



**Positive Handling Policy**  
OAKDENE PRIMARY ACADEMY

# The Enquire Learning Trust

<b>Approved by:</b>	Trustees		
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## Version History

Date	Author	Version	Comment
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October 2022	RC	2	Updated following new guidance on 'Searching, Screening & Confiscation 2022' Behaviour in Schools 2022.
July 2023	RC	3	Full update

## 1. Introduction

Behaviour is always a form of communication. Understanding that children are communicating through their behaviour gives adults the opportunity to respond differently. When children feel valued, respected, and have their needs met, there is often no longer a reason to use challenging behaviour to communicate.

At Oakdene Primary Academy we are committed to a positive behaviour policy which encourages children to make positive behaviour choices. On rare occasions circumstances may result in a situation that requires some form of physical intervention by staff.

Our policy for physical intervention is based upon the following principles:

- Physical intervention should be used only as a last resort when other appropriate strategies have failed.
- Any physical contact should be only the minimum required
- Physical intervention must be used in ways that maintain the safety and dignity of all concerned.
- Incidents must be recorded and reported to the Principal as soon as possible.
- Parents/Carers will be informed on the day of the incident.

## 2. Objective

At Oakdene Primary Academy we believe everyone has a right to:

- Recognition of their unique identity.
- To be treated with respect and dignity.
- To learn and work in a safe environment.
- To be protected from harm, violence, assault and acts of verbal abuse.

Pupils and their parents attending Oakdene Primary Academy 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 and the law.
- Be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school.

Oakdene Primary Academy also recognises that there is a need, reflected in common law, to physically intervene when there is an obvious risk to the safety of 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 to ensure minimal risk of injury to children and staff. It should never be acceptable for a member of staff to restrain a child by themselves – restraint means to hold back physically or to bring a pupil under control – if there is no other choice but to do so it should be for the shortest amount of time possible whilst waiting for help and assistance from other staff.

The Legal Framework, Section 93 of the Education & Inspections Act 2006, allows 'teachers and other persons who are authorised by the Head Teacher who have control or charge of pupils to use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- Causing injury to his/herself or others.
- Committing an offence.
- Damaging property.
- Prejudicing the maintenance of good order & discipline.

### 3. Our approach

At Oakdene Primary Academy we aim to avoid the need for physical intervention and regard this as a last resort in managing situations. We always aim to deal with behaviour using a positive approach and therefore this policy should be read in connection with our Behaviour Policy.

It is not possible to define every circumstance in which physical restraint would be necessary or appropriate and staff are expected to exercise their own judgement in situations which arise within the above categories. Staff should always act within the Academy's policy on behaviour and discipline, particularly in dealing with disruptive behaviour.

Staff should be aware that when they oversee children during the school day, or during other supervised activities, they are acting in loco parentis and have a 'Duty of Care' to all children they are in charge of. They must, therefore, take reasonable action to ensure all pupils' safety and wellbeing.

Staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention. Staff should 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 and behavioural needs, which may increase their aggression. All staff should understand the importance of responding to the feelings of the child, which lie beneath the behaviour, as well as the behaviour itself.

If a child is behaving disruptively or anti-socially, non-physical strategies will be used to manage the behaviour positively to prevent a deterioration of the situation. Staff should view physical intervention with a child as a 'last resort' and for the purposes of maintaining a safe environment.

### 4. Minimising the need to use positive handling:

Oakdene Primary Academy will:

- Create and maintain a calm, orderly and supportive school environment that minimises the risk of an incident that might require restraint
- Develop effective relationships between staff and pupils that are to good order
- Use appropriate approaches to teach pupils how to manage conflict and strong feelings
- De-escalating incidents if they do arise
- Only use restraint when the risk involved in doing so is outweighed by the risk involved in not restraining

### 5. Deciding to use positive handling:

Staff should only restrain when:

- The potential consequence of not intervening is sufficiently serious to justify considering the use of force
- The chance of achieving the desired result by other means is low

- The risk associated with not using force outweigh those of using force

## 6. Use of positive handling

Physical restraint should 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, allows the pupil to regain self-control. It should never take a form which could be seen as punishment.

Staff are only authorised to use reasonable force when applying positive handling strategies, although there is no absolute definition of this. What constitutes reasonable force depends upon the situation, and the pupil to whom it is being applied. Teachers should apply the training they receive to de-escalate where possible then use the appropriate holds as practised in the training. However, only the force necessary to stop or prevent danger should be used, in accordance with the guidelines below.

The Principal should ensure that staff have regular professional development and that this is maintained. Only staff with relevant training should employ positive handling strategies.

