

Positive Handling Policy

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Northern
House
School



POSITIVE HANDLING POLICY



INTRODUCTION

The term “Positive Handling” includes a wide range of supportive strategies for managing challenging behaviour. This will be delivered within the school by following Team Teach strategies and training plans. Included in this framework are a small number of responses which may involve the use of force to control or restrain a pupil. The term “physical restraint” is the “positive application of force with the intent of overpowering the client”. These are referred to as “Restrictive Physical Interventions” in national Guidance (DfES/DoH 2002/2003). A clear and consistent positive handling policy supports pupils who have social, emotional and mental health difficulties within an ethos of mutual respect, care and safety. This policy document has been developed within the scope of the Use of force to control or restrain pupils (Guidance for schools in England April 2010).

ETHOS AND SCHOOL EXPECTATIONS

The management takes seriously its duty of care towards pupils, employees and visitors to the school. Staff protection is an important part of child protection; both depend on confident and competent staff who feel supported by the management. This policy has a clear focus.

- The first and paramount consideration is the welfare and protection of the children in our care.
- The second is the welfare and protection of the staff that look after them.

POSITIVE BEHAVIOURAL MANAGEMENT

All physical interventions at this school are conducted within a framework of positive behaviour management. The school behaviour policy is intended to reward effort and application, and encourage pupils to take responsibility for improving their own behaviour. Part of our preventative approach to risk reduction involves looking for early warning signs, learning and communicating any factors which may influence behaviour and taking steps to divert behaviours leading towards foreseeable risk. Pupils are encouraged to participate in the development of their own Positive Handling Plans by focussing on positive alternatives and choices. Parents are also encouraged to contribute. However, if problems arise, staff have an additional responsibility to support all pupils when they are under pressure and safely manage crises if and when they occur.

It is the policy of Northern House School that all staff who work closely with pupils are trained in the positive handling strategies and techniques of Team Teach. The practice of Team Teach complements the strategies in the schools Behaviour and Discipline Policy. Further details of the Team Teach approach can be found on their website (www.team-teach.co.uk).

There is no statutory definition of ‘reasonable force’. Whether the force used is reasonable will always depend on the circumstances of individual cases. Deciding on whether the use of force is justified will depend in part upon the context in which the misbehaviour takes place. The test is whether the force used is proportionate to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. The statutory power conferred by section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence or to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils. Section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.



Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006 (and re-enacted by Section 242 of the ASCL Act 2009), to search pupils without their consent for weapons. This search power may be exercised by head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force may be used by the searcher. Where resistance is expected school staff may judge it more appropriate to call the police or if they have one, their Safer School Partnership (SSP) officer. From September 2010, the power to search pupils without their consent will be extended to include alcohol, illegal drugs and stolen property ('prohibited items'). Revised guidance on the power to search will follow shortly.

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 manage crises, if and when, they occur.

ALTERNATIVES TO PHYSICAL CONTROL

A member of staff who chooses not to make a physical intervention can still take effective action to reduce risk. They can:

- Show care and concern by acknowledging unacceptable behaviour and request alternatives using negotiation and reason.
- Give clear directions to pupils to stop.
- Remind them about the rules and likely outcomes.
- Remove an audience or take vulnerable pupils to a safer place.
- Make the environment safer by moving furniture and removing objects which could be used as weapons.
- Use positive touch to guide or escort pupils to somewhere less pressured.
- Ensure that colleagues know what is happening and get help.

MODIFICATIONS TO THE ENVIRONMENT

Ideally staff will not be waiting until a crisis is underway before conducting a risk assessment of the environment. We know that some pupils at this school may exhibit extreme and possibly dangerous behaviour. In general it is a good rule to keep the environment clutter free. This may mean giving consideration to secure storage for a range of everyday objects when they are not being used. For example:

- How is the availability of pointed implements (including pens, pencils, scissors, compasses and darts) controlled?
- What small items are available to an angry pupil who may be tempted to use them as missiles?
- What objects are available to be used as blunt instruments?
- Are there sharp edges or corners that pose a risk?
- Is the design and arrangements of furniture safe and appropriate for pupils who exhibit extreme behaviour?
- Is there a comfortable place to sit with an agitated pupil?
- Are protocols in place to encourage angry pupils to take themselves to a safer place?

HELP PROTOCOLS

- The expectation at this school is that staff should support each other. This means that staff always offer help and always accept it. Help does not always mean taking over. It may mean just staying around in case you are needed, getting somebody else or looking after somebody else's group.



- Supporting a colleague does not only mean agreeing with their suggestions and offering sympathy when things go wrong. Real support sometimes means acting as a critical friend to help colleagues become aware of possible alternative strategies.
- Good communication is necessary so that colleagues avoid confusion when help is offered and accepted. They need to agree scripts so that all parties understand what sort of assistance is required and what is available.

WELL CHOSEN WORDS

A well chosen word can sometimes avert an escalating crisis.

- When pupils are becoming angry there is no point in getting into an argument.
- Telling people to calm down can actually wind them up.
- Arguing with angry pupils is pointless.
- Pointing out what they have done wrong can make things worse.
- The only purpose in communicating with an angry person is to de-escalate.
- It is better to say nothing and take time to choose your words carefully than to say the wrong thing and provoke further escalation.

THE LAST RESORT PRINCIPLE

At Northern House School (Wokingham) we only use physical restraint when there is no realistic alternative. This does not mean that we always expect people to methodically work through a series of failing strategies, before attempting an intervention in which they have some confidence. Nor does it mean always waiting for until the danger is imminent, by which time the prospect of safely managing it may be significantly reduced. National guidance is clear on this point.

It does mean that the school expects staff to conduct a risk assessment and choose the safest alternative. It also means that we expect staff to experiment and think creatively about any alternatives to physical intervention which may be effective.

PROACTIVE PHYSICAL INTERVENTIONS

It is sometimes reasonable to use physical controls to prevent extreme behaviour from becoming dangerous provided that it is an agreed part of an IEP or a Positive Handling Plan. Examples of this are where a pupil has shown ritual patterns of behaviour, which in the past have led to the child becoming more distressed and violent. In such circumstances it may be reasonable to withdraw the child to a safer place when the pattern of behaviour begins, rather than wait until the child is distressed and out of control. The paramount consideration is that action is taken in the interest of the child and that it reduces, rather than increases, risk.

Section 93 of the Education and Inspections Act 2006 enables school staff to use reasonable force to prevent a pupil from:

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



The staff to which this power applies are:

- any member of staff at the school;
- any other person whom the head has authorised to have control or charge of pupils. This can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on school-organised visits); and
- does not include any pupils.

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

Section 246 of the Apprenticeships, Skills, Children and Learning Act 2009 requires that governing bodies must ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a pupil; and reporting each such incident to each parent of the pupil as soon as practicable after the incident. This is to ensure that parents are kept informed of serious events at school concerning their child. It also provides a level of transparency which means that a spurious or malicious allegation based on the incident would be less likely to succeed. The member of staff must not report the incident to a parent if it appears to that member of staff that doing so would be likely to result in significant harm to the pupil. If that is the case and there is no parent of the pupil to whom the incident could be reported, then the incident must be reported to the local authority where the pupil normally lives. Paragraphs 49–67 below covers this issue in more detail and governing bodies are required to have regard to that section of this guidance.

Examples of situations that particularly call for judgments of this kind include:

- a pupil attacks a member of staff, or another pupil; pupils are fighting, causing risk of injury to themselves or others;
- a pupil is committing, or on the verge of committing, deliberate damage 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 object;
- a pupil absconds from a class (or detention) or tries to leave school other than at an authorised time. Refusal of a pupil to remain in a particular place is not enough on its own to justify use of force.
- It would only be justifiable where allowing a pupil to leave would: entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property; or lead to behaviour that prejudices good order and discipline, such as disrupting other classes;
- a pupil persistently refuses to follow an instruction to leave a classroom;
- a pupil is behaving in a way that seriously disrupts a lesson; or a pupil is behaving in a way that seriously disrupts a school sporting event or school visit.
- In these examples use of force is likely to be construed as reasonable (and therefore lawful) if it was clear that the behaviour was sufficiently dangerous or disruptive to warrant physical intervention of the degree applied and could not realistically be dealt with by any other means.



REASONABLE AND PROPORTIONATE

Any response to extreme behaviour should be reasonable and proportionate. Staff should not react in anger. If they feel they are becoming angry they should consider withdrawing to allow someone else to deal with the situation. Where staff act in good faith, and their actions are reasonable and supportive, they will be supported.

When physical controls are considered staff should think about the answers to the following questions:

- How is this in the best interests of the pupil?
- Why is less intrusive intervention not preferable?
- Why do we have to act now?
- Am I the best person to be doing this?
- Is this absolutely necessary?

If staff can answer these questions it is more likely that a physical intervention will be judged to be reasonable and proportionate.

UNREASONABLE USE OF FORCE

- It is not reasonable to use force simply to enforce compliance in circumstances where there is no risk.
- Is it reasonable to use any more force than is necessary to achieve a reduction in risk.
- Under no circumstances should pain be deliberately inflicted.
- Pupils must not be subjected to undignified or humiliating treatment.
- Other than as a one off emergency measure to protect health and safety, force should never be used to keep a pupil secluded. Seclusion is only lawful by specific court order and cannot become part of a planned strategy within school.

HEALTH AND SAFETY

- As a minimum requirement, in order to comply with Health and Safety legislation, each member of staff has a responsibility to ensure that they are conversant with school policy and guidance.
- It is a requirement of staff to participate in training when directed to do so. In relation to positive handling this may be as an observer if appropriate.
- If dangerous behaviour presents a significant risk of injury to people, there is a legal Health and Safety issue to be addressed.
- Dangerous occurrences should be reported to a member of the Senior Management Team.
- We have shared responsibility to identify risk, communicate potential risk and to take active steps to reduce risk.
- It is not possible to entirely remove risk.

When considering a pupil's behaviour staff should think of the following:

- Can we anticipate a Health and Safety risk related to the pupils behaviour?
- Have we got all the information we need to conduct a risk assessment?
- Have we produced a written plan as a result?
- What further steps can we take to prevent dangerous behaviour from developing?



RISK ASSESSMENT

Informal risk assessments should be a routine part of life for staff working with pupils who may exhibit extreme behaviour. Responsible staff should think ahead to anticipate what may go wrong. If a proposed activity or course of action involves unacceptable risk then the correct decision is to do something else. Factors that may influence a more immediate risk assessment:

- Health and fitness of the member of staff.
- Staff competence and experience.
- Relationship with the pupil i.e. the best person to deal with them at the time.
- The environment the incident is taking place in.

Other than in an emergency staff should only attempt physical controls when they are confident that such action will result in a reduction of risk. When faced by extreme behaviour, or even in a fight situation, the judgement may be that by becoming involved the member of staff will increase the chance of somebody being hurt. In this case the correct decision is to hold back from physical controls.

GETTING HELP

At this school the following structures are in place:

- Senior Management will advise staff before and after incidents take place.
- Team Teach tutors at Northern House School (Wokingham) will train, advise and support staff development and safe handling.
- The Headteacher or Deputy Headteacher will discuss any anxieties you have regarding safe physical management.
- The Designated Person for Child Protection, Andy Fisk, must be approached regarding any potential child protection issue.

POSITIVE HANDLING PLANS

Risk management is regarded as an integral part of behaviour management planning. All pupils who have been identified as presenting a risk should have a Positive Handling Plan. The plan should detail:

- Any effective strategies for the individual.
- Particular responses that are not recommended.
- Particular physical techniques that have been effective should be named.
- Any physical techniques that have caused problems in the past.
- PHP should be considered alongside the pupils Statement and any other planning document, which relates to the pupil i.e. IEP.
- PHP's should take into account the age, sex, level of physical, emotional and intellectual development, special need and social context.
- PHP's should result from multi- professional collaboration and be included in any Pastoral Support plan or IEP.

