

FEDERATION OF ST. NICHOLAS C OF E MIDDLE SCHOOL, PINVIN, AND
PINVIN C OF E FIRST SCHOOL



POSITIVE HANDLING POLICY

SC17

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Chair of Governor's signature.....

Headteacher's signature.....

CARE AND CONTROL (POSITIVE HANDLING) POLICY

The care and control policy operates in conjunction with other policies including those for, safeguarding, and positive behaviour. The reference to Headteacher throughout this document is related to our Executive Headteacher.

Introduction

This policy has been developed in response to Worcestershire LA Circular 10/98 "The Use of Force to Control or Restrain Pupils", issued following the enactment of Section 550A of the 1996 Education Act and follows the guidance for 'The Use of Reasonable Force to Control or Restrain Pupils' issued by Worcestershire Children's Services (Achievement and Access) Service.

This policy has been prepared for the support of all teaching and support staff who come into contact with students and for volunteers working within the Federation to explain the Federation's arrangements for care and control.

Purpose of policy

Good personal and professional relationships between staff and students are vital to ensure good order in the Federation. It is recognised that the majority of students in our Federation respond positively to the positive behaviour policy, instructions and control practised by staff. This ensures the well-being and safety of all students and staff. 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. We acknowledge that physical techniques are only part of the wider strategies of behaviour management (See [Positive Behaviour Policy]).

Every effort is made to ensure that all staff 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 are provided with appropriate training to deal with these difficult situations.

Implications of the policy

The 1996 Education Act (Section 550 A) stipulates that reasonable force may be used to prevent a student from doing, or continuing to do any of the following:

- Engaging in any behaviour prejudicial to maintaining good order and discipline at the Federation or among any of its students, whether the behaviour occurs in a classroom during a teaching session or elsewhere within the Federation (this includes authorised extra-curricular 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', and 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 students, staff or property are at risk.

Definitions

Positive Handling

No legal definition of reasonable force exists however for the purpose of this policy and for its implementation, the following definitions are used:

- Positive Handling uses the minimum degree of force necessary for the shortest period of time to prevent a student harming himself, 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 students, e.g.: in the care of students with learning disabilities/needs; in games/PE; to comfort students.

Physical Intervention

An intervention that may be used, for example, to guide or lead a student by the hand, arm or shoulder with little or no force.

Positive Physical Intervention

This will involve the use of reasonable force when there is an immediate risk to students, staff or property. It is important to note that the use of 'reasonable force' should be seen as a last resort. All such incidents are recorded.

The level of compliance from the student, determines whether or not the interaction is an intervention or a method of physical control.

Underpinning values

Everyone attending or working in the Pinvin Federation 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.

Students attending the Pinvin Federation and their parents/carers have a right to:

- Individual consideration of needs by the staff who have responsibility for their care and protection;
- Expect staff to undertake their duties and responsibilities in accordance with the Federation's policies;
- Be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in the Federation;
- Be informed about the Federation's complaints procedure.

The Federation will ensure that pupils are given support to understand the need for and respond to clearly defined limits, which govern behaviour in the school. Behaviour and our approach to behaviour is clearly defined within the Positive Behaviour Policy.

Authorised staff

It is the Headteacher's responsibility to authorise named staff to use reasonable positive physical interventions with students within the context of Circular 10/98.

The Federation provides training for all staff authorised by the Headteacher and retains a list of all those staff trained and authorised. The list is reviewed on an annual basis (or more frequently if the context requires it). The training is through Team Teach who are accredited through the Institute of Conflict Management. Authorisation is **not** given to volunteers, students or parents.

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 ensures that those authorised are aware of, and understand, what the authorisation entails. Those whom the Headteacher has not authorised are told what steps to take in the case of an incident where positive physical intervention with a pupil is required. All teaching and non-teaching staff should be made aware on a termly basis those teachers who have authorisation to positively handle.

Staff from the LA working within the school

Support Services have their own policies for care and control of pupils. When working within an academy it is the Headteacher's responsibility to ensure that colleagues from Support Services are aware of the academy's policy and practice.

Training

The Headteacher is responsible for arranging suitable training. No member of staff is expected to undertake the use of positive physical intervention without appropriate training. Where staff have not received appropriate training, guidance is given on action to be taken in a situation which may require physical intervention. Arrangements are made clear as part of the induction of staff, and training is provided as part of on-going staff development.

The Pinvin Federation is committed to using the Team Teach training, which is the recognised 'best practice' model of Positive Handling strategies within WCC providing this approach continues to adopt the BILD Code of Practice on physical intervention. The Federation acknowledges that physical techniques are only a part of a whole setting approach to behaviour management.

The governors of the Federation are committed to working within the LA's framework for accessing training in that:

1. It reviews its Positive Behaviour Policy annually
2. Training is delivered on a needs based approach and procedures are in place to monitor incidents,
3. All training includes theory on at least the following:
 - De-escalation
 - Causes of challenging behaviour
 - Prevention strategies
 - Positive behaviour management
 - Risk Assessment
 - Behaviour Support Planning
 - De-brief following incidents

Physical techniques are not treated in isolation and the Federation is committed to ensuring that as a result of incidents learning opportunities are created for students that allow them to 'own' and take responsibility for their behaviour.

