

St Thomas More Catholic Voluntary Academy

St Thomas Aquinas Academy Trust



Love One Another as I have Loved you
John 13:34

Positive handling policy

Policy Date:	September 2021		
Policy Review Date:	September 2022	Charlotte Crosse	Head teacher
Ratified by Governing Body:			
Bernard Attard			

St Thomas More Catholic Voluntary Academy

POSITIVE HANDLING POLICY STATEMENT

Please read alongside the school's Behaviour Policy.

At St Thomas More Catholic Voluntary Academy there are sometimes children with severe behaviour difficulties who present behaviour that may necessitate the use of restrictive physical interventions to prevent injury, damage to property or breakdown of discipline. Section 550A of the Education Act 1996 clarifies the position about use of restrictive physical interventions by teachers and others authorised by the Headteacher to control or restrain pupils.

Use of physical force must be reasonable and comply with:

- DfES Circular 10/98, "section 550A of the Education Act 1996: the use of force to control or restrain pupils".
- DfES letter dated 24 April 2001 to Chief Education Officers in England, "Positive handling strategies for pupils with severe behavioural difficulties".
- Joint DfES/DH guidance issued July 2002, "The use of restrictive physical interventions for staff working with children and adults who display extreme behaviour in association with learning disability and/or autistic spectrum disorder" Local authority policies.
- Local Authority behaviour support plan.
- Our School Good Behaviour Policy.

The vast majority of our teachers, teaching assistants and lunchtime supervisors are TEAM TEACH trained.

EXPECTATIONS

The use of restrictive physical interventions will always be considered within the wider context of other measures. These include establishing and maintaining good relationships with children and using diversion, diffusion and negotiation to respond to difficult situations.

Before intervening physically, a member of staff will, wherever practicable, tell the pupil who is misbehaving to stop and use de-escalation techniques to try to calm the child or remove them from the dangerous situation without the need for physical intervention. The member of staff will continue to communicate with the pupil throughout the incident and will make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper or are acting out of anger or frustration, or to punish the pupil.

Use of physical force that is unwarranted, excessive or punitive is not acceptable. Failure to comply with this principle, when considering or using physical force will be dealt with under the school's disciplinary procedures.

Reasonable Force

Although there is no legal definition of reasonable force, guidance from the DfE draws attention to two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. For example, physical force could not be justified to prevent a pupil from committing a trivial misdemeanour in a situation that clearly could be resolved without force.
- The degree of force must be in proportion to the circumstances of the incident and the seriousness of the behaviour and the consequences it is intended to prevent. Only the minimum force needed to achieve the desired result should be used.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, understanding and sex of the pupil.

Types of incident where the use of force would be reasonable

The DfES identifies three broad categories of incidents where the use of force may be appropriate:

- **Where action is necessary in self-defence or because there is an immediate risk of injury.** Everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Likewise, if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else any member of staff would be entitled to intervene.
- 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 and discipline.**

Examples of situations that fall within one or more of the above categories are:

- A pupil attacks a member of staff or another pupil.
- Pupils are fighting.
- A pupil is engaged, or is on the verge of committing, deliberate damage or vandalism to property.
- A pupil is causing or may cause injury or damage through rough play or misuse of dangerous materials or objects.
- A pupil is running in a corridor or on a stairway in a manner which might cause an accident to themselves or possible injury to others.

PHYSICAL INTERVENTION PROCEDURES

As soon as a member of staff has decided to intervene physically in order to prevent injury occurring to any person, or serious damage to property, then she/he should:

- Give one or more clear instructions warning the pupil of the consequences of failure to comply prior to restraint. This may be a script used regularly as part of a positive behaviour and handling plan with the individual child. If not a simple instruction such as: 'Name' , I can see you are feeling angry/upset/worried about.....then give instruction, otherwise Mr X and I will have to take you to the family room to keep you safe. I need you to calm down and follow my instruction (state instruction). Otherwise Mr X and I will take you to the calm room to keep you safe.'
- Note: this warning must not compromise any threat of unlawful assault.
- Employ minimum physical force necessary for the minimum period needed to restrain the pupil

Unacceptable Practices

Circular 10/98, Regulation 8 of The Children Act 1989 and Regulation 17 of Children's Home Regulations 2001 make it clear that staff should not act in a way that might reasonably be expected to cause injury, e.g. by:

- Twisting or forcing limbs against a joint.
- Pinning pupils against walls or furniture.
- Slapping, punching or kicking at pupils.
- Techniques which restrict circulation or breathing.
- Holding or pulling a pupil by hair or ear.
- If possible, avoid (except in very extreme circumstances) holding a pupil face down on the ground.

In addition to the above, staff should avoid:

- Any holding down which may be interpreted as being of a sexual or indecent nature, e.g. keep hands away from the upper thigh or breast region.
- Sitting on a pupil.

Good Practice:

- Whenever possible, summon a second member of staff. The importance of the presence of a colleague is twofold:
 - Another member of staff may be able to reduce the risk of the member of staff or pupil suffering bodily harm – a solitary person is in a very exposed position if, for example, a fight is in progress.
 - There is a witness if allegations of assault are subsequently made by a pupil or parents.
- Consideration of gender issues should be made in relation to how a pupil is held, and who holds the pupil.

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- Remove, as far as is possible, onlookers and observers who are not essential to the control of the situation.
- Staff should be made aware that there may be some pupils for whom touching is particularly unwelcome. For example, some may be particularly sensitive to physical contact because of their cultural background or because they have been abused. It is important that all staff receive information on these pupils. (Ensure there are always 2 adults present at all times)
- Attempt always to maintain the dignity and self-respect of the pupil both during and after the restraining process.
- Keep talking to the pupil throughout the incident repeating that the restraint will stop as soon as it ceases to be necessary (unless an individual protocol is in place).
- Try to ensure a calm and measured approach to the situation. Never give the impression they are acting out of anger or frustration, or are trying to punish the pupil – whilst keeping their temper under control and avoiding committing any act of punitive violence.
- The pupil's release from restraint should be planned, agreed and gentle. Close supervision of the pupil will be necessary. A teacher (or senior member of staff) should explain the reasons for the use of restraint and the pupil's views on the incident should be sought.
- Refer staff and/or pupil to a first aider for first aid or as appropriate for further medical attention (e.g. GP, casualty, etc.). These issues should receive immediate attention and be thoroughly recorded at the time.
- Consideration should be given to requesting a medical examination for the pupil or any staff affected by the incident.
- The pupil may refuse a medical examination. Details of the events and any injuries must be noted on the pupil's file as soon as they are apparent or diagnosed by a GP.
- The pupil's parents/carers/placing social worker should be advised of the use of restraint.
- If other pupils are distressed, they must also be offered support.
- A Headteacher can insist that a member of staff should leave work if there are medical/psychological concerns arising from the incident and its effect on the member of staff. Health and Safety Bulletin No.47: 'Dealing with Assaults on Staff in School and College Environments' (interpreted as appropriate for other settings) may be applicable in some circumstances

Positive Behaviour Management

All staff should adopt a positive approach to improving behaviour in order to reward effort and application, and to build self-esteem. The school, in partnership with those who know the child, to help those concerned:

- Find out why this child behaves as he or she does.
- Understand the factors that influence the child's behaviour.
- Identify early warning signs that indicate foreseeable behaviours are developing.

This approach will help to ensure that early and preventative intervention is the norm. It should reduce the incidences of extreme behaviour and make sure that the use of physical force is rare.

School staff will refer to the Behaviour Policy when developing and implementing Positive Handling Plans. All behaviour management plans will be formally agreed in partnership with parents (or those with parental responsibility) and other statutory agencies working with the pupil before implementing them.

The plan will set out the action to:

- Meet the pupil's need.
- Encourage the pupil to make positive choices and develop self-control.
- Support the pupil in difficult situations.
- Safely manage crises if and when they occur.

USE OF RESTRICTIVE PHYSICAL INTERVENTIONS IN UNFORESEEN AND EMERGENCY SITUATIONS

Schools should acknowledge that, on occasion, staff may find themselves in unforeseen or emergency situations when they have no option but to use reasonable force to manage a crisis. It is recommended that:

- Before using force – staff attempt to use diversion or diffusion to manage the situation.
- When using force – staff must use techniques and methods with which they are familiar, confident and are permitted by the setting.
- In exceptional circumstances (where permitted techniques are ineffective or staff are unfamiliar with the action they should take) staff shall manage the situation as best they can to comply with Section 550A of the Education Act 1996.
- Staff must always report and record use of physical force that occurs in unforeseen or emergency situations using the school's reporting procedures described below.

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Post-Incident Support

Incidents that require the use of restrictive physical interventions can be upsetting to all concerned and result in injuries to the child or member of staff.

After incidents have subsided, staff and children will be given emotional support by the Headteacher, Deputy Headteacher, Assistant head teacher or learning mentor, and basic first aid treatment for any injuries by the school's first aider or appointed persons.

All injuries will be reported and recorded on the school CPOM system and all physical handling incidents will be reported on [https://my.leicester.gov.uk/service/Physical Intervention Record](https://my.leicester.gov.uk/service/Physical_Intervention_Record)

Reporting and Recording Use of Restrictive Physical Interventions

After incidents in which physical intervention is used staff will report and record the matter.

As of October 2019, all physical interventions must be recorded electronically.

- There are 5 pages (sections A-E) to complete, at the end of which the form is **automatically emailed** to the SEMH Team when 'submitted'
- There is also the option to add in email addresses of school leaders and DSLs
- You can print hard copies of the form for school files or save it as a PDF to an electronic file
- The responsibility of the school, to maintain its own records, will remain a legal requirement.

The school will also inform the parents or those with parental responsibility and the child's social worker (if applicable). This will also be recorded on the school's CPOMS system.

Monitoring Use of Restrictive Physical Interventions

Use of physical intervention in setting will be monitored in order to help staff learn from experience, promote the well being of children and provide a basis for appropriate support. Monitoring can help to determine what specialist help is needed for children and to assess the appropriateness of the child's placement at the school. Information on trends and emerging problems will be shared with the staff at staff and team meetings. Monitoring information will be reported to the Governors in the Headteacher's Report to the Governors.

Responding to Complaints

The use of restrictive intervention can lead to allegations of inappropriate or excessive use.

In the event of a complaint being received by a school in relation to use of force by staff, the matter should be dealt with in accordance with agreed procedures for handling allegations against members of staff laid down in the document "Education Staff and Child Protection, Chapter 13: Staff Facing an Allegation of Abuse".

Staff Training

Training in physical intervention methods that are acceptable within the school will be provided as required by a member of the SEMH Team. (Team Teach)

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Advice and support in completing risk assessments/needs assessments in connection with the management of pupil behaviour to be given by the SENCo and/or other statutory agencies (SEMH team) working with the pupil.

Calming Room

The following advice has been provided by the SEMH team.

Seclusion is the act of isolating an individual from other people.

In a court case (S v Airedale NHS Trust 2002) seclusion was defined as:

‘the supervised confinement of a patient in a room, which *may be locked* [my emphasis] to protect others from significant harm. Its sole aim is to contain severely disturbed behaviour which is likely to cause harm to others.’

Seclusion should be used as a last resort, for the shortest possible time. Seclusion should not be used as a punishment or threat; as part of a treatment programme; because of shortage of staff; where there is any risk of suicide or self-harm. It should be considered to be a form of physical intervention and should be recorded. Use of seclusion outside the Mental Health Act should only be considered in exceptional circumstances and should always be proportional to the risk presented by the child.

It is an offence to lock a child in a room without a court order (even if they are not aware that they are locked in) except in an emergency when for example the use of a locked room as a temporary measure while seeking assistance would provide legal justification. The use of double or high door handles in classrooms or locking outside doors, as a safety measure and/or security precaution when children are supervised by an adult would be considered a reasonable measure to prevent a significant risk of harm within a school’s duty of care to its pupils.

This differs greatly from the use of “seclusion” when a pupil is isolated within school as an internal exclusion in that the pupil is not locked in a room.

Seclusion is resorted to in extreme cases, as an emergency procedure that is where there is a significant risk that the person presenting the challenging behaviour poses a physical threat to other people and no other method of management has proved effective in preventing the possibility of harm being caused. Seclusion cannot be used where the threat is only of a destructive nature, that is, directed at objects in the environment.

Seclusion is a difficult experience for people who are subjected to it. Being denied their freedom of movement, confined within a place and set apart from others, all under the watchful eyes of a carer can be interpreted as a form of imprisonment, which implies the elements of fault, responsibility and punishment. Other people, for example some people with autism, may actually prefer seclusion to being held by another person.

Current National Guidance (Use of Reasonable Force) from DfE

(<http://www.education.gov.uk/aboutdfe/advice/f0077153/use-of-reasonable-force>)

does not refer to seclusion at all.

Documents consulted:

Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme behaviour in Association with Learning Disability and /or Autistic Spectrum Disorders. DFEE and Dept of Health July 2002 Ref LEA/0242/2002

(<http://media.education.gov.uk/assets/files/pdf/g/guidance%20on%20the%20use%20of%20restrictive%20physical%20interventions.pdf>)

Physical Interventions and the Law: C.M. Lyon and A. Pimor 2004 BILD

Stefan Potiuk

Senior Teacher, Primary Social, Emotional and Mental Health (SEMH) Team