



Holyhead

Teach What Matters

Positive Handling Policy

Autumn 2020

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Positive Handling Policy

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Positive Handling Policy

1. Purpose

Holyhead School believes that it is important to establish a safe, secure and stable environment to enable students to grow, develop and learn. To achieve this, the school recognises that, in certain circumstances, managing violence through control and restraint may be necessary.

This policy acknowledges that situations may arise in which staff members will be required to use positive handling, and in some cases reasonable force, in order to manage conflict when other measures have failed to do so.

It is the objective of Holyhead School to ensure that actions such as positive handling and reasonable force are used in a correct and safe manner, which is in accordance with the relevant legislation and national guidance.

2. Legal Framework

2.1 This policy has due regard to all relevant legislation including, but not limited to, the following:

- The Education Act 2011
- The Children Act 1989
- The Equality Act 2010

2.2 This policy has due regard to the following guidance:

- DfE (2013) 'Use of reasonable force in schools'
- DfE (2018) 'Working Together to Safeguard Children'
- DfE (2018) 'Keeping children safe in education'

2.3 This policy operates in conjunction with the following school policies:

- Special Educational Needs and Disabilities (SEND) Policy
- Behaviour Policy

3. Roles and Responsibilities

3.1 **The governing board is responsible for:**

- Monitoring the overall implementation of this policy.
- Evaluating the Positive Handling Log to analyse how and when positive handling is used and identify any trends.

- Reviewing this policy on an annual basis.
- Responding to any complaints, in liaison with the Principal, from students and parents regarding the use of reasonable force.

3.2 The Principal is responsible for:

- Ensuring all members of staff receive the appropriate training to use reasonable force.
- Ensuring all members of staff understand the correct conduct in terms of positive handling.
- Maintaining the Positive Handling Log and sending this to the governing board at the end of each term for it to be evaluated.
- Ensuring that any member of staff who uses reasonable force completes the Major Incident Form.
- Responding to any complaints, in liaison with the governing board, from students or parents regarding the use of reasonable force.

3.3 The SENCO is responsible for:

- Providing training to members of staff on how to handle students with SEND.
- Ensuring staff understand how students with SEND may react differently to reasonable force.
- Ensuring that staff understand the additional vulnerability of students with SEND or medical conditions.
- Developing individual behaviour plans for more vulnerable students and ensuring teaching staff are aware of these.
- Ensuring that staff understand how reasonable force principles may need to be adapted for students with medical conditions.

3.4 The DSL is responsible for:

- Providing staff with annual positive handling training.
- Ensuring all members of staff use reasonable force in accordance with this policy.
- Reviewing this policy in liaison with the Principal and governing board.

4. Definition of Terms

4.1 Positive Handling

4.1.1 'Positive Handling' is the positive application of force with the intention of protecting students and limiting damage to property.

4.1.2 Legal framework and national guidance often refers to the 'use of force' - this policy uses the term 'positive handling' whenever possible.

4.1.3 Positive handling is used in the school to:

- Restrain a student who has lost emotional self-control until the situation is diffused.
- Limit the amount of harm that the student involved can do to their self or others.
- Demonstrate to students that they are within a safe environment in which adults can contain students' anger and other erratic emotions.
- Protect all students against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful.

4.1.4 Positive handling will be limited to emergency situations and used only as a measure of last resort.

4.1.5 Where positive handling is required, the school will abide to the following guidance:

- Initial intervention will always be without force.
 - Any physical intervention will follow other appropriate actions.
 - Staff will take a calm and measured approach in all situations.
- 4.1.6 Failure to positively handle a student who subsequently gets injured, or injures another student, could lead to an accusation of negligence.
- 4.1.7 Positive handling will never be invasive, humiliating, flirtatious in nature or take a form which could be seen as punishment.
- 4.1.8 Positive handling will be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing the student to regain self-control.

4.2 Reasonable Force

- 4.2.1 There is no statutory definition of reasonable force, it will always depend on the circumstance of the case.
- 4.2.2 The use of reasonable force is only acceptable to control pupils or retrain them.
- 4.2.3 'Control' refers to either passive physical contact, such as blocking a student's path, or active physical contact such as leading a student by the arm.
- 4.2.4 'Restraint' refers to physically bringing a student under control, such as holding them back. This is typically used in more extreme circumstances, such as to separate two students fighting.
- 4.2.5 The degree of force that is used will depend on the students circumstances, e.g. age.
- 4.2.6 Staff members will always use actions that are appropriate in proportion to the circumstances of the incidents.
- 4.2.7 All incidents that involve the use of reasonable force will be reported to the Principal, recorded on the major incident form and communicated to the student's parents.
- 4.2.8 The school is able to use reasonable force in situations when:
- Disruptive students must be removed from the classroom and have previously refused to leave.
 - Members of staff need to control disruptive students on school trips or incidents that take place outside school
 - Members of staff must prevent a student from leaving a classroom when doing so would lead to a risk to their safety.
 - A student is attacking a member of staff or another student.
 - A student is at serious risk of harming themselves and a member of staff must intervene to prevent this.
- 4.2.9 Physical intervention will never be used as a substitute for good behavioural management.

5. Implementation of Positive Handling

Teachers are not contractually obliged to carry out restraint procedures and they are not contractually obliged to undertake training in any restraint procedures.

However, all members of staff working with students at Holyhead are authorised to use reasonable force or restrain students if/when such physical intervention is necessary.

No member of staff is required to employ any positive handling strategy if they are not comfortable

or confident to do so effectively.

No member of staff should intervene physically if they have reason to believe that to do so would worsen the situation/incident that is taking place.

In all circumstances where positive handling is or may become required, members of staff should ensure that adult assistance is requested before intervention, although it is understood that circumstances may lead to the need for intervention prior to the assistance arriving.

Staff considering handling, use of reasonable force or restraint must provide opportunity for the student to alter their behaviour/actions before employing a positive handling strategy and should continue to make instructions to the student and details of their intended interventions clear.

The method of positive handling employed must use the minimum reasonable force for the minimum length of time (additional guidance regarding what intervention is and is not appropriate is given in Appendix A).

Where a member of staff believes that they are at risk, such as where an injury is likely to occur, they will not intervene in an incident without help and assistance of another staff member.

Following the event, the student involved may be subject to separate disciplinary procedures, in which strategies should be formed to help avoid reoccurrence of such incidents.

Where necessary, external agencies, such as the LA or the police if a crime has been committed, will be informed of the incident. A risk assessment will be carried out on the student involved prior to them returning back to school.

6. Our approach to best practice

Holyhead School is committed to safeguarding our students and therefore we strive to achieve best practice where physical intervention is not necessary. We actively research, adopt and promote strategies to reduce physical intervention and positively influence behaviour.

Holyhead School is committed to ensuring that all staff and adults with responsibility for students' safety and welfare will deal professionally with all incidents involving aggressive or reckless behaviour, and only use Positive Handling as a last resort in line with advice. If used at all, it will be in the context of a respectful, supportive relationship with the student. We will always aim to ensure minimal risk of injury to students and staff. This doesn't prevent in an emergency a member of staff taking immediate action by using physical intervention as a first resort.

In line with the Education Act 1996 (Section 550A) in the following situations staff must judge whether or not positive handling would be reasonable or appropriate:

- Risk to the safety of students, staff or visitors, or
- Where there is a risk of serious damage to property, or
- Where a student's behaviour is seriously prejudicial to good order and discipline, or
- Where a student is committing a criminal offence.

This judgement will take into account the circumstances of the incident. All staff should be aware that the use of positive handling in response to a clear or developing danger of injury will always be more justifiable than the use of force to prevent damage or misbehaviour.

Staff will view positive handling as a last resort for the purposes of maintaining a safe environment. If students are behaving disruptively or anti-socially, every escalation strategy will be used to manage behaviour positively to prevent a deterioration of the situation and the need to RPI.

Staff will understand the general importance of listening to and respecting children to create an environment that is calm and supportive, especially when dealing with students who may have emotional and behavioural needs, which may increase their aggression. All staff will understand the importance of responding to the feelings of students, which lie beneath the behaviour as well as to the behaviour itself.

Any students who exhibit behaviours which could potentially necessitate the use of positive handling will be made subject to a behaviour support plan (SLIP example Appendix A) and risk assessment. SLIPs and Risk Assessments will detail a hierarchy of typical student behaviours (ie level 1; level 2; and level 3), appropriate staff responses and an agreed probability regarding how often the suggested response results in a positive outcome. The plan will be agreed and signed by parents / carers; and (wherever appropriate) social care and representatives from any agencies involved with the family.

The skills and techniques taught on the Safer Handling course are as a result of an ongoing risk assessment and Training Needs Analysis in an effort to safeguard everyone involved in a challenging, violent (or potentially violent) incident where restrictive positive handling are absolutely necessary.

Safer Handling techniques seek to avoid injury to students. However, there remains some risk with potential for possible bruising or scratching that may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that students remain safe. "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 student." *DfES Use of Reasonable Force advice for Head teachers, Staff and Governing Bodies.*

Whilst Safer Handling is the preferred method of physical intervention, and staff have received full training on "What is Reasonable Force", it is recognised that staff may choose to respond with a technique from outside the Team Teach framework. This does not automatically render the use of such skill or technique necessarily improper, unacceptable or unlawful. **Its use must be judged on whether or not it was reasonable (necessary and proportionate) in those particular circumstances.**

7. Practice regarding specific incidents

All policies, documents and practice regarding the supervision of students during the school day will be appropriate to the identified needs and behaviours of the students. This combined with the whole school approach to behaviour should minimise the likelihood of requiring positive handling to an absolute minimum.

The physical action taken will take into consideration the age and competence of the student and will be the least detrimental alternative. A student's individual needs are also taken into account and reflected in their (SLIP) Student Learning Improvement Plan

A member of staff recognising that a situation is escalating to a point demanding physical intervention yet feeling unable to carry this out must, as part of their duty of care, clearly tell the student(s) to stop the behaviour and seek help by any means available.

Any members of staff who are not trained in positive handling or are not familiar with students SLIPs are instructed to avoid the use of positive handling techniques. This does not impede them from taking immediate action to defend themselves or assist others in the event of an unforeseen emergency.

Staff who become aware that another member of staff is intervening physically with a student will have a responsibility to provide a presence and to offer support and assistance should this be required.

A student'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 student 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 be aware of the need to tell the student being restrained, in a calm and gentle manner that the reason for the intervention is to keep the student and others safe. Staff will explain that as soon as the student is in control of their own behaviour, she/he will be released. The force used will be reasonable in the circumstances, absolutely necessary and proportionate.

Physical intervention with a student who has a learning and improvement plan or adverse childhood experiences and are therefore vulnerable, should only be used as a last resort and after exhausting every other strategy (especially those detailed in SLIP)

Examples of situations where positive handling may be appropriate include:

- student attacks a member of staff or another student
- student is causing, or at risk of causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects
- student absconds from school or room (this only applies if student is at risk if not kept in school or a room)
- a student behaving such that the lesson is being seriously disrupted.

More information relating to the Safer Handling process can be found on www.safer-handling.co.uk

NB. There may be rare occasions when a student exhibits exceptional behaviours requiring an emergency response (E.G. not detailed on a SLIP) these incidents will be recorded and the SLIP reviewed. Advice and support can be sought from outside agencies (CAMHS, Police etc) if behaviours are of significant enough concern.

8. Recording of an incident

All incidents that result in the use of positive handling with students will be recorded in a book located in the Vice Principal - Safeguarding's office.

Contemporaneous record (i.e. written within 24 hours of the incident's occurrence) will be made by the staff member involved in the incident using a Major Incident Reporting form (see Appendix 1). In all but the most extreme circumstances, incident reports will be completed (and submitted to D.Denny) during the actual day of incident occurrence.

Similarly, contemporaneous notes will also be made by any other members of staff involved (i.e. as witnesses or additional providers of support). The notes will be signed and dated, including date and signature from a member of SLT/Safeguarding Team.

A copy of the major incident form will be kept on the student's file and retained in line with LA guidance on keeping educational records.

The school will report any injuries caused to students or staff in accordance with RIDDOR (HSE Regulations 1995) and senior staff will monitor and report this to Governors. Students who are identified as likely to require physical intervention as part of their behaviour management will require a SLIP alongside their Risk Assessment. This is drawn up in response to the risk posed by the student's behaviour and is shared with all staff, parents/carers and the student if appropriate. Records of injuries to staff or students will be kept in First Aid.

9. Debriefing Arrangements

The student and the member of staff will be checked for any sign of injury after an incident. First aid will be administered to anyone who requires it, or medical treatment obtained.

The student will be given time to become calm while staff continue to supervise her/him. When the student regains complete composure, a senior member of staff (or her/his nominee) will discuss the incident with the student and try to ascertain the reason for its occurrence. The student will be given an opportunity to explain things from her/his point of view. All necessary steps will be taken to re-establish the relationship between the student and the member(s) of staff involved in the incident.

In cases where it is not possible to speak to the student on the same day as the incident occurred, this informal discussion will take place as soon as possible after the student returns to school.

All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. A senior member of staff (or her/his nominee) will provide support to the member(s) of staff involved.

Staff involved in the incident will, at the earliest possible opportunity (on the same day), record the incident, clearly stating that physical intervention has been used. This will notify members of the Senior Leadership team responsible for behaviour, welfare and safety including the Principal who will initiate the formal debrief procedures including a phone call to parents, a meeting with all members of staff involved, a debriefing with the student. Following the completion of the formal debrief procedures risk assessments and individual care plans will be re-visited.

