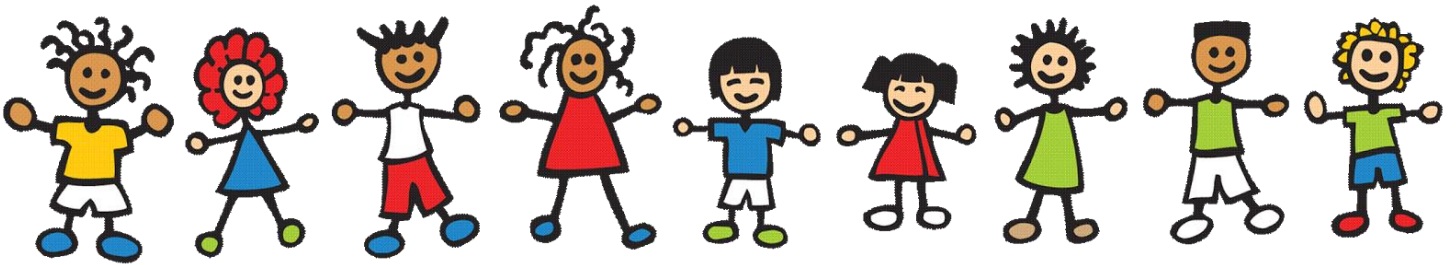




St Alphege CE Infant School

Positive Handling Policy



Date of last review/update: January 2017

Date of next review: January 2019

Staff Responsible: Jacqui Spinks - Head of School

Governing Body approval: February 2017

Purpose

The purpose of this policy is to describe the approach taken by St Alphege CE Infant School and Sunbeams Nursery to the management of relatively rare situations when children and young people present extremely challenging behaviour which may require some form of physical intervention from adults. This is sometimes referred to as restraint or care and control. St Alphege CE Infant School and Sunbeams Nursery has adopted the term Positive Handling in line with many other authorities and organisations.

This guidance is for use by St Alphege CE Infant School and Sunbeams Nursery staff.

It is intended to provide:

1. An overview of the school's position on the use of force to control or restrain pupils including the support and training made available.
2. A brief resume of the legal position.

The Education and Inspections Act 2006, states that all staff are entitled to use reasonable force and do not need specific authorisation. The DfE guidance 'Use of Reasonable Force' (July 2013) has been used to inform this policy.

Introduction

St Alphege CE Infant School and Sunbeams Nursery recognises that there is a need, reflected in common law, to physically intervene when there is an obvious risk to the safety of its 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.

St Alphege CE Infant School and Sunbeams Nursery believes everyone 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.

Pupils and their parents attending schools and settings 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;
- Be informed about the Complaints Procedure.

Positive Handling

Positive handling will only be used when all other methods laid out in the Behaviour Policy have been tried and failed. The safety of children and adults will always be carefully considered before any positive handling methods are utilised.

The objectives of a positive handling approach have been adopted by St Alphege CE Infant School and Sunbeams Nursery, namely:

To promote the least intrusive positive handling strategy and a continuum of gradual and graded techniques, with an emphasis and preference for the use of verbal, non-verbal de-escalation strategies being used and exhausted before positive handling strategies are utilised;

- To enable our school to develop acceptable and authorised responses to disruptive, disturbing, angry and aggressive behaviours in a manner that maintains positive relationships and provides safety for all;
- To minimise the number of serious incidents involving physical controls and to emphasise the importance of exhausting behaviour management strategies in the first instance;
- To increase the awareness of staff concerning the importance of recording and reporting, monitoring and evaluating, all incidents involving positive handling;
- To provide a process of repair and reflection for both staff and children.

St Alphege CE Infant School and Sunbeams Nursery is committed to ensuring that all staff and adults with responsibility for children's safety and welfare will deal professionally with all incidents involving challenging behaviour.

The Legal Position: Who can use force to control or restrain and when?

Section 93 of the Education and Inspections Act 2006 "enables school staff to use force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:

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

The definition of 'school staff' applies to (as defined in section 95 of the Act):

1. Any teacher who works at the school
2. Any other person whom the head has authorised to have control or charge of pupils. This includes support staff such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors
3. People to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example office or premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school-organised visits)

It is lawful for all teachers and other staff as described above to use 'reasonable' force. However, the definition of 'reasonable' is open to interpretation.

The DFE non-statutory guidance to schools 'Use of Reasonable Force' (July 2013) states:

1. The term '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.
2. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
5. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

6. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.'

(DFE 'Use of Reasonable Force' page 4)

The guidance explains that reasonable force can be used for two main purposes – to control pupils or to restrain them. Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

Key Legal References

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

- Offences Against the Persons Act 1861 (concepts of Assault and Assault and Battery);
- Common Law concepts of false imprisonment and common law defence;
- Duty of Care;
- The Children Act 1989;
- The Control of Children in Public Care (interpretation of the Children Act 1989);
- Taking Care, Taking Control DoH 11/96;
- The Education Act 1996;
- Education and Inspection Act 2006;
- Human Rights Act 1998;
- Disability Discrimination Act 1995;
- Health and Safety at Work Act 1974
- DFE Guidance 'Use of Reasonable Force'

St Alphege CE Infant School and Sunbeams Nursery Approach

Overview

All policies and practice regarding the supervision of children during the school day are appropriate to the identified needs and behaviours of every child. This, combined with our whole school approach to behaviour (see Behaviour Policy), should minimise the likelihood of requiring positive handling. At St Alphege CE Infant School and Sunbeams Nursery we believe it is important for members of staff who may need to physically intervene to do so after other behaviour management techniques have been tried and exhausted and preferably following training in such techniques. Our staff will always treat children with respect and dignity.

In the following situations, staff must judge whether or not a physical intervention would be reasonable or appropriate:

- risk to the safety of staff, children or visitors;
- where there is a risk of serious damage to property;
- where a child's behaviour is seriously prejudicial to good order and discipline;
- where a child is committing a criminal offence.

This judgment will take into account the circumstances of the incident. We are aware that the use of a physical intervention in response to a clear or developing danger of injury is intended to be used to manage behaviour positively to prevent a deterioration of the situation.

We view physical intervention with a child as a "last resort" and for the purposes of maintaining a safe environment.

At The Oaks Infant School we have in place a variety of measures which reduce the likelihood of the need for positive handling to be used. For example:

- A calm and supportive school environment
- A strong Christian ethos which is based upon love, trust and respect
- Positive relationships
- Whole school approach to developing social and emotional skills
- Structured approach to staff development
- Personalised Behaviour Plans for individuals whose behaviour causes concern. These are shared with pupils and their parents and identify the procedure and strategies to be used.
- Restraint or physical control is always a last resort.

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.

We 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, social and behavioural needs, which may increase their aggression. We also understand the importance of responding to the feelings of the child, which lie beneath the behaviour, as well as the behaviour itself.

If any physical action is taken, it will take into consideration the age and competence of the child and will be the least detrimental alternative. In doing so the action takes proper account of any particular special educational need and/or disability that the pupil may have.

Detailed Guidance

- A member of staff recognising that a situation is escalating to a point demanding positive handling must, as part of their duty of care, clearly tell the child(ren) to stop the behaviour and then seek help by any means available.
- On receipt of a request the senior member of staff will immediately go to the incident, preferably this will be at least two senior leaders in any serious incident.
- Staff intervening with children will seek assistance from other members of staff as early as possible, since single-handed intervention increases the risk of injury to both parties and does not provide a witness.
- Staff who become aware that another member of staff is intervening physically with a child will have a responsibility to provide a presence and to offer support and assistance should this be required.
- Where possible, staff who have not been involved in the initial confrontation leading up to an incident may be in a better position to intervene or restrain the child if this proves necessary. For example, pupils with a 1:1 Teaching Assistant will be restrained by other adults if necessary to avoid any deterioration to the relationship between the pupil and the member of staff who supports them daily.

A child's behaviour may be adversely affected by the presence of an audience. Wherever possible, the audience will be removed, or if this is not possible, the child and member(s) of staff will withdraw to a quiet but not completely private, place (e.g. two members of staff should be present or a door left open so that others are aware of the situation).

- Staff will tell the child being restrained, in a calm and gentle manner that the reason for the intervention is to keep the child and others safe. Staff will explain that as soon as the child calms down, she/he will be released.

- The force used will be commensurate with the risk presented.

Examples of situations where positive handling may be appropriate include:

1. Child or young person attacks member of staff or another child;
2. Child or young person is fighting;
3. Child or young person is engaging in, or on the verge of, committing deliberate damage or vandalism to property;
4. 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;
5. Child or young person absconds from school other than at an authorised time. 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 or lead to behaviour that prejudices good order and discipline, such as disrupting other lessons
6. Child or young person persistently refuses to follow an instruction to leave a classroom;
7. Child or young person behaves in such a way that seriously disrupts a lesson.

The following approaches are regarded as reasonable in appropriate circumstances:

1. Holding for security and to reduce anxiety where there is potential risk, even if the child is not yet out of control. This is best used when the child is anxious or confused. Its purpose is to defuse or prevent escalation. Staff should take care that their actions should in no way be capable of being interpreted by the child as aggression.
2. Physically interposing between children
3. Blocking a child's path
4. Pushing if restricted to situations where reasonable force is used to resist a child's movement, rather than a forceful push that might cause the child to fall over
5. Escorting a child by the hand or arm.

Procedure

1. Give the child clear warning. Offer an escape route from the situation, for example, through calming or following instructions;
2. Once the physical intervention is judged necessary it should happen quickly, smoothly and confidently;
3. Always remain calm and talk in a conciliatory tone. Ignore any abuse and let the high emotional state run its course;
4. Once things begin to calm, it can be coupled with significant changes in restraint; this should be on staff terms, not when demanded by the child;
5. The aim is to talk through the situation and discuss the behaviour that caused the whole episode;
6. The extent of force used should be no more than necessary to control the situation;
7. A detailed incident report should be completed as soon as possible following the incident.

Only safe methods of restraint will ever be used at St Alphege CE Infant School and Sunbeams Nursery adhering to strict guidelines from the Physical Control in Care Medical Panel, 2008 and up to date training.

Risk Assessment and record keeping

At St Alphege CE Infant School and Sunbeams Nursery we:

1. Have completed a detailed a risk assessment when potential concerns are raised.
2. Maintain records as part of a positive Behaviour Plan where these are necessary for individuals.
3. Clearly specify on a Behaviour Plan the type of intervention to be used and when, if necessary.
4. Secure parental agreement to the plan.
5. Review on a regular basis.

Recording an incident

A contemporaneous record (i.e. written as soon as possible and no longer than 2 hours after the incident's occurrence) will be made by the staff member involved in the incident and a copy given to a senior member of staff and parent/carer when necessary. Similarly, contemporaneous notes will also be made by all other members of staff involved (i.e. as witnesses or additional providers of support). The notes will be dated and kept securely in the Head of Schools office.

The record will contain the following information:

1. The name(s) and the job title(s) of the member(s) of staff who used reasonable force;
2. The name(s) of the child(ren) involved;
3. When and where the incident took place;
4. Names of staff and child(ren) who witnessed the incident
5. The reason that force was necessary;
6. Behaviour of the child(ren) which led up to the incident;
7. Any attempts to resolve the situation;
8. The degree of force used;
9. How it was applied;
10. How long it was used for;
11. The child's/children's response and the eventual outcome;
12. Details of any injuries suffered by either staff or child(ren);
13. Details of any damage to property;
14. Details of any medical treatment required (an accident form will be completed where medical treatment is needed);
15. Details of follow-up including contact with the parents/carers of the child(ren) involved;
16. Details of follow up involvement of other agencies, police, Social Services.
17. Child witnesses may also be asked to provide a written account if appropriate

A copy of this entry will be kept on the child's file and retained in line with The Learning Trust Guidance on keeping educational records.