

# Astley Primary School

## Positive Handling Policy

### Policy Statement

Staff at this school are trained to look after the children in their care. Staff have a duty to intervene in order to prevent children from hurting themselves or others. There may also be situations in which a child seriously disrupts good order in the school or causes damage to property. If a member of staff ever needs to intervene physically they will follow the school's Positive Handling Policy. Any parents wishing to view this policy may do so on request.

### Norfolk Steps

It is the policy of Astley that all staff working closely with children are trained in the pre-emptive and responsive positive handling strategies and techniques of „Steps“, to complement the behaviour management approaches and strategies reflected in the School Behaviour Policy.

### Introduction

The term Positive Handling includes a wide range of supportive strategies for managing challenging behaviour. Included in this framework are a small number of responses which may involve the use of force to control or restrain a pupil. The term „physical restraint“ is used when force is used to overcome active resistance. These are referred to as „Restrictive Physical Interventions“ in national Guidance (DfES/DoH 2002). A clear and consistent positive handling policy supports children who have social, emotional and behavioural difficulties within an ethos of mutual respect, care and safety.

Children with severe behavioural difficulties sometimes present a risk to themselves and others. Section 549 of the Education Act 1996 (Appended) describes the circumstances in which teachers and others authorised by the Headteacher may use reasonable force to control or restrain children. Examples of when such action may be reasonable are to prevent injury to people, damage to property or the breakdown of discipline.

This policy details how we implement the guidance in this school. It should be considered alongside the most recent LEA policy statements and recent local and national guidance. It is designed to help staff to ensure that any actions they take are reasonable, proportionate and absolutely necessary.

### School Expectations

The school leadership takes seriously its duty of care towards children, employees and visitors to the school. Staff protection is an important part of child protection; both depend on confident and competent staff who feel supported by the management. This policy has a clear focus.

The first and paramount consideration is the welfare of the children in our care.

The second is the welfare and protection of the adults who look after them.

### Positive Behaviour Management

All physical interventions at this school are conducted within a framework of positive behaviour management. The school behaviour policy is intended to reward effort and application, and encourage children to take responsibility for improving their own

behaviour. Part of our preventative approach to risk reduction involves looking for early warning signs, learning and communicating any factors which may influence bad behaviour and taking steps to divert behaviours leading towards foreseeable risk. Children are encouraged to participate in the development of their own Behaviour Management Plans

by focusing on positive alternatives and choices. Parents are also encouraged to contribute. However, if problems arise, staff have an additional responsibility to support all children when they are under pressure and safely manage crises if, and when, they occur.

### **Alternatives to Physical Controls**

A member of staff who chooses not to make a physical intervention can still take effective action to reduce risk. They can:

Show care and concern by acknowledging unacceptable behaviour and requesting alternatives using negotiation and reason.

Give clear directions for children to stop.

Remind them about rules and likely outcomes.

Remove an audience or take vulnerable children to a safer place.

Make the environment safer by moving furniture and removing objects which could be used as weapons.

Use positive touch to guide or escort children to somewhere less pressured.

### **Positive touch techniques to guide**



**Offering an arm to guide**



**Supportive Hug (used as an agreed hug within the school)**



**Open Mitten guide**



**Paired open mitten guide**



**Paired open mitten guide**

Ensure that colleagues know what is happening and get help.

### **Modifications to Environment**

Ideally, staff will not be waiting until a crisis is underway before conducting a risk assessment of the environment. We know that, although this is very rare, some children at this school may exhibit extreme and possibly dangerous behaviour. In general it is a good rule to keep the environment clutter free. This may mean giving consideration to secure storage for a range of everyday objects when they are not being used. For example:

How is the availability of pointed implements (including pens, pencils, compasses and darts) controlled?

What small items are available to an angry pupil who may be tempted to use them as missiles?

What objects are available to be used as blunt instruments?

Do they all need to be left out all the time?

Are there sharp edges or corners which present a risk?

Is the design arrangements or furniture safe and appropriate for children who exhibit extreme behaviour?

Is there a comfortable place to sit with an agitated pupil?

Are protocols in place to encourage angry children to take themselves to a safer place?

### **Help Protocols**

The expectation at this school is that all staff should support one another. This means that staff always offer help and always accept it. Help does not always mean taking over. It may mean just staying around in case you are needed, getting somebody else or looking after somebody else's group. Supporting a colleague does not only mean

agreeing with their suggestions and offering sympathy when things go wrong. Real support sometimes means acting as a critical friend to help colleagues become aware of possible alternative strategies. Good communication is necessary so that colleagues avoid confusion when help is offered and accepted. They need to agree scripts so that all parties understand what sort of assistance is required and what is available.