Supporting the member of staff is equally as important as the welfare of the student, one group will support the staff member following any incident and another group will be there to support the student.

10. Complaints

In the event of a complaint being received by the school in relation to the use of physical force by staff, the matter will be investigated in accordance with relevant guidance.

In accordance with Department for Education Guidance:

- *School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.*
- *Suspension should not be an automatic response when a member of staff has been accused of using excessive force.*
- *Senior school leaders should support their staff when they use this power.*

Arrangements for Informing Parents/Carers:

Parents/carers will be informed of the school's policy regarding positive handling in the following ways:

- *directed to the website*
- *annual parent/tutor contact day.*

11. Searching students

There are two sets of legal provisions which enable school staff to confiscate items from students:

11.1 A member of staff can confiscate, retain or dispose of a student's property as a punishment, as long as it is reasonable in the circumstances. In most cases, the confiscated property will be returned to the student at the end of the school day. Every effort will be made to ensure confiscated items are retained securely, but the school can not be held responsible for any subsequent damage or loss.

11.2 All searches will always be carried out by two members of staff. Staff can search without consent for "prohibited items" including:

- weapons (eg. knives, BB guns or any other item that might be used to inflict harm)
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Refer to: DfE: Searching Screening and Confiscation: Advice for Head Teachers, Staff and Governing Bodies (Feb 2014), Health and Safety Act at Work (1974)

Any confiscated weapons, drugs or pornography will be reported and handed over to the police and may result in a permanent exclusion.

EDUCATION ACT 1996 - POWER OF SEARCH SUPPLEMENTARY (AUTHORISATION/CONDITIONS) (ENGLAND ONLY)

Section 550ZB of the Education Act 1996 sets out the conditions before a search can be carried out on a pupil or their possessions under section 550ZA (English school only).

550ZB(1) A person may carry out a search under section 550ZA only if that person:

- (a) is the /Principal of the school; or
- (b) has been authorised by the Principal to carry out the search.

550ZB(4) A search under section 550ZA may be carried out only where:

- a) the member of staff and student are on the premises of the school; or
- b) they are elsewhere and the member of staff has lawful control or charge of the student

550ZB(5) A person exercising the power in section 550ZA to search for an item within section 550ZA(3)(a) to (f) may use such force as is reasonable in the circumstances for exercising that power.

550ZB(6) A person carrying out a search of the student under section 550ZA:

- a) may not require student to remove any clothing other than outer clothing
- b) must be of the same sex as student, unless the condition in subsection (6A) is satisfied
- c) may carry out the search only in the presence of another member of staff, unless the condition in subsection (6A) is satisfied; and
- d) must ensure that the other member of staff is of the same sex as student if it is reasonably practicable to do so.

550ZB(6A)The condition is satisfied if:

- a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and
- b) in the time available it is not reasonably practicable for the search to be carried out by a person of the same sex as student or in the presence of another member of staff (as the case may be).

550ZB(7) student possessions may not be searched under section 550ZA except in the presence of:

- a) student; and
- b) another member of staff, unless the condition in subsection (7A) is satisfied.

550ZB(7A) The condition is satisfied if:

- a) the person carrying out the search reasonably believes that there is a risk that serious harm will be caused to a person if the search is not carried out as a matter of urgency, and

- b) in the time available it is not reasonably practicable for the search to be carried out in the presence of another member of staff.

12. Review of Policy

This policy will be reviewed every two years.

To be reviewed: Autumn 2022
Policy Lead: D Reddy

Major Incident Form

This form should be written within 24 hours of the incident by the staff member involved and submitted to SLT on the same day.

Ref No: _____

The name(s) and role(s) of the member of staff who used reasonable force:
The name(s) of the student(s) involved (form/year):
Date of incident: Where the incident took place:
Names of staff and students who witnessed the incident (witnesses to provide a separate written account):
Behaviour of the student which led up to the incident:
Details of the incident:
Any attempts to resolve the situation:

Details of Positive Handling

Reasons for positive handling (please tick):

- Danger to self
- Danger to others
- Significant damage to property

The student's response and the eventual outcome:

Details of any injuries suffered by either staff or students:

Details of any damage to property

Details of any medical treatment required (an accident form will be completed, where medical treatment is needed)

Has there been a restorative conversation?: YES/NO
If yes, give details:

Follow up: (D.Denny/AVP/HOY)

Details of follow-up, including contact with the Parents/Carers of the student(s) involved and recommendation(s) to avoid future incidents:

Details of follow up involvement of other agencies (Police, Social Care)

Name of SLT staff member: _____

Signed by SLT staff member _____ Date: _____