or unsafe situations
- Standing between pupils to make it safe for all concerned and to stop situations from escalating
- Obstructing a pupils route if they are at risk of harming themselves or others

More extreme cases may require restrictive holds e.g. Seated hold, Single Elbow and staff will have had training on how to use these particular holds before they apply them in order to keep everyone safe.

What the Law Says

1. Section 93 of the Education and Inspections Act 2006 enables academy staff to use reasonable force to prevent a pupil from:

- a) Committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b) Causing personal injury or damage to property;
- c) Prejudicing the maintenance of good order and discipline at the academy or among any pupils receiving education at the academy, whether during a teaching session or otherwise:

2. The staff to which this power applies are:

- a) Any member of staff at the academy;
- b) Any other person whom the headteacher has authorised to have control or charge of pupils. This can also include people to whom the headteacher has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on academy organised visits), this does not include any pupils. The power may be used where the pupil (including a pupil from another academy) is on the academy premises or elsewhere in the lawful control or charge of the staff member (for example on a academy visit).

3. The law states that there is no definition of “reasonable force”. Whether the force used is reasonable will always depend on the circumstances of individual cases. Deciding on whether the use of force is justified will depend part upon the context in which the misbehaviour takes place. The test is whether the force used is proportionate to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour.

4. The statutory power conferred by section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence or to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils. Section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of academy discipline regardless of whether that behaviour would also constitute a criminal offence.

5. Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006 (and re-enacted by section 242 of the ASCL Act 2009), to search pupils without their consent for weapons. This search power may be exercised by head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force may be used by the searcher. Where resistance is expected academy staff may judge it more appropriate to call the police or if they have one, their Safer Academy Partnership (SSP) officer.

6. It is unlawful to use force as a punishment. This is because it would fall between the definition of corporal punishment, abolished by section 548 of the Education Act 1996.

Staff training on physical restraint

Most members of staff have attended training on restraint, through Team Teach which is approved by Ofsted and the British Institute of Learning Difficulties (BILD). Team Teach isn't just about physical intervention, but it also provides a framework to equip academies with attitudes, skills and knowledge to facilitate environments that are free from fear and safe from harm. Through the Team Teach programme staff are encouraged to assess, look and listen for opportunities to divert or de-escalated situations before physical intervention is needed. As well as the physical techniques staff also undertake training on how to use different de-escalation strategies and they are able to obtain advice on how to improve their own behaviour management skills

Restraint training will be offered to all staff on a rolling programme and on-going support will also be provided. Staff will maintain good levels of communication and share information on a need to know basis. Staff will be kept informed about pupils who could present a risk to themselves or others and then advised on how best to deal with pupils or situations which may arise, in order to minimise the highest risks involved (e.g. by calling the police if a pupil is suspected of having a weapon seems likely to resist search).

Actions after an incident

Physical restraint often occurs in response to highly charged emotional situations and there is a clear need for a non-blaming and supportive debriefing process after the incident, both for

the staff and pupil. This gives everyone involved the opportunity to explore thoughts and feelings during and after the incident. Arrangements for debriefing should be made as soon as the situation has stabilised and this is also a good opportunity for any restorative work to take place. An appropriate member of staff, usually a teacher, a member of the pastoral care team or a senior leader, should always be involved in debriefing the pupil involved. Any victims of the incident should also be offered support, and their parents informed. If the behaviour is part of an on-going pattern it may be necessary to address the situation through the development of a behavioural IEP, which may include an anger management programme, or other strategies agreed by the SENCO, teacher or pastoral care staff. It is good practice for staff to discuss and reflect upon the incident afterwards, it is also helpful to consider the circumstances precipitating the incident to explore ways in which future incidents can be avoided. All staff at Highgate Primary Academy are encouraged to support, guide, reassure and offer advice.

Recording and reporting of incidents

All incidents should be recorded immediately by the member/s of staff involved in the incident on a Pupil Restraint Form (Significant Incident Report-SIR) which is available from the pastoral care team and then this will be recorded in the Bound and Numbered Book to ensure best recording practices. All sections of this report should be completed and handed to the Head teacher or Designated Lead for Safeguarding (if they have not been involved) so that in the event of any future complaint a full record is available. All records will be treated confidentially and dealt with in accordance with the Data Protection Act 1998. 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.