### **Well Chosen Words**

A well chosen word can sometimes avert an escalating crisis. When children are becoming angry there is no point in getting into an argument. Telling people to calm down can actually wind them up. Pointing out what they have done wrong can make things worse. The only purpose in communicating with an angry person is to prevent further escalation. It is better to say nothing and take time to choose your words carefully than to say the wrong thing and provoke a further escalation.

### **The Last Resort Principle**

At this school we only use physical restraint when there is no 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 imminent, by which time the prospect of safely managing it may be significantly reduced. National guidance is clear on this point.

“If necessary staff have the authority to take immediate action to prevent harm occurring even if the harm is expected to happen some time in the predictable future.”

*Para 10 Page 4 Department of Health – 1997 – “The Control of Children in the Public Care: Interpretation of the Children*

*Act 1989” – Norfolk: H M S O*

It does mean that we expect staff to conduct a risk assessment and choose the safest alternative. It also means that we expect staff to experiment and think creatively about any alternatives to physical intervention which may be effective.

### **Proactive Physical Interventions**

It is sometimes reasonable to use physical controls to prevent extreme behaviour from becoming dangerous provided that it is an agreed part of the Positive Handling Plan. Examples of this are where a pupil has shown ritual patterns of behaviour, which in the past have led to the child becoming more distressed and violent. In such circumstances it may be reasonable to withdraw the child to a safer place when the pattern of behaviour begins, rather than wait until the child is distressed and out of control. The paramount consideration is that the action is taken in the interest of the child and that it reduces, rather than increases, risk.

### **Reasonable and Proportionate**

Any response to extreme behaviour should be reasonable and proportionate. People should not react in anger. If they feel they are becoming angry they should consider withdrawing to allow someone else to deal with the situation. Where staff act in good faith, and their actions are reasonable and proportionate, they will be supported.

When physical controls are considered staff should think about the answers to the following questions:

How is this in the best interest of the pupil?

Why is a less intrusive intervention not preferable?

Why do we have to act now?

Why am I the best person to be doing this?

Why is this absolutely necessary?

If staff can answer these questions it is more likely that a physical intervention will be judged to be reasonable and proportionate.

### **Unreasonable use of Force**

It is not reasonable to use force simply to enforce compliance in circumstances where there is no risk. Nor is it reasonable to use any more force than is necessary to achieve a reduction in risk. Under no circumstances should pain be deliberately inflicted or should children be deliberately subjected to undignified or humiliating treatment (this should not be confused with the unavoidable discomfort associated with some approved techniques for disengaging from assaults such as bites and grabs). Other than as a one-off emergency measure to protect health and safety, force should never be used to keep a pupil secluded. Seclusion is only lawful by specific court order and cannot become part of a planned strategy at this school.

### **Health and Safety**

If dangerous behaviour presents a significant risk of injury to people, there is a legal Health and Safety issue to be addressed. Dangerous behaviour should be regarded just as seriously as dangerous equipment. Dangerous occurrences should be reported to the person responsible for Health and Safety in the school. We all have shared responsibility to identify risk, communicate potential risks and take active steps to reduce risk wherever possible. We recognise that it is not possible to entirely remove risk. Sometimes things go wrong even when we make our best efforts to do the right thing. Sometimes we are faced with unpalatable choices. In these circumstances we have to try and think through the outcomes of the options available, balance the risks and choose whatever course of action which seems to involve the least risk.

As a minimum requirement, in order to comply with health and safety legislation, each employee has a responsibility to ensure that they are conversant with school and policy and guidance, and to cooperate to make the school safer. It is also a requirement that they participate in training if they are directed to do so. This does not necessarily mean that all staff can be involved in all the physical activities. The non-physical aspects of positive handling training are crucially important to.

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 provided a written plan as a result?

What further steps can we take to prevent dangerous behaviour from developing?

### **Risk Assessment**

Informal risk assessments should be a routine part of life for staff working with children who may exhibit extreme behaviour. Responsible staff should think ahead to anticipate what might go wrong. If a proposed activity or course of action involves unacceptable risk the correct decision is to do something else.