When physical restraint becomes necessary:

### Do

- Communicate in a calm and measured manner.
- Tell the pupil what you are doing and why.
- Use the minimum force necessary.
- Involve another member of staff if possible.
- Tell the pupil what s/he must do for you to remove the restraint (this may need frequent repetition).
- Use simple and clear language.
- Hold limbs above a major joint if possible e.g. above the elbow.
- Relax your restraint in response to the pupil's compliance.

### Don't

- Act in temper (you must involve another staff member if you fear loss of control).
- Involve yourself in a prolonged verbal exchange with the pupil.
- Involve other pupils in the restraint.
- Touch or hold the pupil in a way that could be viewed as sexually inappropriate conduct.
- Twist or force limbs back against a joint.
- Bend fingers or pull hair.
- Hold the pupil in a way which will restrict blood flow or breathing e.g. around the neck, restricting the chest, sitting on them or lying them face down.
- Slap, punch, kick or trip up the pupil.
- Use positive handling or intervention as a punishment.

Examples of situations where positive handling may be appropriate include:

- A pupil attacks member of staff or another child.
- A pupil is fighting.
- A pupil is engaging in, or 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, by rough play or by misuse of dangerous materials or objects.

**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 (considering age and understanding), to the safety of other pupils or staff, or of damage to property

**The procedure for restrictive physical intervention set out below must always be followed:**

- Give the pupil clear warning. Offer an escape route from the situation, for example, through calming or following instructions.
- Once the restrictive physical intervention is judged necessary it should happen quickly, smoothly and confidently.
- Always remain calm and talk in a conciliatory tone. Ignore any abuse and let the high emotional state run its course.
- Once things begin to calm, it can be coupled with significant changes in restrictive physical intervention, this should be on staff terms, not when demanded by the pupil.
- The aim is to talk through the situation and discuss the behaviour that caused the whole episode. This may need to happen a while after the event has occurred.
- The extent of force used should be no more than necessary to control the situation.

### **Actions after an incident**

Positive handling often occurs in response to highly charged emotional situations and there is a clear need for debriefing after the incident, both for the staff involved and the pupil. The Principal should be informed of any incident as soon as possible and will take responsibility for making arrangements for debriefing once the situation has stabilised. An appropriate member of staff should always be involved in debriefing the pupil involved and any victims of the incident should be offered support. The parents/carers will be informed at the earliest possible opportunity and within 24 hours of the physical restraint being used. Both parents should be informed.

If the behaviour is part of an ongoing pattern, it may be necessary to address the situation through the development of a behavioural plan, which may include an anger management programme, or other strategies. This may require additional support from other services.

In some circumstances an offer of support via Early Help may be appropriate to help identify an additional need for a particular pupil.

All incidents should be recorded immediately on the Positive Handling Incident Record (attached). All sections of this report should be completed so that any patterns of behaviour can be identified and addressed. In the event of any future complaint or allegation this record will provide essential and accurate information. This then needs to be scanned into CPOMS and may be used in order to inform individual and school risk assessments.

There may be occasions where minor touch is necessary rather than restraint and therefore should be recorded on CPOMS. Not all touch needs to be recorded however if it could be perceived in a negative way, please discuss with your line manager and record if appropriate.

A member of the senior leadership team will contact both parents as soon as possible after an incident, (normally on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

## 7. Debriefing arrangements

The child/young person 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. This will be recorded in accordance with the school's First Aid policy.

The child or young person will be given time to become calm while staff continue to supervise them. When the child regains composure, a senior member of staff (or their nominee) will discuss the incident with the child and try to ascertain the reason for its occurrence.

The child will be given the opportunity to explain things from their point of view. All necessary steps will be taken to re-establish the relationship between the child and the member(s) of staff involved in the incident. In cases where it is not possible to speak to the pupil on the same day as the incident occurred, the debrief will take place as soon as possible after the child returns to school.

All members of staff involved should be allowed a period of debrief and recovery from the incident. A senior member of staff (or their nominee) will provide support to member(s) of staff involved.

The Principal will be informed at the earliest possible opportunity of any incidents where positive handling was used and within 24 hours. The Principal (or their nominee) will initiate the recording process if not already under way and review each incident to ensure that any necessary lessons are learned.

## 8. Arrangements for informing parents

All parents/carers will be informed immediately after an incident where positive handling is used with a child. Parents/carers will need to be notified sensitively and to be made aware of the full circumstances.

Parents/carers should be informed of the school's policy regarding positive handling and their behaviour policy. This will be displayed on the school's website.

Staff who work with children who have learning or physical disabilities (and who have Individual Education Plans, Individual Behaviour Plans and/or Pastoral Support Plans), may need to use specific techniques routinely to manage challenging behaviour. Such arrangements must be discussed with parents/carers in advance on an individual basis using positive handling plans. All interventions will be routinely recorded and monitored with the expectation that steps are taken to reduce the number of restrictive physical interventions year on year.

## 9. Recording an incident

All incidents where staff feel that they have used force to modify behaviour or conduct, or where positive handling strategies have been used, should be recorded.



The Principal will be informed of the intervention that has taken place. It is the responsibility of the intervening member of staff to complete the record form on the day that the intervention took place or (the next day) within 24 hours if appropriate.

The circumstances and nature of the physical intervention will be held on the record of the pupil involved (CPOMS). The DSL will inform any necessary agencies/authorities of the physical intervention in accordance with DFE and LA guidance. The Principal will ensure that parents/carers are appropriately informed on the same day as the incident. It is also expected that the child's Social Worker be informed if they are Looked After. For the safeguarding of both staff and student, any subsequent investigation of the situation/incident should be undertaken by a member of staff other than the one applying the physical intervention.

The incident should be logged on the Positive Handling Incident Record as soon as possible and will contain the following information:

- The name(s) of the member(s) of staff who used reasonable force.
- The name(s) of the child(ren) involved.
- When and where the incident took place.
- Names of staff and child(ren) who witnessed the incident.
- The reason that force was necessary.
- Behaviour of the child(ren) which led up to the incident including any triggers.
- Any attempts to resolve or de-escalate the situation which methods of de-escalation were used.
- The degree of force used.
- How it was applied.
- How long it was used for.
- The pupil/s response and the eventual outcome.
- Details of any injuries suffered by either staff or pupils/s.
- Details of any damage to property.
- Details of any medical treatment required (an accident form will be completed where medical treatment is needed).
- Details of follow-up including contact with the parents/carers of the child(ren) involved.
- Details of follow up involvement of other agencies, police, social services.

Child witnesses may also be asked to provide a written account if appropriate.

A copy of this will be kept on the pupils CPOMS file and retained in line with guidance on keeping educational records. The school will report any injuries to child or staff and seek medical intervention immediately if necessary.

## 10. Risk Assessments

If we become aware that a pupil is likely to behave in a disruptive and/or challenging way that may require the use of reasonable force, we will plan how to respond if the situation arises and this will be recorded in a Behaviour Plan or Risk Assessment, shared with staff. Such planning will address:

- Strategies to be used prior to intervention.
- Ways of avoiding 'triggers' if these are known.



- Involvement of parents/carers to ensure that they are clear about the specific action the school might need to take.
- Briefing of staff to ensure they know exactly what action they should be taking.
- Identification of additional support that can be summoned if appropriate.

## 11. Complaints and Allegations

A clear positive handling policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under the complaints disciplinary or allegation management procedures. It is our intention to inform all staff, pupils, parents and governors about these procedures and the context in which they apply.

## 12. Searching pupils - Power to search pupils without consent

In addition to the general power to use reasonable force described above, Principals and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”:

- knives and weapons
- 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.

Force cannot be used to search for items banned under the school rules. Under these circumstances The Education Act 2011 extends the power of staff to search students without their consent. Searches will be conducted by two members of staff, at least one of whom will be the same sex as the student. Students will be offered the opportunity to have their parents/carers present.

For further information the DfE have provided guidance on Searching, Screening and Confiscation [Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://publishing.service.gov.uk). A member of the leadership team will contact parents as soon as possible after an incident, normally on the same day and within 24 hours, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

### 13. Key Legal References

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

- DfE Use of Reasonable Force Guidance. [DfE advice template \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/421212/Use_of_Reasonable_Force_Guidance.pdf)
- Offences Against the Persons Act 1861 (concepts of Assault and Assault and Battery). [Offences against the Person Act 1861 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1861/1)
- Common Law concepts of false imprisonment and common law defence; □ Duty of Care.
- DfE Circular 10/98.
- The Children Act 1989. [Children Act 1989 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1989/41)
- DoH/DfES Joint Guidance on Physical Interventions 2002.
- The Education Act 1996. [Education Act 1996 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1996/56)
- Education and Inspection Act 2006. [Education and Inspections Act 2006 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/2006/42)
- Screening, searching and confiscation – advice for Headteachers, staff and governing bodies. [Searching, Screening and Confiscation \(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/421212/Searching_Screening_and_Confiscation.pdf)
- Human Rights Act 1998. [Human Rights Act 1998 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1998/42)
- Disability Discrimination Act 1995; Health and Safety at Work Act 1974. [Disability Discrimination Act 1995 \(legislation.gov.uk\)](https://www.legislation.gov.uk/ukpga/1995/50)