

Positive Handling Policy



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The guidance in this policy, on the use of force to control or restrain pupils in exceptional circumstances, applies to all staff working at the Ash Hill Academy at the direction of the Principal. It has been written in conjunction with updated guidance/legislation as per The Use of Force to Control or Restrain Pupils – DCSF publication, 2010.

It is the policy of Ash Hill Academy that, under normal circumstances, the use of physical restraint in relation to controlling young people should be **absolutely avoided**.

The purpose of this policy is to clarify the situation for adults working with children and prevent any misunderstanding of their intentions.

It is accepted that there may be many situations where it is necessary to physically assist a pupil in the course of work. Examples of these would be a PE teacher assisting a pupil who is doing a difficult manoeuvre or giving support to an injured child. Perhaps the situation may arise that a member of staff involved in an outdoor education activity needs to assist a pupil in a strange environment. Younger pupils, and those exhibiting distinct special educational needs may require additional and specific physical assistance. In all cases, any action should be done carefully to avoid any misunderstanding.

Circular 10/98, followed up by 'Positive Handling Strategies for Pupils with Severe Behavioural Difficulties', allows for the physical restraint of pupils in exceptional situations. This must **not** include any form of corporal punishment (which is against the law) and should be limited to the force absolutely necessary to prevent injury to the pupil or any other member of staff, causing damage to property or behaving in a manner that is severely disruptive to a well-ordered lesson or activity.

Only staff who have been trained on the one day Team teach programme have authority to use limited force to support pupils in situations which require it. In the first instance, supervisors, ancillary staff and teaching assistants, should not use any sort of force but should seek immediately help from teaching staff. Teaching assistants may, however, assist any member of teaching staff once they have intervened. It is the expectation of the Principal, however, that if a pupil is putting themselves, or another, at direct risk (such as running onto a busy road for example) then staff should take immediate and necessary steps to ensure the welfare and safety of the young person(s). Under such circumstances, an immediate response would be required from any adult regardless of whether they had attended a Team teach course.

If self-defence is required, then all staff are authorised to use the **minimum** force necessary. The force used must be proportionate and a well-judged adult would think it is a suitable response. It should **always** be the last resort and should never be used in anger or to inflict pain.

Staff must only use force to control or restrain pupils where absolutely necessary and in such a way so that they are not prevented from breathing and they must not be slapped, kicked or punched. Pupils must never be held face-down to the ground or pulled by hair or ears. Procedures must avoid causing unnecessary injury to the young person although, on occasion, restraining a pupil may result in reddening to their arms.

In Practice

If physical force is used in relation to a pupil, the Principal, or senior member of staff, must be notified **immediately**. The name of the pupil and details of the incident must be recorded on a Physical Intervention Form which can be found on Staff T drive and stored in the pupil's information file. A copy must be forwarded to the Principal. Properly filled in, and following the criteria on the form, this form will hold a full record of the antecedents, what happened, who was involved, the follow up and the reactions of those involved. The incident should be written up and filed within 24 hours, the most senior member of staff available informed immediately (even if a copy has been forwarded to the principal) and parents/carers contacted as soon as possible after the event. Parent/carer comments/reaction must be noted in the form in the relevant section. ***Wherever possible, parents/carers should be notified before the pupil gets home.***

In the event of a complaint, the Principal or senior member of staff will follow the normal complaints procedures of Ash Hill Academy (these follow SPTA guidance).

Severe Behavioural Difficulties

All staff should adhere to the following guidance when dealing with pupils who display severe behavioural difficulties. From September 2010, all 'high-risk' pupils will have a completed Risk Assessment which should follow them from their previous educational provider. As per the usual processes involved with pupil familiarisation, staff must make themselves aware of the content of pupils' Risk Assessments in order to ensure that best practice is followed. In exceptional cases where no Risk Assessment follows and/or there is no evidence of previous 'risk', serious behaviours and associated measures that have assisted in the de-escalation of an incident must be written in to an individual's plan as a matter of urgency. Ash Hill Academy's SENDCo is responsible for the coordination of all pupil Risk Assessments and pertinent information must be passed to her, in detail, as a priority.