Staff will take into account the following when deciding whether or not to report an incident:

- a) If the child was very distressed;
- b) If the use of a restraint technique is significant;
- c) If substantial force was used (e.g. physically pushing a child; out of a room) would be significant; An incident where reasonable use of force is used on a pupil would always be significant.
- d) If the reporting of a significant incident to parents will result in significant harm to the pupil. In this instance the incident will be reported to the relevant service within the local authority such as Social Care. Section 246 of the Apprenticeships, Skills Children and Learning Act 2009 requires that governing bodies must ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a pupil and reporting each such incident to each parent of the pupil as soon as practicable after the

incident. This is to ensure that parents are kept informed of serious events at the academy involving their child. It also provides a level of transparency to avoid spurious or malicious allegations when use of force has been initiated.

The current guidance states that it is good practice to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to academies to decide whether it is appropriate to report the use of force to parents.

Risk Assessments

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

- Management of the pupil (e.g. reactive strategies to de-escalate a conflict, holds to be used if necessary)
- Involvement of parents to ensure that they are clear about the specific action the academy might need to take
- Briefing of staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance)
- Identification of additional support that can be summoned if appropriate

Complaints

All complaints that the academy receives will be taken seriously and all matters will be dealt with in line with the Academy's Complaints Policy. A clear restraint policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents and a copy is available for perusal.

Where an allegation is made that a member of staff has used force inappropriately or unlawfully, the Academy will follow the allegations to staff procedure. This means that the Head teacher will inform the Local Authorities Designated Officer (LADO) on the same day that the allegation is made.

Monitoring and reviewing

This policy will be monitored and reviewed on an annual basis, or in the event of national and local developments. The senior leadership team and Astrea Trust Members will ensure that staff are trained on a regular basis and any recommendations for developments through post incident support are considered.

Reviewed September 2019

To be reviewed September 2020

Relevant Documentation

Government Guidance

Guidance on the use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)

<http://www.education.gov.uk/childrenandyoungpeople/sen/sen/types/cneeds/a0013105/guidanceon=the-use-of-restrictive-physical-interventions>

Link to searching Guidance

<http://www.education.gov.uk/academys/pupilsupport/behaviour/f0076897/screening>

Ministry of Justice advice on self defence (when published) and Home Office PACE codes.

<http://www.homeoffice.gov.uk/publications/police/operationalpolicing/pacecodes/?view=Standard&pubID=810826>

Education and Inspections Act 2006

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

Academy Policies

The Behaviour Policy

The Complaints Policy

Safeguarding Policy



SIGNIFICANT INCIDENT REPORT

Section A

Log Number:			
Name of Service User:		Year Group:	
Date of Incident:	Time:	Location:	
Name of Staff Members Involved:		Names of any Witnesses:	

Reason for Intervention			
Danger to self		Danger to others	
Severe damage to property		Severe disruption to other pupils	
Describe Lead up to Incident:			

De-escalation techniques used & effectiveness rating (1 = not effective, 5 = very effective)			
Verbal advice & support		C.A.L.M. talking	
Distraction		Options offered*	
Time out offered		Planned ignoring	
Time out directed		Success reminded	
Transfer adult		Contingent touch	
Choices, limits & consequences		Persuasion	
Reassurance		Step away	
Appropriate behaviour reminder		Negotiation	
Praise points		Take up time*	
Other*		Please specify	

Details of incident: * include relevant details and learning points
Witness signatures:

Section B (to be completed if physical intervention used)

Physical intervention used & effectiveness rating (1 = not effective, 5 = every effective)			
Guided escort		Friendly hold	
Seated hold		Describe hold:* use extra sheet if necessary	

Breathing monitored		Number of staff involved	
Duration of physical intervention			

Section C (medical intervention)

Injury suffered by child	Yes/No	Please complete HS2 (NE) form (blue) and attach copy*
Treatment required	Yes/No	
Injury suffered by staff	Yes/No	Please complete HS2 (V) form (green) and attach copy*
Treatment required	Yes/No	
Injury suffered by others	Yes/No	Please complete HS2 (NE) form (blue) and attach copy*
Treatment required	Yes/No	

**please complete incident log in all cases and accident log where applicable*

Action Taken					
Return to class		Restorative Justice		Referred to police	
Time-out room		Withdrawal room		Contacted home	
Other		Please specify:			

Potential refer to other service		Potential CAF	
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Section D (follow up)

Pupil's points of view <i>(Essential)</i>
Pupil's behaviour target (amend IEP) <i>(If applicable)</i>

Section E (Safeguarding Officer's check list – please tick)

	Tick ✓
Incident/accident log book completed	
Serious incident form checked	
Barnsley MBC forms checked and dispatched	
Letter sent to parents	
Staff debriefed	

Action taken by Safeguarding Officer:	
Safeguarding Officer's signature:	Date: