

# Positive Handling Policy



# EPWORTH EDUCATION TRUST

Written by:	J Buckley
Reviewed by:	J Buckley
Date Agreed:	October 21
Next Review Date:	Autumn 2023
Chairs Signature	To be signed at the next Governors meeting

## Version Control

### Change Record

Date	Author	Version	Reason for Change
7.3.19	J Buckley	New	Policy completely rewritten due to DFE 2018 Safeguarding Guidance, roles and responsibilities, SEND update and use of Positive Handling language
25.5.21	J Buckley	2	Name Change from Acorn to Epworth. Content page and statement of Intent added. Additional info added re. Acts – 6.13, 9.1. Update training refresher from 3 years to 2 years

## Mission Statement

Epworth Education Trust is a Multi-Academy Trust established with the aim of providing outstanding learning and opportunities for the children within its care.

Children are our nation's most precious resource. Their school life and learning experience will shape them for the whole of their lives

## Safeguarding Statement

At Epworth Education Trust we recognise our moral and statutory responsibility to safeguard and promote the welfare of all children.

We work to provide a safe and welcoming environment where children are respected and valued. We are alert to the signs of abuse and neglect and follow our procedures to ensure that children receive effective support, protection and justice.

The procedures contained in the Safeguarding Policy apply to all staff, volunteers and governors

## **Contents:**

Statement of intent

1. Legal framework
2. Roles and responsibilities
3. Strategies for dealing with challenging behaviour
4. Duty of Care
5. Positive Handling
6. Use of Positive Handling and reasonable force
7. SEND
8. Staff from the Local Authority working within the school
9. Power to search without consent
10. Recording and Reporting of Incidents
11. Action after an Incident
12. Complaints
13. Staff Training
14. Monitoring and Review

### **Appendices**

Appendix 1 – Positive Handling Report Form

Appendix 2 – Positive Handling Log

## **Statement of intent**

Epworth Education Trust believes that it is important to establish a safe, secure and stable environment to enable pupils to grow, develop and learn. To achieve this, the Trust recognises that, in certain circumstances, managing violence through control and restraint may be necessary.

This policy acknowledges that situations may arise in which staff members will be required to use positive handling, and in some cases reasonable force, in order to manage conflict when other measures have failed to do so.

The aim of this policy is to ensure that actions such as positive handling and reasonable force are used in a correct and safe manner, which is in accordance with the relevant legislation and national guidance.

## **1. Legal Framework**

1.1. This policy has due regard to all relevant legislation including, but not limited to, the following:

- The Education Act 2011
- The Children Act 1989
- The Equality Act 2010
- Section 550A of The Education Act 1996: The Use of Force to Control or Restrain Pupils, DFES Guidance
- Section 93 of The Education and Inspections Act 2006,
- LEA/264/2003: Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behaviour Difficulties and the joint DFES/DOH Guidance document July 2002: Guidance for Restrictive Physical Interventions.

1.2. This policy has due regard to the following guidance:

- DfE (2013) 'Use of reasonable force in schools'
- DfE (2018) 'Working Together to Safeguard Children'
- DfE (2020) 'Keeping children safe in education'
- 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 (2002)
- Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)

1.3. This policy operates in conjunction with the following school policies:

- Allegations Against Abuse Policy
- Special Educational Needs and Disabilities (SEND) Policy
- Behavioural Policy
- Safeguarding & Child Protection policy
- Intimate Care Policy

## **2. Roles and responsibilities**

2.1. The Local Advisory Board of each school within the Trust board is responsible for:

- Monitoring the overall implementation of this policy.
- Monitoring of any Positive Handling Log (appendix 1) to analyse how and when positive handling is used and identify any trends (through the

Child Protection Governor). This can be done by the school keeping a positive handling log (appendix 1) or through review of the positive handling review forms.

- Reviewing this policy on a bi-annual basis.
- Responding to any complaints, in liaison with the headteacher, from pupils or parents regarding the use of reasonable force.

2.2. The headteacher is responsible for:

- Deciding whether members of staff require additional training to enable them to carry out their responsibilities, considering the needs of pupils.
- Ensuring all members of staff clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where physical intervention is necessary
- Ensuring all members of staff understand the correct conduct in terms of positive handling.
- Handling any allegations of abuse in line with the Allegations of Abuse Policy.
- Maintaining the Positive Handling Log and ensuring this is reviewed with the Child Protection Governor
- Ensuring that any member of staff who uses reasonable force completes the Positive Handling Report Form (appendix 2)
- Responding to any complaints, in liaison with the Local Advisor board, from pupils or parents regarding the use of reasonable force.