RESPONDING TO UNFORSEEN EMERGENCIES

Even the best planning systems cannot cover every eventuality and the school recognises that there are unforeseen or emergency situations in which staff have to think on their feet. The key principles are that any physical intervention should be:

- In the best interest of the child
- Reasonable and proportionate
- Intended to reduce risk
- The least intrusive and restrictive of those options available which are likely to be effective



Whenever a physical intervention has to be made there should be a verbal warning. Where possible staff should always attempt to use diversion or diffusion in preference to physical interventions. They should only use the techniques and methods approved for use in this school. In general, if staff act in good faith, and their actions are reasonable and proportionate, they will be supported.

POST INCIDENT SUPPORT STRUCTURE FOR PUPILS AND STAFF

Following a serious incident it is the policy of the school to offer support for all involved. Factors to consider are:

- People take time to recover from a serious incident.
- Until the incident has subsided the only priority is to reduce risk and calm the situation down.
- Actions that inflame the situation during the recovery phase should be avoided.
- Medical help should be sought immediately if appropriate.
- All injuries should be recorded in the appropriate place.
- Northern House School (Wokingham) acknowledges the potential for injury to staff and pupils involved in physical intervention responses. Injury is not necessarily evidence of malpractice.
- Relationship repair takes time and effort by all parties.
- This is an opportunity for all to learn.
- Time needs to be given after an incident so that the pupil and staff have an opportunity to express their feelings.
- Effective and sensitive post incident support can enable learning, growth and strengthened relationships for all parties.

COMPLAINTS

- It is not uncommon for pupils to make allegations of inappropriate or excessive use of force following an incident.
- The school has a formal complaints procedure for pupils and parents and any complaint will be taken seriously and investigated in line with child protection policy and procedure.
- Pupils should be reminded of the procedure and encouraged to use the appropriate channels. Any staff concerns regarding the welfare of the pupils should be taken to Andy Fisk, the designated person for child protection.
- Any safety concerns should be reported to the designated person for Health and Safety.

TRAINING

- Teachers and support staff authorised by the Headteacher who are expected to use planned physical techniques should be trained.
- The school has adopted the Team teach model of training.
- All team teach training courses have been fully accredited by the Institute of Conflict Management in accordance with DfES and Department of Health guidance.
- Positive handling training is provided by qualified instructors within rigorous guidelines. Training will encompass all staff within the school but high level advanced training will only be given to staff working with the most challenging of pupils.
- Training levels will be kept under review and may change in response to the needs of our pupils.
- Once trained staff will practise regularly under the guidance of the school's in house tutors and should bring any concerns or problems related to physical management to them.
- Training will cover the dangers of positional asphyxia when using physical force to control a pupil's behaviour.



RECORDING AND REPORTING

- Whenever overpowering force is used the incident must be recorded using Sleuth.

Staff involved in an incident should:

- Contribute to the record, which should be complete within 24 hours.
- Should be factually accurate and should be read carefully by all contributing staff and SLG.
- Names should be completed in full and all forms should be dated and signed by all staff involved.
- Records should not be altered after the incident front sheet is completed.
- Parents/Carers and/or the local authority should be informed by the end of the school day of any significant incident i.e. a restraint or serious physical intervention.
- A copy of this policy may be given to parents as part of good practice.

MONITORING

The Headteacher will ensure that each serious incident is reviewed and instigate further action as required. The school incident log is open to external monitoring and evaluation. The Chair of Governors will monitor serious incidents on a termly basis and will sign off the log as required. External inspection agencies such as Ofsted will also monitor the frequency of incidents and the recording and monitoring systems.

POST INCIDENT PLANNING AND FOLLOW UP

Following an incident consideration must be given to:

- Initiating a/or review of the Positive Handling Agreement.
- Changing the pupils IEP.
- Reviewing the school's behaviour management policy.
- Further action in relation to the child, the staff involved or the behaviour management systems of the school. (Staff and pupil disciplinary policies)

OTHER RELEVANT POLICIES AND GUIDANCE

This policy should be read in conjunction with the schools:

- Behaviour Policy
- Exclusion Policy
- Staff and Pupil Disciplinary Policy
- Health and Safety Policy
- Child Protection Policy
- The use of force to control or restrain pupil (Guidance for schools in England April 2010)