Force should normally only be used as a last resort and it is essential that it is seen as just one element of the Ash Hill Academy's behaviour policy. Staff deserve Ash Hill Academy's full support, both in practical and emotional terms, to work appropriately and safely in often highly charged situations. The pupil's best interests must always be taken into account. For example, if a pupil is attacked by a classmate and would be likely to suffer serious injury if the aggressor was not restrained, use of physical force would be necessary.

Those staff who need to use reasonable force should bear in mind the pupil's sensitivities and sensibilities, their likely perceptions, emotional state and levels of understanding. Different approaches may be necessary depending on age, gender, level of physical development and the characteristics of their special needs. Previous life experiences and reactions to Ash Hill Academy's environment may also have a bearing. It is essential that staff are aware of any flash/triggers that may cause a pupil to behave in an inappropriate way and plan to manage that risk.

What is Reasonable Force?

The use of force will only be lawful if the circumstances of the particular incident warrant it. If not, the use of **any** force would be unlawful. Therefore, force could not be used to prevent a trivial misdemeanour neither should it be used as a punishment. The degree of force must be used in proportion to the circumstances, or the consequences it is intended to prevent. Any force should always be the minimum required to achieve the desired result. The use of force in response to the threat to trivial property is unlikely to be justified, e.g. a pupil snapping a pencil end on purpose.

Corporal Punishment

Physical intervention should **never** be used as a punishment. It is **illegal** to use corporal punishment in any school

Safety of Staff

Staff should always be mindful of their own safety and that of their pupils when dealing with potentially dangerous situations. Guidance cannot attempt to provide detailed advice on how to act in particular circumstances. Training in behaviour management and advance planning can only be of help to staff facing these situations.

Behaviour management is an issue for staff, pupils and their parents/carers. The use of physical intervention techniques is one aspect of behaviour management. Although physical intervention may be needed to resolve a particular situation, the long-term aim must be to help pupils manage and control their own behaviour.

Considerations Before Using Physical Intervention

The following key points should be considered before using physical intervention:

- The use of physical restraint should only be used as a **last resort** if all else fails to safeguard the child and other pupils and/or staff. Every effort should be made to look for effective ways of defusing difficult situations.
- The circumstances in which the use of force is appropriate can include those where it is imperative that pupils comply with instructions i.e. “stop hitting” etc.
- In the overwhelming majority of cases, staff should first give the pupil a warning, a clear direction and the opportunity to comply.
- Staff should attempt to follow a step-by-step procedure starting following ‘prompting’, ‘guiding’, ‘escorting’ and finally, ‘restraining’ actions although it is clear that, in certain circumstances, staff may need to ‘bypass’ initial phases.
- In most cases, force will not be justified in order to obtain compliance because other strategies will work if the issue is not serious enough to demand it.

What the Law Says

The following is a copy from the Criminal Law Act:

A person may use force as is **reasonable** in the circumstances in the **prevention** of crime, or in affecting or assisting in the lawful arrest of offenders or suspected offenders or of persons unlawfully at large.

‘A jury must decide whether a defendant honestly believed that the circumstances were such as required him to use force to defend himself from an attack or threatened attack. The jury then has to decide whether the force used was **reasonable** in the circumstances’. (R. v Owino 1996 and confirmed in DPP. V Armstrong-Braun 1998)

Exceptions to the Principle of Force as a Last Resort

Records of incidents involving particular pupils (those who may have a history) will sometimes show set patterns of behaviour. If left unchecked, this could lead to a dangerous or disruptive situation. In such circumstances, a mild degree of physical intervention at an early stage could be reasonable. Records of incidents and Risk Assessments must be reviewed regularly to ensure early intervention is only ever used when justified. It is the request of the Head teacher that staff should not physically restrain a ‘violent’ pupil. The policy is to enable the young person to ‘walk’ or, indeed, ensure the safety of other youngsters who may be present. **It is not suitable for staff to restrain a ‘violent’ pupil, in the first instance.**

It is useful to think in terms of strategies being grouped in gradients of control (prompting, guiding, escorting, restraining). For some pupils the gradient may be quite steep, allowing the option to use physical intervention to be reached relatively quickly. The use of physical intervention should never be seen as an inevitable outcome.

Sexual Abuse

Pupils who attend Ash Hill Academy may have been sexually abused in the past. Staff should therefore endeavour to avoid the use of physical intervention, which may have sexual connotations or remind pupils of situations in which they were abused.

Reintegration of a Pupil into Mainstream

Physical intervention is part of a wider behaviour management policy. All pupils who return to mainstream schooling have a formally recorded Behaviour integration meeting which includes behaviour management advice written by their Learning Manager. Amongst other things the document outlines strategies which can be adopted to diffuse situations in order to aid the pupils’ integration.

Recording Incidents

This section includes general advice on recording information about serious incidents. It must be used in conjunction with SPTA and Ash Hill Academy’s standing instructions in respect of Child Protection/Safeguarding where there is detailed guidance on how to report cases where abuse is suspected.

These are not issues where staff can ‘go it alone’. Immediate reference must be made to the staff who have responsibilities in these matters and procedures must be followed.

Incident Reporting

In addition to the various forms of reporting, which is part of the general work of Ash Hill Academy in relation to curriculum and pupil welfare, Ash Hill Academy has a system for recording incidents of a more serious nature which may arise in dealing with pupils whose behaviour can be challenging, difficult or even dangerous.

All incidents of a physical nature from guiding to stage one or two holds, or where a pupil is violent against others or property must be recorded on the Physical Intervention form and saved in the pupil information file and a copy sent to the Principal.

Careful attention to this will ensure that the rights of staff and pupils are fully protected and it will also provide evidence which will help in the determination of what might be done to best help those involved. The following framework is not intended as a definitive approach but it does include some of the key issues which should be considered:

What to Report

ALL incidents requiring:

- a physical restraining intervention
- assault on peers or staff
- behaviour requiring the supporting intervention of colleagues
- use of physical barriers to restrict movement around the building (eg locking certain doors) - other disturbing or disruptive incidents/behaviours should be recorded at the discretion of individual staff or at the request of senior staff

Each record should be completed as soon as possible after the event (certainly within 24 hours) and be limited to one specific incident. It must be clearly stated whether the incident is a cause of concern because it is representative of the typical behaviour of the pupil or significant because it is strikingly different from their usual behaviour.

Each report should contain details which take into account the following headings: **Antecedents** It is important to provide a sufficiently full description of the setting to give the event meaning. It should include details of location, on-going activity, behaviour/proximity of peers, role of adult and specific interactions that may have contributed to the incident.

Behaviour

Detail the precise, observable problematic behaviour and at whom it was directed. If the behaviour was reported by someone else and not observed, make this clear.

Intervention

Describe the initial adult intervention/response to the behaviour, which may include planned ignoring. Was the pupil reprimanded verbally, restrained, required to leave the group, confronted directly and defused by humour?

Response

What was the pupil's response to the initial adult intervention? Did they respond in an aggressive way, were they verbally insolent or tearful? Was the situation escalated, defused, or complicated by the adult's action?

Consequences

- How was the incident resolved?
- Were other adults/pupils involved?
- What further action is to be taken?

Interpretation/Analysis

The report can include interpretation and evaluation, but this should be clearly separated from the descriptive, factual observations. Non-judgmental words should be used wherever possible in describing the event and interpretations should be expressed in tentative terms only. This might include, upon reflection, an analysis of the writer's part of the incident

Further Action

Further action which the writer intends to take, or wishes to have considered/approved by senior staff.

Reporting Format/System

Reports are to be made using the appropriate Physical Intervention proforma as detailed above. Once written, the report must be passed to the head teacher or senior member of staff where it will be read and discussed. Parents/carers must be informed **immediately** and in a sensitive manner in order to avoid confrontation or upset. If necessary, parents/carers will be invited into Ash Hill Academy in order to discuss the matter further. The appropriate documentation will be filed in the pupils' records. Following any incidents of a concerning nature, staff will meet to discuss ways forward in order to avoid/prevent similar experiences in the future.

Any member of staff who has concerns with regards to handling pupils in difficult situations should seek advice from a senior member of staff as a matter of urgency.