2.3. The Inclusion Manager/SENCO is responsible for:

- Providing training to members of staff on how to handle pupils with SEND.
- Ensuring staff understand how pupils with SEND may react differently to reasonable force.
- Ensuring that staff understand the additional vulnerability of pupils with SEND or medical conditions.
- Developing individual behaviour plans which includes Positive handling plans for more vulnerable pupils and ensuring teaching staff are aware of these.
- Ensuring that staff understand how reasonable force principles may need to be adapted for pupils with medical conditions.

2.4. The DSL is responsible for:

- Providing staff with annual reasonable force training.
- Ensuring all members of staff use reasonable force in accordance with this policy.

- Reviewing this policy in liaison with the headteacher and governing board. Every effort will be made to ensure that all staff at the Epworth Education Trust:

### **3. Strategies for dealing with challenging behaviour**

3.1 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. Some or all of the following approaches should be taken according to the circumstances of the incident:

- Verbal acknowledgement of unacceptable behaviour with request for the pupil to deescalate undesired behaviour.
- Further verbal reprimand stating:
  - that 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.
- Warning of intention to intervene physically and that this will cease when the pupil complies, if possible summon assistance from other staff.
- Physical intervention. Reasonable force being used in line with Team Teach from the appropriate trained adults in school.

### **4. Duty of Care**

4.1 All staff working within the school have a 'Duty of Care' to the children and therefore may face a situation where positive handling is the only option left available, in order to ensure safety. Staff who have a Duty of Care have lawful justification for taking reasonable physical steps to prevent injury or damage and failure to do this, either by taking no action or by using unreasonable force, could leave them in neglect of their Duty of Care.

### **5. Positive Handling**

- 5.1. For the purpose of this policy, 'positive handling' is the positive application of force with the intention of protecting pupils and limiting damage to property.
- 5.2. Legal framework and national guidance often refers to the 'use of force' – this policy uses the term 'positive handling' whenever possible. There is no statutory definition of reasonable force; it will always depend on the circumstance of the case.
- 5.3. The use of reasonable force is only acceptable to "control" pupils or "restrain" them.



- Control' refers to either passive physical contact, such as blocking a pupil's path, or active physical contact such as leading a pupil by the arm.
  - 'Restraint' refers to physically bringing a pupil under control, such as holding them back. This is typically used in more extreme circumstances, such as to separate two pupils fighting
- 5.4. Positive handling (use of reasonable force) is used in the Trust schools to:
- Restrain a pupil who has lost emotional self-control until the situation is diffused.
  - Limit the amount of harm that the pupil involved can do to their self or others.
  - Demonstrate to pupils that they are within a safe environment in which adults can contain pupils' anger and other erratic emotions.
  - Protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful.
  - Remove disruptive children from the classroom who have previously refused to leave.
  - Prevent a pupil from leaving a classroom when doing so would lead to a risk to their safety.
  - Intervene if a pupil is attacking a member of staff or another pupil.
  - Prevent a child from committing an offence such as vandalism
- 5.4. Positive handling will be limited to emergency situations and used only as a measure of last resort.
- 5.5. Where positive handling is required, the school will abide to the following guidance:
- Initial intervention will always be without force.
  - Any physical intervention will follow other appropriate actions.
  - Staff will take a calm and measured approach in all situations.
- 5.6. Failure to positively handle a pupil who subsequently gets injured, or injures another pupil, could lead to an accusation of negligence.
- 5.7. Positive handling will never be invasive, humiliating or flirtatious in nature or take a form which could be seen as punishment.
- 5.8. Positive handling will 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, allowing the pupil to regain self-control.
- 5.9. The degree of force employed must be in proportion to the circumstances of the incident eg.child's age and must be the minimum needed to achieve the desired result.
- 5.10. Staff members will always use actions that are appropriate and in proportion to the circumstances of the incidents.

- 5.11. All incidents that involve the use of positive handling will be reported to the headteacher, recorded in writing and communicated to the pupil's parents. It is a legal requirement that all incidents of restrictive physical intervention (restraint - the use of force to control a child's behaviour) be recorded, monitored and evaluated on the Positive Handling Form.
- 5.12. Physical intervention will never be used as a substitute for good behavioural management in accordance with the school's Behavioural Policy.

## **6. Use of positive handling and reasonable force**

- 6.1. All members of staff will be permitted to use positive handling where they believe it to be appropriate, as long as all necessary precautions are taken and staff are trained in the technique.
- 6.2. In exceptional circumstances, where there is a risk of injury to staff or pupils, an untrained member of staff may be asked to assist a trained member of staff.
- 6.3. The power to positively handle pupils also applies to any individual whom the headteacher has identified as trained such as an agency worker
- 6.4. The Headteacher is responsible for making clear to whom is trained in Positive Handling Techniques, in what circumstances and settings they may use force and for what duration of time this authorisation will last. The Headteacher will ensure that those authorised are aware of, and understand, what the authorisation entails. Those whom the Headteacher has not authorised will be told what steps to take in the case of an incident where control or restraint is needed.
- 6.5. The decision to physically intervene during a situation is down to the professional judgement of the member of staff and always depends on the circumstances.
- 6.6. Staff will always calmly communicate the reasons for their actions to the pupil and explain why it was necessary in a non-threatening manner.
- 6.7. Staff will never give the impression that they are acting out of anger or are punishing the child.
- 6.8. All staff members will develop strategies and techniques for dealing with difficult pupils and situations, which they will use to diffuse and calm a situation.
- 6.9. In non-urgent situations, staff will always try and deal with a situation through other strategies before using force.

- 6.10. Staff members will always avoid acting in a way that could cause injury; however, dependant on the circumstances, this may not always be possible.
- 6.11. Where a member of staff believes that they are at risk, such as where an injury is likely to occur, they will not intervene in an incident without help and assistance of another staff member.
- Emergency intervention is necessary when there is a high risk of pupils being injured or property being damaged.
  - If emergency intervention is required, a member of staff will use other methods of defusing the situation, without physically intervening, until assistance arrives.
- 6.12. Following the event, the pupil involved may be subject to separate disciplinary procedures, in which strategies should be formed to help avoid reoccurrence of such incidents.
- 6.13 Staff must be aware of the recommendations as set out in Section 93 (Education and Inspections Act), and not hold pupils in such a way that they may be injured or prevented from breathing. Pupils must not be slapped, kicked or punched, held face down to the ground, have limbs twisted or be pulled by the ears or tripped.
- 6.14 Staff are expected to continue to use all available verbal and non-verbal support and de-escalation strategies to defuse difficult situations. Duty of care expects staff to take responsible action; failure to do so, in certain circumstances could be construed as neglect.
- 6.15 It is for the Head or SLT to decide whether circumstances are such that external agencies such as the police or the LA should be called and to include this in the Positive Handling plan. It is essential to 'debrief' as soon as possible after the incident (child and staff member(s) involved) and to follow Union guidelines regarding a 'cooling-off' period for pupils and staff involved.

## **7. SEND**

- 7.1. The Epworth Education Trust will have due consideration to the risks posed by the additional vulnerability of pupils with SEND in terms of positive handling.
- 7.2. The SENCO will ensure that the stipulations of the Equality Act 2010 are adhered to in relation to reasonable adjustments, non-discrimination and the Public Sector Equality Duty.
- 7.3. The school will adhere to its Special Educational Needs and Disabilities (SEND) Policy at all times.

- 7.4. To reduce the occurrence of challenging behaviour that can lead to the use of reasonable force, the SENCO will establish individual behaviour plans/positive Handling Plans for pupils with SEND. The plan will also be made available and discussed with parents/guardians.
- 7.5. The SENCO will liaise with the DSL, in terms of using positive handling on pupils with SEND, and establish how training may need to be amended.

## **8. Staff from the Local Authority working within the school**

- 8.1 Support Services will have their own policies for care and control of pupils. When working within the Epworth Education Trust it is the Headteachers responsibility to ensure that colleagues from Support Services are aware of school policy and practice.

## **9. Power to search pupils without consent**

- 9.1 In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items” under the Education Act 1996:

- 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 only under the school rules eg. items that are not legally prohibited.

## **10. Recording and Reporting of Incidents**

- 10.1. A detailed written report will be kept of any incidents where force is used.
- 10.2. Immediately following an incident, the member(s) of staff involved will verbally report the incident to SLT and provide a comprehensive written record of the situation as soon as possible, using the Positive Handling Report Form.
- 10.3. The written report of the incident must be thorough, including as much detail as possible as to what had happened before, during and after the incident,

and describing any injuries incurred due to the event. This report must be reviewed and signed by the Pastoral Manager and a SLT member

- 10.4 The incident must also be recorded onto CPOMS
- 10.5. The headteacher will make the decision as to whether it is appropriate to inform the pupil's parents of the details of an incident. They will be notified before the pupil gets home and be given the opportunity to discuss the incident.
- 10.6. If a member of staff witnesses or suspects the use of positive handling or reasonable force, where another member of staff is actively involved in physical intervention, they will report this to SLT immediately.
- 10.7. Any allegations against staff will be dealt with as a matter of urgency, and in accordance with the procedures outlined in the school's Allegations Against Staff Abuse Policy.
- 10.8. The headteacher will be responsible for conducting a thorough investigation to find out the correct details of what occurred; this may include talking to other pupils about the incident, for instance those who witnessed the event.

## **11. Action after an incident**

- 11.1 The Headteacher will ensure that each incident is reviewed and investigated further if 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/Positive Handling Plan
- Child Protection Procedure (this may involve investigations by Police and/or Social Care)
- 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.