Factors which might influence a more immediate risk assessment, and therefore a decision about how to intervene, might include the state of health and fitness of the staff member, their physical stature,

competence, confidence and relationships with the children concerned. Confidence and competence are often related to the level of staff training. Other than in an emergency, staff should only attempt physical controls when they are confident that such action will result in a reduction of risk. When faced by extreme behaviour, or even in a fight situation, the judgement may be that by becoming involved, the member of staff will increase the chance of somebody getting hurt. In this the correct decision is to hold back from the physical controls.

### **Getting Help**

At this school the following support structures are in place:

IEP's and Behaviour Support plans kept on file in each classroom to ensure all relevant information about each pupil is available to all members of staff working with them.

Where deemed necessary, daily briefing sessions in the morning to update staff on current issues and share information.

Use of help protocols and language to remind all staff of availability of colleagues to offer help including change-over of staff during a crisis situation with a pupil.

Debrief sessions after a crisis with the pupil(s) involved, reflecting on how crisis was managed by all involved and identifying any points for review or learning.

Where necessary, debrief sessions for staff to share experiences, concerns and access support from each other, led by a member of the SLT.

Termly refresher meetings in the Team Teach strategies and techniques for all staff, and continuous review by SLT to inform these.

### **Positive Handling Plans**

Risk management is regarded as an integral part of behaviour management planning. All children who have been identified as presenting a risk should have a Positive Handling Plan. The plan details any strategies which have been found to be effective for that individual, along with any particular responses which are not recommended. If particular physical techniques have been found to be effective they should be named, along with alerts to any which have proved ineffective or which caused problems in the past. Positive Handling Plans should be considered alongside the Statement and any other planning documents which relate to the pupil. They should take account of age, sex, level of physical, emotional and intellectual development, special need and social context. Positive Handling Plans should result from multi-professional collaboration and be included in and Pastoral Support Plan or IEP.

### **Responding to Unforeseen Emergencies**

Even the best planning systems cannot cover every eventuality and the school recognises that there are unforeseen or emergency situations in which staff have to think on their feet. It is not enough to thoughtlessly apply rules without thinking through the likely consequences. The key principles are that any physical intervention should be:

in the best interest of the child;

reasonable and proportionate;

intended to reduce risk;

the least intrusive and restrictive of those options available which are likely to be effective.

Whenever a physical intervention has to be made there should be a verbal warning. Where possible, staff should always attempt to use diversion or defusion in preference to physical interventions. They



should only use the techniques and methods approved for use in this school. In general, if staff act in good faith and their actions are reasonable and proportionate, they will be supported.

### **The Post Incident Support Structure for Children and Staff**

Following a serious incident, it is the policy of this school to offer support for all involved. People take time to recover from a serious incident. Until the incident has subsided the only 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's systems. It is important to note that 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 a reminder 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 children have an opportunity to express their feelings, suggest alternative courses of action for the future and appreciate other people's perspective. 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.

### **Complaints**

It is not uncommon for children to make allegations of inappropriate or excessive use of force following an incident. The school has a formal Complaints Procedure. If a complaint is made, children should be reminded of the procedure and encouraged to use the appropriate channels. The complaints policy applies equally to staff. We are an open school and promote transparent policy and practice in order to protect the interests of staff and children alike. Any staff concerns regarding the welfare of children should be taken to the designated person for child protection. Any safety concerns should be reported to the designated person for Health and Safety.

### **Training**

Teachers and anyone authorised by the Headteacher who are expected to use planned physical techniques should be trained. This school has adopted the Steps Model of training. All training courses have been fully accredited by the British Institute of Learning Disabilities (BILD) in accordance with DCSF and Department of Health guidance. Positive handling training is provided by qualified instructors with rigorous guidelines.

The level of training recommended is related to the level of risk faced by the member of staff. Our preferred approach is for whole staff team training. Office staff may not require the same level of training in physical techniques as those working directly with the most challenging children, however all staff benefit from the whole school training. The level of training required is kept under review and may change in response to the needs of our children. Once trained, staff should practice regularly, asking for guidance and support of colleagues and bring any problems or concerns to school leadership.

### **Recording**

Whenever overpowering force is used the incident must be recorded using the approved system using incident forms held in the office.

staff room. All staff involved in an incident should contribute to the record which should be completed within 24 hours. The details recorded on the forms are then typed into the school software for recording incidents and kept confidentially on electronic files.

Staff should:

Read through the school recording form carefully

Take time to think about what actually happened and try to explain it clearly.

Complete all names in full.

Sign and date all forms.

