



# POSITIVE HANDLING POLICY

Date Adopted	Signature of Chair	Review date

## **Introduction**

As a Pupil Referral Unit our mission is to improve learning outcomes for vulnerable pupils by removing barriers to learning (behaviour).

The policy has been drawn up in consultation with county PRU heads and SchoolSafe. It should not be treated as a complete and authoritative statement of law. The policy is intended to set out clear guidance taking account of legal guidelines.

The policy draws together good practice with regard to legislation and guidance. New guidance on school discipline was issued by Suffolk's Children and Young People's Services in June 2008 in partnership with SchoolSafe in response to the Education and Inspection Act 2006, DCSF Guidance on Pupil Behaviour and Discipline Policies (April 2007), DCSF Guidance on the Use of Force to Control or Restrain Pupils, 2008 and DCSF Guidance on Screening and Searching of Pupils for Weapons, 2007. Legislation on Safeguarding Children and Safer Recruitment in Education, 2007, and Guidance for Safe Working Practice for the Protection of Children and Staff in Educational Settings (February 2005) was also drawn on.

The policy should be read in conjunction with:

- Behaviour Policy
- Anti-bully policy
- Disadvantage and Equality Policy
- Safeguarding Policy
- Complaints procedures
- Whistle Blowing policy
- Health and Safety policy
- Curriculum
- Touch

At all times First Base Lowestoft treats pupils with dignity, compassion and humanity. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by Section 548 of the Education Act 1996.

## **Aims**

The Management Committee in partnership with the County Council has a duty to ensure the health, safety and well being of everyone in the school.

Positive handling is deployed when all aspects of the Behaviour Policy have been exhausted. Section 93 of the Education and Inspection Act 2006 established the responsibility of teachers and other authorised staff who have lawful control of charge of pupils with regard to the application of reasonable force in order to prevent:

- children committing an offence
- causing personal injury
- damage to property

- engaging in behaviour prejudicial to the maintenance of good order and discipline

### **Minimising the need to use force**

Although preventative measures will not always work First Base Lowestoft should reduce the likelihood of situations where the need to use force is required.

These steps may include:

- creating a calm orderly supportive environment
- avoiding situations likely to cause challenging behaviour
- developing effective relationships between pupils and staff
- adopting personalised learning approach to develop social and emotional skills meeting the needs of individual pupils
- recognising that challenging behaviours are often foreseeable e.g. anticipate objects which may be thrown / used as weapon and remove.
- implementing risk assessment based on the pupil's individual needs
- use observations to establish if there are triggers for inappropriate behaviour
- have realistic expectations
- remove threat of failure for the pupil
- effectively managing individual incidents
- wherever practicable, warning a pupil that force may be used before using it.
- a structured approach to staff development that supports staff in developing the skills of positive management behaviour, managing conflict and supporting each other during and after an incident

Strategies may include:

- deploying de-escalation techniques e.g. deflection, broken record,
- communicating calmly with pupil
- using non-threatening verbal and body language
- ensuring the pupil can see a way out of the situation
- use distraction
- withdrawal techniques, e.g. going to quiet area, pupils, removing pupil from bystanders or other
- give clear directions / show what behaviour is expected
- give early warning of change
- Establish signal or visual sign to act as gentle prompt or reminder
- supported by a member of staff well known to pupil

### **Deciding the need to use force**

There is no legal definition of when to use force. Decisions on whether the precise circumstances of an incident justify the use of force will always depend on the individual case. **Any physical intervention must be necessary, proportionate and deemed reasonable at the time.** Such decisions have to be made quickly with staff giving consideration to the following in making the judgement:

- a. the seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used. The

- greater the potential for injury, damage or serious disorder, the more likely that using force may be justified.
- b. the likelihood of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely that using force may be justified.
  - c. the relative risks associated with physical intervention compared with other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force may be justified.

Section 393 of the Education and Inspection Act 2006 enables school staff to use such force as reasonable in the circumstances to prevent a pupil from doing or continuing to do, any of the following:

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

Examples of situations that call for judgements include:

- a. a pupil attacks a member of staff, or another pupil
- b. pupils are fighting, causing risk of injury to themselves or others
- c. a pupil committing, or on the verge of committing, deliberate damage to property
- d. a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or object
- e. a pupil absconds from class or tries to leave school

There are situations where staff should not normally intervene without help, unless it an emergency. First Base Lowestoft adopts clear systems of communication (verbally) and support that enables a member of staff to summon rapid assistance when necessary. If a member of staff believes that he / she may be at risk of injury they should take steps to remove other pupils who might be at risk and summon assistance from other authorised members of staff.

### **Risk Assessments**

A risk assessment process should commence prior to admission and be part of the referral process to determine:

- appropriateness of placement
- level of support to promote successful inclusion
- level of support to maintain the safety of all members of the PRU community

When behaviour exhibited presents foreseeable risk a risk assessment should be completed. The risk assessment is a proactive response to minimising challenging behaviour. It is set against observed behaviours.

The personalised risk assessment should identify the known behaviours and de-escalation strategies to match the individual needs of the pupil to minimise the risk of challenging behaviour and in turn minimise the use of force. When all strategies have been exhausted the risk assessment also identifies an appropriate technique / techniques if positive handling is required. The risk assessment needs to identify any disability, impairment or condition that may be exacerbated by positive handling.

Risk assessments are working documents which should be updated and reviewed on a regular basis. All members of staff supporting a pupil should be involved in the process. This information / strategies to be deployed should be shared with all members of staff that are likely to come into contact with the pupil.

Leadership teams should assess the frequency and severity of incidents requiring use of force that are likely to occur in their school. Analysis of data relating to positive handling incidences will help inform decisions regarding staff training, supporting pupils and future practice.

### **Reasonable Force**

The degree of force used, to be judged lawful, should be based on proportionality. This is best defined by what is reasonably proportionate to the amount of harm likely to be suffered or likely to result if the positive handling intervention is not used. For example, when keeping a pupil safe that the response is sufficient to stop a pupil harming themselves or others without excessively harming them. The degree of force used is therefore based on:

- necessity – if there is an imminent risk of injury
- last resort in managing conflict. Force should not be deployed in a situation that could be resolved without use of force.

Positive handling should not be used for revenge, retaliation, retribution or teaching a pupil a lesson.

The policy has considered its impact on staff, pupils, parent / carers and other learners in respect of First Base Lowestoft equalities schemes and policy. Where the positive handling policy impacts on any people with whom we work or come into contact with:

- it does not disadvantage any group due to disability, age, race, religion, sexual orientation or gender
- it has taken into consideration the needs of people with a disability, the needs of various groups, various religious groups, various sexual orientations and the different needs of men and woman.

**Suffolk County Council does not authorise the use of any techniques that involve downward facing positions or techniques that may restrict breathing.**

## **Staff authorised to use force**

Staff to which this power applies is defined in Section 95 of the Education and Inspection Act. They are any member of staff who has lawful control or charge of pupils. This:

- a. includes teachers, support staff whose job normally includes supervising children such as teaching assistants, behaviour support assistants, learning support assistants.
- b. can also include people to whom the head has given temporary authorisation to have control or charge of pupils whose job does not routinely supervise pupils

The power may be used where the pupil (including a pupil from another school is on the premises or elsewhere in lawful control or charge of the staff member (for example on a school visit).

Members of staff working in community schools must agree protocols with the school prior to the start of an intervention programme being delivered, as identified in the Service Level Agreement.

Where there is a high or immediate risk of immediate injury any member of staff would be justified in taking necessary action (consistent with the principles of seeking to use reasonable force) in line with the common law rights of citizens.

It is the responsibility of the Management Committee to:

- Ensure that all staff employed at First Base Lowestoft are familiar with and adhere to policy
- Ensure that all staff employed at First Base Lowestoft receive training in the safe use of restraint from a recognised trainer authorised by the Local Authority
- Copies of Positive Handling Policy made available to parents on request

In the event of an incident 'doing nothing is not an option'. This may include observing the situation and assessing the appropriate action, seeking help, offering support assistance, removing other children at risk of physical or mental injury, deploying physical intervention.

All staff have a 'duty of care' to themselves, pupils and colleagues. By not taking positive action (refer to examples above) pupils and other members of staff could be placed at risk.

It is the responsibility of all members of staff to attend training and regular updates, adhere to legal guidance and school policy and report and record all incidents on agreed proforma.

In addition as part of staff responsibility to duty of care individual members of staff have a duty to report to their headteacher factors that may inhibit

response to serious breaches of discipline or serious damage to property creating a hazardous environment.

### **Staff Training**

All staff will be offered theory training in de-escalation, legal rights and responsibilities and the use of physical restraint from a recognised trainer authorised by the Local Authority. Physical de-escalation techniques should be re-accredited annually to maintain competency. A member of staff will be identified by the headteacher to lead practice sessions and arrange updates in First Base Lowestoft as required.

New members of staff, as part of their induction, will be offered relevant training authorised by the Local Authority e.g. School Safe offer a three day programme for Pupil Referral Units.

### **Reporting and Recording**

An incident form will be completed following an occasion when any use of physical intervention to control or restrain a pupil has been deployed by the member of staff concerned. The information that should be contained within this report is set out in DCSF Guidance document – The Use of Force to control or Restrain Pupils This form, which details nature, date and time of incident, must be completed as soon as is reasonably practicable in respect of any incident defined within the Suffolk County Council Policy and Guidance document, 'Recording and Reporting Incidents in Schools and other Educational Premises'.

1. It should be brought to the attention of the Headteacher, or in her absence the deputy Headteacher enabling him / her to maintain systematic records of every incident in which physical intervention was required in accordance with child protection requirements. Differing accounts of the same incident should all be recorded.
2. The Headteacher or designated senior member of staff will ensure that all incidences requiring any use of physical intervention to control or restrain a pupil are reported to parents / carers. Parents should be told when and where the incident took place, which members of staff were directly involved (anonymised where necessary), why they decided physical intervention had to be used, what force was used, whether there was any injury and what follow up action (support and/or disciplinary) was being taken in relation to their child. It is good practice for parents to be involved in agreeing appropriate support arrangements. Parents are entitled to see a record of the incident if requested. If a parent makes a written request for a copy of the record this must be provided within 15 days of the request being received.
3. The Area Office is sent a completed Suffolk County Council Incident Report Form following an incident.

The purpose of recording is to ensure policy guidelines are followed, to inform parents / carers, to inform future practice and to provide a record for any future enquiry.

### **Post incident support**

Serious incidences that require positive handling can be upsetting to all concerned and may result in injuries to the pupil or staff. Immediate action should be taken to provide first aid and to access medical help for injuries that go beyond first aid.

It is also important that staff and pupils are given emotional support for as long as is necessary in respect of:

- physical consequences
- support to deal with any emotional stress or loss of confidence
- opportunity to analyse, reflect, strategies to avoid such crisis points in the future.

To support the pupil the Unit considers following an incident whether multi-agency partners need to be involved and which partners. Where a pupil is responsible opportunities for the pupil to develop their social and emotional skills and repair any harm done also requires consideration and follow up.

### **Monitoring and reviewing**

The Senior Leadership team assess the frequency and severity of incidents requiring use of force that occur in First Base Lowestoft. Analysis of data relating to positive handling incidences identifies patterns / triggers that will help inform decisions regarding staff training, supporting pupils and informing future practice.

The headteacher has an important role in reporting incidences to the Management Committee. The Management Committee is responsible for supporting / challenging the headteacher in effectiveness of policy in relation to managing incidences. The Management Committee is responsible for formally reviewing the application and effectiveness of the policy every two years.

### **Complaints and allegations**

First Base Lowestoft is committed to involving parents / carers when an incident occurs involving their child. This policy sets out clear guidelines with regard to physical intervention that all members of staff adhere to. Following guidelines may not prevent concerns / complaints from parents /carers. A clear complaints policy should be available to parents (refer to Monitoring the Quality of PRU provision) If there is a dispute in relation to the use of force by a member of staff it may lead to an allegation made to the PRU, Local Authority or police. These will be dealt with in accordance with agreed policies and policies for handling allegations against staff. 'Safeguarding Children and Safer Recruitment in Education' provides guidance on safeguarding children and dealing with allegations against staff. A copy can

be read on Suffolk Safeguarding Board website. A copy is also held in the Unit.

The possibility that a complaint might result in disciplinary hearing, a criminal injury prosecution civil action bought by a parent or pupil cannot be ruled out. When recording incidents, staff should bear in mind that, if this information is later passed to the police, it may be included in Criminal Records Bureau disclosure. The unit retains records of such incidents until the member of staff involved has reached normal retirement age or for ten years from the date of the allegation if that is longer

In cases of allegations it would be for the disciplinary panel or court to decide whether the use and degree of force was reasonable in the circumstances. It would consider, in drawing a conclusion, whether the unit's policy on positive handling and staff training had been adhered to in order to prevent injury, damage or disruption in the particular circumstances of the case.