In addition, procedures are also in place to ensure that appropriate support is provided for staff and that following an incident student/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

All the techniques used take account of students':

- Age,
- Gender,
- Level of physical, emotional and intellectual development,
- Special needs,
- Social context.

Also, they provide a gradual, graded system of responses.

Where appropriate, Positive Handling Plans are written for individual students and where applicable these are in addition to any Pastoral Support Plans/IEPs. In such cases, risk assessments are completed against each student when positive handling strategies may need to be used, in the context of the identified target behaviour(s) and environments in which they occur. The assessment identifies the benefits and the risks associated with the strategies being proposed.

Strategies for dealing with challenging behaviour

As endorsed in the Federation's behaviour policy, staff consistently use positive strategies to encourage acceptable behaviour and good order.

Every effort is made to resolve conflicts positively and without harm to students or staff, property, buildings or the environment. Where unacceptable behaviour threatens good order and discipline and provokes intervention, some or all of the following approaches are taken according to the circumstances of the incident and in association with Circular 10/98. Verbal acknowledgement of unacceptable behaviour with request for the student to refrain; (this includes negotiation, care and concern)

Further verbal reprimand stating:

- That this is the second request for compliance;
- An explanation of why observed behaviour is unacceptable;
- An explanation of what will happen if the unacceptable behaviour continues.
- Warning of intention to intervene physically and that this will cease when the student complies (if possible assistance will be sort using the school's behaviour response mechanisms).
- Physical intervention: reasonable force being used to prevent a student harming him or herself, others or property.

Types of Incident

The incidents described in Circular 10/98 fall into three broad categories:

- Where action is necessary, in self-defence or because there is an imminent risk of injury.
- Where there is a developing risk of injury, or significant damage to property.
- Where a student is behaving in a way that is compromising good order or discipline.

Examples of situations that fall within one of these categories: -

- A student attacks a member of staff, or another student;
- Students are fighting;
- A student is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;

- A student is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- A student is placing themselves at risk of harm

Acceptable measures of physical intervention

The Federation has systems for managing and reviewing the following:

- Strategies for preventing the occurrence of behaviours that precipitate the use of a physical intervention.
- Strategies for 'de-escalation' or 'de-fusion' that can avert the need for a physical intervention.
- Procedures for post incident support and de-briefing for staff, children, service users and their families.
- The concept of reasonable force where 'reasonableness' is determined with reference to all the circumstances, including:
 1. The seriousness of the incident;
 2. The relative risks arising from using a physical intervention compared with using other strategies
 3. The age, cultural background, gender, stature and medical history of the student or service user concerned
 4. The application of gradually increasing or decreasing levels of force in response to the student's behaviour
 5. The approach to risk assessment and risk management employed
 6. The distinction between:
 - **seclusion** where a student is forced to spend time alone against his/her will in a room which they cannot leave
 - **time out** which involves restricting the student access to all positive reinforcements as part of the behavioural programme;
 - **withdrawal** which involves removing the student from a situation which causes anxiety or distress to a location where s/he can be continuously observed and supported until s/he is ready to resume usual activities.
 7. The distinction between **planned** physical interventions (where incidents are foreseeable in that they have occurred previously and a response planned following a risk assessment) and the use of physical interventions in **emergency** situations (which cannot reasonably be anticipated)
 8. First aid procedures to be employed and those responsible for implementation in the event of an injury or physical distress arising as a result of a physical intervention
 9. **Unacceptable** practices that might expose service users or staff to foreseeable risk of injury or psychological distress.

Recording

Where positive handling strategies and/or physical control have been used a record of the incident is kept in the Federation Bound and Numbered Book. This is a hard-backed book, with numbered pages, retained by the Headteacher. The Bound and Numbered Book is completed as soon as possible after the incident, normally prior to staff going off duty and be signed by all staff involved and the Headteacher. This is then countersigned on a half-termly basis by the Safeguarding governor.

A Health and Safety Accident/Incident Form (RIDDOR) is completed and returned to the Local Authority in situations where injury has occurred to either members of staff or students. Where staff have been involved in an incident involving Positive Physical Intervention with students' access is made available to counselling and support.

Monitoring incidents

Whenever a member of staff has occasion to use positive physical intervention, this will always be recorded and documented following agreed procedures. Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Headteacher to the needs of any pupil(s) whose behaviour may require the use of a Positive Handling Plan and further positive handling strategies.

Monitoring of incidents will take place on a half-termly basis by the Safeguarding governor. The Headteacher reports all incidents of positive handling (anonymised) to the School and Community Committee and the Full Governing Body.

Action after an incident

The Headteacher will ensure that each incident is reviewed and investigated further, as required. If further action is required in relation to a member of staff or a student, this will be pursued through the appropriate procedure:

- Review of Behaviour Programme
- Child Protection Procedure (this may involve investigations by Police and/or Social Services)
- Staff or student Disciplinary Procedure
- Positive Behaviour Policy
- Exclusions Procedure in the case of violence or assault against a member of staff

The member of staff will be kept informed of any action taken.

In the case of any action concerning a member of staff, s/he will be advised to seek advice from his/her professional association/union.

Complaints

It is intended that this policy should reduce the likelihood of complaints but may not eliminate them.

Any complaints about staff will be investigated through the Federation's Complaints Policy. If necessary, the complaint will be dealt with by the Staff Disciplinary Procedures and/or Safeguarding Procedures