Bear in mind these records will be retained and cannot be altered. They will be kept for many years and could form part of an investigation at some time in the future.

Serious Incident Reports should not be completed until the individuals concerned have recovered from the immediate effects of the incident. They should not be rushed.

### **Monitoring and Evaluation**

The Headteacher will ensure that each incident is reviewed and instigate further action as required. The school incident log is open to external monitoring and evaluation.

### **Follow Up**

Following an incident, consideration may be given to conducting a further risk assessment, reviewing the Positive Handling Plan, behaviour management policy or this positive handling policy. Any further action in relation to a member of staff, or an individual pupil, will follow the appropriate procedures. (See staff and pupil disciplinary policy)

### **Other Relevant Policies**

This policy should be read in conjunction with:

Behaviour Policy

Exclusion Policy

Staff/Pupil Disciplinary Policy

Health & Safety Policy

Child Protection Policy

To Review September 2024

## Extract from 1996 Education Act – Sections 548 – 550

### 548 No right to give corporal punishment

(1) Where, in any proceedings, it is shown that corporal punishment has been given to any pupil to whom this subsection applies by or on the authority of a member of the staff, giving the punishment cannot be justified on the ground that it was done in pursuance of a right exercisable by the member of the staff by virtue of his position as such.

(2) Where, in any proceedings, it is shown that corporal punishment has been given to any pupil by or on the authority of a member of the staff, giving the punishment cannot be justified if it was inhuman or degrading.

(3) Subsection (1) applies to—

(a) any pupil for whom education is provided—

(i) at a school maintained by a local education authority,

(ii) at a special school not so maintained, or

(iii) at a grant-maintained school;

(b) any pupil for whom education is provided at an independent school—

(i) which is maintained or assisted by a Minister of the Crown (including a school of which a government department is a proprietor) or is assisted by a local education authority, and

(ii) which falls within a prescribed class;

(c) any pupil for whom education is provided by a local education authority otherwise than at a school; and

(d) any pupil who is an assisted person for the purposes of this paragraph and for whom education is provided at an independent school not falling within paragraph (b) above.

(4) A pupil is an assisted person for the purposes of subsection (3)(d) if—

(a) he holds an assisted place under the scheme operated by the Secretary of State under section 479;

(b) any of the fees or expenses payable in respect of his attendance at school are paid by—

(i) the Secretary of State under section 491, or

(ii) a local education authority under section 517, or

(iii) the funding authority or a local education authority under paragraph 9 or 10 of Schedule 4;

(c) any of the fees payable in respect of his attendance at school are paid by a local education authority under section 518; or

(d) he falls within a prescribed category of persons.

(5) The Secretary of State may prescribe, for the purposes of subsection (4)(d), one or more categories of persons who appear to him to be persons in respect of whom any fees are paid out of public funds.

(6) A person does not commit an offence by reason of any conduct relating to a pupil which would, apart from this section, be justified on the ground that it is done in pursuance of a right exercisable by a member of the staff by virtue of his position as such.

### 549 Interpretation of section 548

(1) Subject to subsection (2), references in section 548 to giving corporal punishment are to doing anything for the purpose of punishing the pupil concerned (whether or not there are also other reasons for doing it) which, apart from any justification, would constitute battery.

(2) A person is not to be taken for the purposes of section 548 as giving corporal punishment by virtue of anything done for reasons that include averting an immediate danger of personal injury to, or an immediate danger to the property of, any person (including the pupil concerned).

(3) In determining for the purposes of section 548(2) whether punishment is inhuman or degrading regard shall be had to all the circumstances of the case, including the reason for giving it, how soon after the event it is given, its nature, the manner and circumstances in which it is given, the persons involved and its mental and physical effects.

(4) In section 548 “member of the staff” means—

(a) in relation to a person who is a pupil by reason of the provision of education for him at a school, any teacher who works at the school and any other person who has lawful control or charge of the pupil and works there; and

(b) in relation to a person who is a pupil by reason of the provision of education for him by a local education authority at a place other than a school, any teacher employed by the authority who works at that place and any other person employed by the authority who has lawful control or charge of the pupil and works there.

(5) In section 548 and this section “pupil” does not include any person who has attained the age of 18.

#### **550 No avoidance of section 548 by refusing admission to school etc**

A person shall not be debarred from receiving education (whether by refusing him admission to a school, suspending his attendance or otherwise) by reason of the fact that any provision of section 548 applies in relation to him or, if he were admitted, might so apply.