

Benthal School

Positive Handling Policy



Review Date: May 2017

Positive Handling Policy

Introduction

This policy has been prepared after staff discussions on 27 April 2015 and was adopted by the governing body on 19 May 2015.

The responsible person for the implementation of the policy is Sandra Chin – Headteacher.

The policy will be reviewed in April 2017 by the Headteacher and the Governing Body.

The policy has been developed in response to the following statutory guidance:

- DfE Guidance on “The Use of Reasonable Force with Pupils” 2013;
- Equality Act - Duty of Care 2010;
- DfEE Circular 10/98;
- The Children Act 1989;
- The Control of Children in Public Care (interpretation of the Children Act 1989);
- Taking Care, Taking Control DoH 11/96;
- DoH/DfES Joint Guidance on Physical Interventions 2002;
- The Education Act 1996;
- Education and Inspection Act 2006;
- Human Rights Act 1998;
- Disability Discrimination Act 1995;
- Health and Safety at Work Act 1974

It also follows the guidance in “The Hackney Learning Trust Positive Handling Policy”, issued by the Hackney Learning Trust.

The policy should be read in conjunction with other school policies relating to interaction between adults and pupils.

This policy has been prepared for the support of all teaching and support staff who come into contact with pupils and for volunteers and governors working within the school to explain the school’s arrangements for the care and control of pupils presenting very challenging behaviour. Its contents are available to parents and pupils on the school website. A statement about the school’s Behaviour policy is also made available to parents on the school website.

This statement includes information on the use of reasonable force to control or restrain pupils.

Purpose of the policy

At Benthall school we believe that good personal and professional relationships between staff and pupils are vital to ensure good order in our school. It is recognised that the majority of pupils in our school respond positively to the discipline and control practised by staff. This ensures the well-being and safety of all pupils and staff in Benthall Primary school. 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. Benthall Primary school acknowledges that physical techniques are only part of a whole setting approach to behaviour management.

Every effort will be made to ensure that all staff in this school:

- clearly understand this policy and their responsibilities in the context of their duty of care for 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 Education and Inspection Act 2006 stipulates that reasonable force may be used to prevent a pupil from doing, or continuing to do, any of the following:

- engaging in any behaviour prejudicial to maintaining good order and discipline at the school among any of its pupils, whether the behaviour occurs in a classroom during a teaching session or elsewhere within the school (this includes authorised out-of-school 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'; they 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 pupils, staff or property are at risk.

Definitions

Reasonable force

No legal definition of reasonable force exists. However, for the purpose of this policy and the implementation of it in Benthall Primary school:

- positive handling uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming him/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

In situations where proper physical contact occurs between staff and pupils,

- in the care of pupils with learning disabilities;
- in games/PE;
- to comfort pupils.

Physical intervention

This may be used to divert a pupil from a destructive or disruptive action, e.g. guiding or leading a pupil by the hand, arm or shoulder with little or no force.

Physical control/restraint

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

NOTE: The level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint.

Underpinning values

Everyone attending or working in this school 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 attending this school/provision and pupils parents 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 school's complaints procedure.

The school will ensure that pupils are given support to understand the need for and respond to clearly defined limits, which govern behaviour in the school.

Authorised staff

At Benthal all staff are authorised to use reasonable force within the context of the Education and Inspection Act 2006 – 'The use of reasonable force to control and restrain pupils'.

The school provides training for all staff and the Headteacher retains a list of all those staff trained. The list is reviewed on an annual basis (or more frequently if the context requires it). The head teacher 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 head teacher will ensure that those authorised are aware of, and understand, what the authorisation entails. Those whom the head teacher has not authorised will be told what steps to take in the case of an incident where control or restraint is needed.

Staff from the LEA working within the school

Support services will have their own policies for care and control of pupils. When working within the school, it is the head teacher's responsibility to ensure that colleagues from support services are aware of school policy and practice.

Training

It will be the responsibility of the head teacher to arrange suitable training. Training for all staff will be made available. No member of staff will be expected to undertake the use of reasonable force without appropriate training. Prior to the provision of training, guidance will be given on action to be taken. Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development.

Following a review of existing school practice(s), in consultation with governors/staff and the Learning Trust, the school is committed to using Team Teach, providing this approach continues to adopt the British Institute for Learning Difficulties (BILD) Code of Practice on physical intervention, and has been or is working towards being accredited through the BILD Physical Interventions Accreditation Scheme. Benthal School acknowledges that physical techniques are only a part of a whole setting approach to behaviour management. The governors of the school are committed to working within the Learning Trust's framework for accessing training in that:

1. It will review its behaviour policy on a two-year cycle at least;
2. Training will be delivered on a needs-based approach and procedures are in place to monitor incidents, following a behavioural audit and implementation of appropriate risk management procedures;
3. All training will include theory on at least the following:
 - causes of challenging behaviour;
 - prevention strategies;
 - positive behaviour management;
 - de-escalation;
 - risk assessment;
 - behaviour support planning;
 - de-brief following incidents.
4. Physical techniques are not treated in isolation and the school is committed to ensuring that, as a result of incidents, learning opportunities are created for children 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 pupil/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

All the techniques used take account of a young person's:

- 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 children and, where applicable, these will be designed through multi-professional collaboration. These should be included in any Pastoral Support Plans/IEPs.

Risk assessments need to be completed against each child when physical restraint may need to be used, in the context of identified target behaviour(s) and environments in which they occur. The assessment should identify the benefits and the risks associated with the strategies being proposed.

Strategies for dealing with challenging behaviour

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

Every effort will be made to resolve conflicts positively and without harm to pupils 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 should be taken according to the circumstances of the incident.

- verbal acknowledgment of unacceptable behaviour with request for the pupil to refrain (this includes negotiation, care and concern);
- further verbal reprimand stating: 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.
- a warning of intention to intervene physically and that this will cease when the pupil complies.
If possible summon assistance from Senior leadership team.
- physical intervention - reasonable force being used to prevent a child harming him or herself, others or property.

Types of incident

The incidents 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 pupil is behaving in a way that is compromising good order or discipline.

Examples of situations, which fall within one of the first two categories are:

- a pupil attacks a member of staff, or another pupil;
- pupils are fighting;
- a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- a pupil is causing, or at risk of causing, injury or damage by accident, rough play, or by misuse of dangerous materials or objects;
- a pupil is running in a corridor or on a stairway such that he or she might have or cause an accident likely to injure him or herself or others;
- a pupil absconds from a class or tries to leave school (NB: this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations which fall into the third category are:

- a pupil persistently refuses to obey an order to leave a classroom;
- a pupil is behaving in a way that is seriously disrupting a lesson.

Acceptable measures of physical intervention

The school will put in place systems for managing and reviewing the following:

- strategies for preventing the occurrence of behaviours which precipitate the use of a physical intervention;
- strategies for 'de-escalation' or 'de-fusion' which 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:

- the seriousness of the incident;
- the relative risks arising from using a physical intervention compared with using other strategies;
- the age, cultural background, gender, stature and medical history of the child concerned;
- the application of gradually increasing or decreasing levels of force in response to the person's behaviour;
- the approach to risk assessment and risk management employed;

The distinction between:

- seclusion where an adult or child is forced to spend time alone against their will in a locked room or room which they cannot leave (NB: this is not a permissible form of control).
- time out which involves restricting the service user's access to all positive reinforcements as part of the behavioural Stay on Green programme;
- withdrawal which involves removing the person from a situation which causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities;

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 force in emergency situations (which cannot reasonably be anticipated);

- 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;
- unacceptable practices that might expose service users or staff to foreseeable risk of injury or psychological distress.

Wherever possible, assistance will be sought from another member of staff.

Positive handling at Benthall Primary school is seen as a proactive response to meet individual pupil needs.

Recording

Where physical control or restraint has been used, a record of the incident will be kept. This record should be made in the school Serious Incident Book. This is a hard-backed book, with numbered pages, retained by the head teacher and containing a brief reference to the detailed 'Restraint Form and Health & Safety/Incident Form' as appropriate.

The Restraint Form will be completed as soon as possible after the incident, normally prior to staff going off duty and be signed by all staff involved and the head teacher. After the review of the incident, copies of the Restraint Form will be placed on the pupil's file.

A Health and Safety Accident/Incident Form will be completed and returned to the Learning Trust in situations where injury has occurred to either members of staff or pupils. Where staff have been involved in an incident involving reasonable force, they should have access to support as appropriate.

Monitoring incidents

Whenever a member of staff has occasion to use reasonable force, 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 Head teacher to the needs of any pupil(s) whose behaviour may require the use of reasonable force. Monitoring of incidents will take place on a regular basis and the results used to inform planning to meet individual pupil and school needs.

Action after an incident

The Head teacher 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 pupil, 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 pupil disciplinary procedure;
 - school 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, he/she will be advised to seek advice from his/her professional association/union.

Complaints

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them.

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

Other relevant policies

Other relevant policies that cross reference with this one are:

- Behaviour Policy,
- Safeguarding Policy
- SEN Policy
- Positive Handling Policy
- Equalities Policy
- Exclusion Policy,
- Health & Safety Policy,
- Child Protection Policy.