## **12. Complaints**

- 12.1. All members of staff will be made fully aware of the consequences and legal retributions that can occur following the incorrect use of positive handling and force.
- 12.2. All complaints regarding the use of positive handling or force will be investigated in a thorough and speedy manner.
- 12.3. The person making the complaint is responsible to prove that their allegations are true, and therefore, it is not for the member of staff to prove that their actions were made reasonably.

- 12.4. In extreme circumstances, parents may take civil action or pursue a criminal prosecution.
- 12.5. In the case where a member of staff has acted within the law, this will provide a defence to any civil or criminal prosecution.
- 12.6. Members of staff accused of using excessive force will not be automatically suspended as a response to the allegations. The following procedure will be adhered to:
- Careful consideration will be given to whether the case warrants a person being suspended until the allegation is resolved.
  - The trustee board will always take into account whether a staff member has acted within the law when considering whether or not to take disciplinary action against a staff member involved in an incident.
  - Where a member of staff is suspended, the school will ensure that the staff member has access to a named contact that can provide support and guidance.
  - The school will provide pastoral care to any member of staff who is subject to a formal allegation.

### **13. Staff Training**

- 13.1 It will be the responsibility of the Headteacher to arrange suitable positive handling training such as Safeteach or Teamteach. Staff must have refresher training in Positive Handling every 2 years.
- 13.2 Staff will be made aware of subsequent risks of their actions and fully understand when it is appropriate and necessary to use such actions.

### **14. Monitoring and review**

- 14.1 This policy will be reviewed every 2 years.
- 14.2 The Headteacher will review and monitor all positive handling incidents on a regular basis to ensure that staff are following the correct procedures, to note the frequency of occurrence and to determine what further measures could be taken to prevent these situations from reoccurring.



**Appendix 2**

**Positive Handling Report Form**

**Note:**

Positive handling force should only be used when absolutely necessary. With this in mind, this form has been created to ensure that all incidents of this type are recorded. Incidents must also be documented in the Positive Handling Log.

<b>Name of staff member reporting</b>	
<b>Name of Pupil</b>	
<b>Date</b>	
<b>Time</b>	
<b>Location</b>	
<b>Members of staff who witnessed the incident</b>	
<b>People who need to be informed of the incident</b>	

**Circumstances prior to the incident/ Possible triggers to behaviour**

--

**De-escalation techniques used**

--

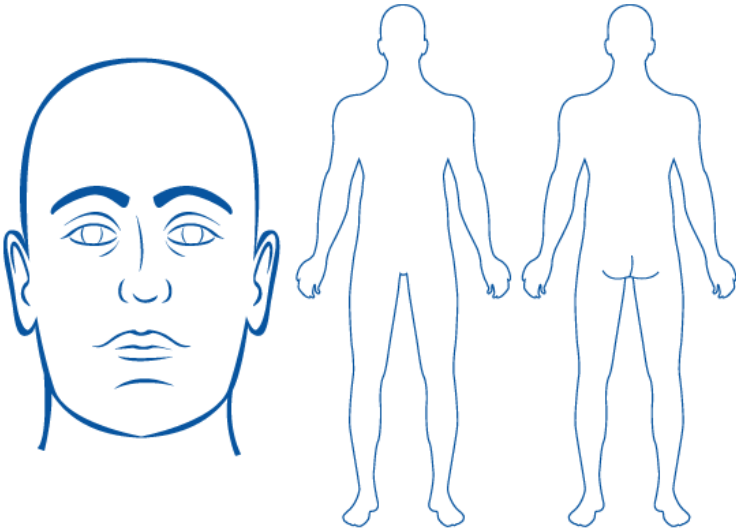
**Outcome of De-Escalation**

--

**Details of incident  
(Including what led to positive handling being used)**

--



Reason for positive handling	
Reason	Tick
Danger to self	
Danger to others	
Significant damage to property	
Details of any negative Impact on other pupils	
Positive Handling used	
Method	Tick
Friendly escort	
Single elbow	
Two person single elbow	
Single elbow seated	
Two person single elbow seated	
Injuries to staff or pupils	
<p>Indicate injuries sustained in more than one colour for more than one person. Annotate diagram below.</p> <div style="text-align: center;">  </div>	
<p><b>Name of member of staff who checked child for injuries (person not involved in incident):</b></p>	

**Damage to property**

**How has the incident been followed up with the child?**

How has the incident been discussed with the child?  
Has the child and the member of staff had the opportunity for restorative practice?  
What measures have been put in place to prevent further incidents?

**Reporting of the incident**

Name of person reporting to parent/ carer

When parent/ carer was informed

Date:

Time:

Signed by member of staff reporting

Signed by Pastoral

Signed by SLT

Further actions identified by pastoral/ SLT:

