



## WARDEN PARK PRIMARY ACADEMY

### Positive Handling Policy

#### **Objectives**

The key objective of this policy is to maintain the safety of pupils and staff while preventing serious breaches of school discipline and preventing serious damage to property.

Staff have a duty to intervene in order to prevent pupils from hurting themselves or others. There may also be situations in which a pupil seriously disrupts good order in the school or causes damage to property.

This Policy is written in conjunction with 'Use of Force Guidance' DCSF – 00376- 2010 and where possible this guidance will be followed.

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do any of the following:

1. committing any offence (or for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
2. causing personal injury to, or damage to the property of, any person (including the pupil himself); or
3. prejudicing the maintenance of good order and discipline at the school, whether during a teaching session or otherwise.

There is no legal definition of when it is reasonable to use force. That always depends on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion 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 can not be justified to prevent trivial misbehaviour.

#### **Expectations**

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

- The first and paramount consideration is the welfare of the pupils in our care.
- The second is the welfare and protection of the adults who look after them.

#### **Minimising the Need to Use Force**

The term 'Positive Handling' includes a wide range of supportive strategies for managing challenging behaviour.

These include

1. creating a calm, orderly and supportive environment that minimises the risk of incidents that might require using force arising
2. developing effective and positive relationships between pupils and staff
3. using Social and Emotional Aspects of Learning (SEAL) approaches to teach pupils how to manage conflict and strong feelings



4. using positive behaviour management techniques which help to manage conflict
5. recognising that some challenging behaviours can be foreseeable and acting accordingly
6. providing a 'time out' space which can be used by those pupils at risk of becoming a danger to themselves or others
7. de-escalating incidents if they do arise
8. carrying out risk assessments and using positive handling plans for those pupils who exhibit very challenging behaviour and are therefore at the greatest risk of needing restrictive physical interventions.

**Force will only be used when the risks involved in doing so are outweighed by the risks involved in not using force.**

**Pupils with Special Educational Needs and/or disabilities.**

Appropriate account must be taken of the needs of individual pupils with SEN and /or disabilities.

Under the Disability Discrimination Act 1995 schools have two key duties:

1. Not to treat a disabled pupil less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification; and
2. To take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled (known as the reasonable adjustments duty).

Where possible a member of staff, trained in the safe use of Teamteach, should be designated to be called if incidents relating to a particular pupil occur. This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent though this would be good practice if it was possible. The designated member of staff should always be involved in post incident follow up. Currently staff in all Key Stages across the school are trained in the safe use of Teamteach and can be contacted by telephone (indicated by a ✓ on the internal telephone directory).

Information from parents and carers, may be as valuable as that held by The Academy and this should always be treated sensitively. The Academy should seek express (preferably written) consent from the parent or carer to inform appropriate staff.

Positive handling plans will set out the techniques that should be used and those that should not normally be used for individual pupils. Any planned use of physical intervention should be compatible with a pupil's individual needs and properly documented in his/her school record. These will be updated regularly and signed by relevant staff, parents, guardians and carers.

**Positive Handling Plans**

Risk management is regarded as an integral part of behaviour management planning. All pupils who have been identified as being at greatest risk of needing restrictive physical interventions should have a Positive Handling Plan. Staff who work with these pupils should be aware of the relevant characteristics of these pupils, which should be outlined in the Positive Handling Plan. The information should include details of

1. Situations that could provoke challenging behaviour, suitable preventive strategies, and which alternative techniques are most likely to work.
2. What is most likely to trigger a violent reaction, including relevant information relating to any previous incident requiring the use of force?
3. If physical intervention is likely to be needed, any strategies / techniques which have been found to be effective, in the past, for that individual should be named, along with any particular responses which are not recommended as they have proved ineffective or



caused problems in the past. Any specific strategies and techniques should be agreed by staff, parents and carers and pupil concerned.

Positive Handling Plans should be considered alongside any Statement of Special Educational Need and any other planning documents which relate to the pupil. They should take account of age, sex, level of physical, emotional and intellectual development, special need and social context. Positive Handling Plans should result from multi-professional collaboration and be used in conjunction with any Pastoral Support Plan or IEP in place.

When ever possible pupils who display challenging behaviour and are identified as being at risk should be taught how to communicate in times of crisis and strategies that they might use ( for example using personal communication passports and non verbal signals to indicate the need to use designated quiet areas (cool off area). All staff should be familiar with these signs and strategies and these will be documented in the pupil's Personal Handling Plan.

### **Alternatives to Physical Controls**

Members of staff who are not trained to make physical interventions can take effective action to reduce risk. They can:

- Show care and concern by acknowledging unacceptable behaviour and requesting alternatives using negotiation and reason.
- Give clear directions for pupils to stop.
- Remind the pupil to make good choices.
- Remind them about 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 (see section on 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**

Staff should conduct a regular risk assessment of the environment. 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, 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?
- Do they all need to be left out all the time?
- Are there sharp edges or corners which present a risk?
- Are the design arrangements of furniture safe and appropriate for pupils who exhibit challenging 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 all staff should support one another. 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. These scripts must be communicated to all staff working with the pupil concerned.

## **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. Pointing out what they have done wrong can make things worse. The only purpose in communicating with an angry person is to prevent further escalation. It is better to say nothing and take time to choose your words carefully than to say the wrong thing and provoke a further escalation.

## **Staff authorised to use force**

Physical restraint will only be used when there is no realistic alternative and by those members of staff who have statutory power (authorisation) to use force. (In an ideal situation these members of staff will have been trained in the use of Teamteach techniques.)

Section 95 of the Education and Inspections Act 2006 defines 'those with statutory power to use force' as

1. any teacher who works in the school and
2. any other person whom the head has authorised to have control or charge of pupils
  - (a) support staff whose job normally includes supervising pupils such as teaching assistants.
  - (b) any person to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils and unpaid volunteers.

The head teacher will, as part of the induction process, explicitly inform the staff concerned of their responsibilities in relation to the school policy on the use of force. An up to date record of those staff trained in the Teamteach techniques will also be kept.

## **Deciding whether to use force**

Decisions on whether the precise circumstances of an incident justify the use of physical force must be reasonable. They should always depend on the circumstances of each case and, crucially in the case of pupils with SEN and/or disabilities – information about the individual pupil, including his or her age and level of understanding. This should also include the outcomes of any risk assessment and, if appropriate, any specific strategies or techniques set out in the pupil's Positive Handling Plan.

Such decisions will usually have to be made quickly, with little time for reflection. However clear judgements will need to be made about:



1. 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 it is that using force may be justified.
2. The chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified.
3. 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.

It does mean that we expect 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. All staff will be made aware of any pupils who present particular risks to themselves or others. The weekly staff meetings, Leader of Learning meetings and TA meetings will be used to notify all staff of any changes in a pupil's circumstances which may mean that they present as more of a risk.

At all times staff should take precautions to ensure that they do not put themselves or the other pupils in their care, at more risk.

Circumstances which might necessitate the use of force to restrain a pupil include:

1. a pupil who attacks a member of staff or another pupil
2. pupils are fighting, causing risk of injury to themselves or others
3. a pupil is committing, or on the verge of committing, deliberate damage to property
4. a pupil causing, or at risk of causing, injury or damage by accident, rough play, or by misuse of dangerous materials or objects
5. a pupil leaves class or the school and doing so would mean serious risk 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 would lead to behaviour that would prejudice good order and discipline (such as disrupting other classes)
6. a pupil persistently refuses to follow an instruction to leave a classroom
7. a pupil is behaving in a way that seriously disrupts a lesson
8. a pupil is behaving in a way that seriously disrupts a school sporting event or school visit.

In these circumstances the use of force would be 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.

All staff must make themselves aware and understand their powers and the options open to them. They need to understand what is acceptable and what is not.

### **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 the Positive Handling Plan. Examples of this are where a pupil has shown ritual patterns of behaviour, which in the past have led to the pupil becoming more distressed and violent. In such circumstances it may be reasonable to withdraw the pupil to a safer place when the pattern of behaviour begins, rather than wait until the pupil is distressed and out of control. The paramount consideration is that the action is taken in the interest of the pupil and that it reduces, rather than increases, risk.



### **Reasonable and Proportionate**

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

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

- How is this in the best interest of the pupil?
- Why is a less intrusive intervention not preferable?
- Why do we have to act now?
- Why am I the best person to be doing this?
- Why 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.

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. It is not enough to thoughtlessly apply rules without thinking through the likely consequences. The key principles are that any physical intervention should be:

- in the best interest of the pupil;
- 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 that force may have to be used. 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.

### **Techniques and methods approved for use at Warden Park Primary Academy**

Before using force staff should, where practicable, tell the pupil to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not give the impression of acting out of anger or frustration, or to punish a pupil, and should make it clear that physical restraint or contact will stop as soon as it ceases to be necessary.

Where possible a warning should be given to the pupil that force may have to be used.

The types of force used could include

1. passive physical contact resulting from standing between pupils or blocking a pupils path
2. active physical contact such as – leading a pupil by the hand or arm
3. ushering a pupil away by placing a hand in the centre of the back
4. in more extreme cases only the Teamteach taught techniques like the 'T wrap' are approved for use in this school, and only by those members of staff trained to use them. This can be evidenced through certification records.



Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil running into a busy road or preventing a pupil from hitting someone with a dangerous object such as a glass bottle or a hammer.

- \*\*staff should always make every effort to avoid acting in a way that might reasonably be expected to cause injury. However in the most extreme circumstances it may not always be possible to avoid injuring a pupil. Any form of restraint that is likely to injure a pupil (particularly anything that could constrict breathing) should only be used in extreme emergencies and where there is no viable alternative.
- \*\* staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct, particularly their own placing of bodies.
- As far as possible staff should not use force unless or until another adult is present to support, observe and call for assistance.

### **Unreasonable use of Force**

It is not reasonable to use force simply to enforce compliance in circumstances where there is no risk. Nor 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 or should pupils be deliberately subjected to undignified or humiliating treatment (this should not be confused with the unavoidable discomfort associated with some approved techniques for disengaging from assaults such as bites and grabs). 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 at this school.

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.

### **Health and Safety**

If dangerous behaviour presents a significant risk of injury to people, there is a legal Health and Safety issue to be addressed. Dangerous behaviour should be regarded just as seriously as dangerous equipment. Dangerous occurrences should be reported to the person responsible for Health and Safety. We all have shared responsibility to identify risk, communicate potential risks and take active steps to reduce risk wherever possible. We recognise that it is not possible to entirely remove risk. Sometimes things go wrong even when we make our best efforts to do the right thing. Sometimes we are faced with unpalatable choices. In these circumstances we have to try and think through the outcomes of the options available, balance the risks and choose whatever course of action seems to involve the least risk. Risk assessments should be carried out whenever practicable.

### **Risk Assessment**

The SLT will assess the frequency and severity of incidents requiring the use of force in order to inform decisions about staff training.

Informal risk assessments should be a routine part of life for staff working with pupils. Responsible staff should think ahead to anticipate what might go wrong. If a proposed activity or course of action involves unacceptable risk the correct decision is to do something else.



Factors which might influence a more immediate risk assessment, and therefore a decision about how to intervene, might include the state of health and fitness of the staff member, their physical stature, competence, confidence and relationships with the pupils concerned. Confidence and competence are often related to the level of staff training. 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 getting hurt. In this case the correct decision is to hold back from the physical controls.

Individual risk assessments (in the form of Positive Handling Plans) will be made for those pupils whose behaviour gives cause for concern and is likely to result in force needing to be used to restrain that pupil. This risk assessment will also need to be carried out for pupils whose SEN and/or disabilities are associated with

1. communication impairments which make them less responsive to verbal communication
2. physical disabilities and / or sensory impairments
3. conditions that make them fragile, such as haemophilia, brittle bones syndrome or epilepsy
4. dependence on equipment such as wheelchairs, breathing or feeding tubes.

### **Getting Help**

Sometimes an authorised member of staff should not intervene in an incident without help. In cases where a pupil is known to be at risk, specific systems of obtaining help will be put into place and detailed to all members of staff. This procedure should be followed at all times.

In the case of unexpected incidents then the 'Help' card can be used to summon help. This should be sent with another pupil to the school office staff who will contact a trained member of staff. (trained in use of Teamteach). No member of staff should put themselves, other adults or the other pupils in their charge in any further danger. Steps should be taken to remove the other pupils who might be at risk while waiting for help to appear.

In addition the following support structures are in place:

- IEPs and Positive Handling Plans kept on file in each classroom to ensure all relevant information about each pupil is available to all members of staff working with them.
- Use of help protocols to remind all staff of availability of colleagues to offer help during a crisis situation with a pupil. Detailed for each pupil.
- Debrief sessions after a crisis with the pupil(s) involved, reflecting on how the crisis was managed by all involved and identifying any points for review or learning.

### **Staff Training**

Staff identified as working with pupils who present particularly challenging behaviour will, where possible, be trained in the use of Teamteach. This training covers ways of avoiding or diffusing situations in which physical intervention might become necessary as well as methods of physical intervention.

*However, individuals have statutory powers to use force by virtue of their job, regardless of whether they have received training.*



## **Recording Incidents**

Whenever a significant incident requiring the use of force has occurred the incident must be recorded in the Bound Incident Book (kept in the locked safeguarding records cabinet, in the Warren). A member of SLT will check the record and then completed record should be copied, with one copy being kept in the pupil's Inclusion file. A copy may be given to the members of staff involved for their own records. All staff involved in an incident should contribute to the record which should be completed within 24 hours. Differing accounts of the same incident should also be recorded if no agreement can be made.

The purpose of recording is to ensure that policy guidelines are followed, to inform parents and carers (though not necessarily copying the form to parents and carers), to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

Staff should:

- Read through the school recording forms carefully
- Take time to think about what actually happened and try to explain it clearly.
- Complete all names in full.
- Sign and date all forms.

*Bear in mind these records will be retained and cannot be altered. They will be kept for many years and could provide evidence of defensible decision making in case of a subsequent complaint or investigation at some time in the future. Forms should be kept for 10 years as a minimum.*

Serious Incident Reports should not be completed until the individuals concerned have recovered from the immediate effects of the incident. They should not be rushed. Details of any injuries to members of staff or pupils should be recorded in the accident book kept in the school office.

The following questions may help staff to decide whether an incident is significant and requires a written record.

1. Did the injury cause injury or distress to a pupil or member of staff?
2. Even if there were no apparent injuries or distress, was the incident sufficiently serious in its own right to require a written record? Any use of restrictive holds would, for example, fall into this category.
3. Is a written record needed to justify the use of force? This is particularly relevant where the judgement was very finely balanced.
4. Is a record needed to help identify and analyse patterns of pupil behaviour or staff training needs?
5. Were other agencies, such as the police, involved?

When recording incidents, staff should bear in mind that, if this information is later passed to the police, it may be included in a Criminal Records Bureau disclosure. Schools should retain records of such incidents until the member of staff involved has reached normal retirement age or for 10 years from the date of allegation if that is longer.

The record of the incident will form part of the pupil's educational record as it is a record of information which is processed (obtained, recorded and held) by or on behalf of the directors of the Trust, relates to the pupil, and originated from or was supplied by a teacher employed by The Trust.. The parent or carer is therefore entitled to see a copy of the incident report, free of charge, within 15 school days of receipt of the parent or carer's written request.



## **Reporting Incidents**

All recordable incidents must be reported to the parents or carers of the pupil(s) concerned. It is best to telephone the parents or carers as soon as possible after the incident before confirming details in writing. Parents or carers should be told when and where the incident took place, which members of staff were directly involved (anonymised where necessary), why they decided force had to be used, what force was used, whether there were any injuries and what follow up action (support and/or disciplinary) was being taken in relation to their child.

It is also good practice for parents and carers to be given a copy of the school's policy on the use of force and information on post incident support.

The Head will be responsible for reporting such incidents to the governors who will continuously monitor them.

Members of staff who have been assaulted will wish to consider reporting that to the police.

## **The Post Incident Support Structure for Pupils and Staff**

Following a serious incident support will be offered to all those involved. 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. Staff should avoid saying or doing anything which could inflame the situation during the recovery phase. Immediate action should be taken to ensure medical help is sought if there are any injuries which require more than basic first aid. All injuries should be reported and recorded in the Accident Book kept in the school office. It is important to note that injury in itself is not evidence of malpractice.

Even when staff attempt to do everything right, things can go wrong. Part of the post incident support for staff may involve a reminder of this, as people tend to blame themselves when things go wrong. Time needs to be found to repair relationships. When careful steps are taken to repair relationships a serious incident does not necessarily result in long term damage. This is an opportunity for learning for all concerned. Time needs to be given to following up incidents so that pupils have an opportunity to express their feelings, suggest alternative courses of action for the future and appreciate other people's perspective. Parents and carers may also be involved in agreeing appropriate support arrangements. When time and effort are put into a post incident support structure the outcome of a serious incident can be learning, growth and strengthened relationships.

*It is very important that staff and pupils are given emotional support following an incident.*

Where a pupil's behaviour is associated with SEN and/or disabilities, it is advisable to review, or write, an individual Positive Handling Plan, which should include strategies to prevent and deal with any recurrence of behaviour that could lead to the use of force.

The Academy will also:

1. Decide whether multi agency partners need to be involved and if so, which. (For example CAMHS).
2. Where the pupil is responsible, hold the pupil to account so that he or she recognises and repairs the harm caused or which might have been caused. This may involve giving them the opportunity to repair the relationships with staff and pupils affected by the incident and/or to develop their social and emotional skills.
3. Help the pupil and staff to develop strategies to avoid such crisis points in future and inform relevant staff about such strategies and their roles (Positive Handling Plan).
4. Ensure that staff and pupils affected by an incident have continuing support for as long as necessary. This may involve physical consequences, emotional stress or loss of confidence and the opportunity to analyse, reflect and learn from the incident.



In some cases the incident may lead to a decision to exclude the pupil in which case the Head must have regard to the DCSF statutory guidance on exclusions.

### **Complaints**

It is not uncommon for pupils to make allegations of inappropriate or excessive use of force following an incident.

Parents, carers and pupils have a right to complain about actions taken by academy staff; this might include the use of force.

If a specific allegation of abuse is made against a member of staff then they will follow the guidance set out in 'Safeguarding Children and Safer Recruitment in Education'.

Other complaints will be dealt with under the academy's formal Complaints Procedure, which is set out on the website. Parents and pupils should be reminded of the procedure and encouraged to use the appropriate channels.

The full involvement of those with parental responsibility following the incident should minimise the chances of a complaint about use of force but it will not prevent all complaints or allegations. The complaints policy applies equally to staff. As an academy we promote transparent policy and practice in order to protect the interests of staff and pupils alike. Any staff concerns regarding the welfare of pupils should be taken to the designated safeguarding lead. Any safety concerns should be reported to the designated person for Health and Safety.

The academy policy and the degree to which it has been followed will be at the core of any investigation. Such complaints may also be investigated under the school's disciplinary procedure.

### **Physical Contact with Pupils in other circumstances.**

There are occasions when physical contact with a pupil is proper and necessary. Teachers and other staff must use their own professional judgement when they feel a pupil requires this kind of support.

Our policy adheres to the belief that every individual needs to appreciate the difference between appropriate and inappropriate touch

### **Positive Touch**

By 'Positive Touch' we mean touch that is appropriate and not invasive, humiliating or could possibly be considered as eroticising / flirtatious. We agree that 'appropriate' places to touch are 'shoulders, arms, back'. Staff will invite pupils to sit closely and the frequent use of the 'Team Teach' hug is offered and given.

All staff engaged in the care and education of children and young people need to exercise caution in the use of physical contact.

The expectation is that staff will work in 'professional touch' cultures and that when physical contact is made with pupils this will be in response to the pupils' needs at the time, will be of limited duration and will be appropriate given their age, stage of development and background. Staff should be aware that even well intentioned physical contact might be misconstrued directly by the pupil, an observer or by anyone the action is described to. Staff must therefore always be prepared to justify actions and accept that all physical contact be open to scrutiny.

Physical contact which is repeated with an individual pupil or young person is likely to raise questions unless the justification for this is formally agreed by the pupil, the organisation and those with parental responsibility.

Pupils with special needs may require more physical contact to assist their everyday learning. The general culture of 'limited touch' will be adapted where appropriate to the individual requirements



of each pupil. The arrangements must be understood and agreed by all concerned, justified in terms of the pupil's needs, consistently applied and open to scrutiny. Wherever possible, consultation with colleagues should take place where any deviation from the arrangements is anticipated. Any deviation and justification for it should be documented and reported.

Extra caution may be required where a pupil has suffered previous abuse or neglect. In the pupil's view, physical contact might be associated with such experiences and lead to staff vulnerable to allegations of abuse. Additionally, many such pupils are extremely needy and seek out inappropriate physical contact. In such circumstances staff should deter the pupil without causing them a negative experience. Ensuring that a witness is present will help to protect staff from such allegations.

There may be some pupils for whom touching is particularly unwelcome. For example some pupils may be particularly sensitive to physical contact because of their cultural background or medical condition (for example Autistic Spectrum Condition). It is important that staff that come into contact with these pupils have the relevant information about their specific needs.

### **Pupils in Distress**

There may be occasions when a distressed pupil needs comfort and reassurance that may include physical touch such as a caring parent would give. Staff must remain self-aware at all times to ensure that their contact is not threatening or intrusive and not subject to misinterpretation. Judgement will need to take account of the circumstances of a pupil's distress, their age, the extent and cause of the distress. Unless the pupil needs an immediate response, staff should consider whether they are the most appropriate person to respond. It may be more suitable to involve the pupil's relative or learning mentor or any person accessed in a counselling role.

Particular care must be taken in instances which involve the same pupil over a period of time.

Where a member of staff has a particular concern about the need to provide this type of care and reassurance they should seek further advice, from their line manager or other appropriate person.

### **Intimate Care**

Staff who work with young pupils or pupils who have special needs will realise that the issue of intimate care is a difficult one and will require staff to be respectful of pupils' needs.

Intimate care can be defined as care tasks of an intimate nature, associated with bodily functions, body products and personal hygiene which demand direct or indirect contact with or exposure of the genitals. Examples include care associated with continence and menstrual management as well as more ordinary tasks such as help with washing or bathing.

Pupils' dignity will be preserved and a high level of privacy, choice and control will be provided to them. Staff who provide intimate care to pupils have a high awareness of child protection issues.

Staff behaviour is open to scrutiny and staff at Warden Park Primary Academy work in partnership with parents and carers to provide continuity of care to children wherever possible.

Staff deliver a full personal safety curriculum, as part of Personal, Social and Health Education, to all pupils as appropriate to their developmental level and degree of understanding. This work is shared with parents and carers who are encouraged to reinforce the personal safety messages within the home.

Warden Park Primary Academy is committed to ensuring that all staff responsible for the intimate care of pupils will undertake their duties in a professional manner at all times. Warden Park Primary Academy recognises that there is a need to treat all pupils with respect when intimate care is given. No pupil should be attended to in a way that causes distress or pain.



## **Our Approach to Best Practice**

All pupils who require intimate care are treated respectfully at all times; the pupil's welfare and dignity is of paramount importance.

Staff who provide intimate care are trained to do so (including Child Protection and Health and Safety training in moving and handling) and are fully aware of best practice. Apparatus will be provided to assist with pupils who need special arrangements following assessment from physiotherapist/ occupational therapist as required.

Staff will be supported to adapt their practice in relation to the needs of individual pupils taking into account developmental changes such as the onset of puberty and menstruation. Wherever possible, staff who are involved in the intimate care of children will not usually be involved with the delivery of sex and relationship education to their children as an additional safeguard to both staff and children involved.

There is careful communication with each pupil who needs help with intimate care in line with their preferred means of communication (verbal, symbolic, etc.) to discuss the pupil's needs and preferences. The pupil is aware of each procedure that is carried out and the reasons for it.

As a basic principle pupils will be supported to achieve the highest level of autonomy that is possible given their age and abilities. Staff will encourage each pupil to do as much for themselves as they can. This may mean, for example, giving the pupil responsibility for washing themselves. Individual intimate care plans will be drawn up for particular pupils as appropriate to suit the circumstances of the pupil. These plans include a full risk assessment to address issues such as moving and handling, personal safety of the pupil and the carer and the health of those concerned. Each pupil's right to privacy will be respected. Careful consideration will be given to each pupil's situation to determine how many carers might need to be present when a pupil needs help with intimate care. Where possible one pupil will be cared for by two adults. Wherever possible the same pupil will not be cared for by the same adult on a regular basis; there will be a rota of carers known to the pupil who will take turns in providing care. This will ensure, as far as possible, that over-familiar relationships are discouraged from developing, while at the same time guarding against the care being carried out by a succession of completely different carers.

Parents and carers will be involved with their pupil's intimate care arrangements on a regular basis; a clear account of the agreed arrangements will be recorded on the pupil's care plan. The needs and wishes of pupils and parents and carers will be carefully considered alongside any possible constraints; e.g. staffing and equal opportunities legislation.

Each pupil will have an assigned senior member of staff to act as an advocate to whom they will be able to communicate any issues or concerns that they may have about the quality of care they receive.

## **The Protection of Children**

Education Child Protection Procedures and Inter-Agency Child Protection procedures will be accessible to staff and adhered to.

Where appropriate, all pupils will be taught personal safety skills carefully matched to their level of development and understanding.

If a member of staff has any concerns about physical changes in a pupil's presentation, e.g. marks, bruises, soreness etc. s/he will immediately report concerns to one of the designated persons for child protection. A clear record of the concern will be completed (on a pink form) and referred to social care and/or the police if necessary. Parents and carers will be asked for their consent or informed that a referral is necessary prior to it being made unless doing so is likely to place the pupil at greater risk of harm.



If a pupil becomes distressed or unhappy about being cared for by a particular member of staff, the matter will be looked into and outcomes recorded. Parents and carers will be contacted at the earliest opportunity as part of this process in order to reach a resolution. Staffing schedules will be altered until the issue(s) are resolved so that the pupil's needs remain paramount. Further advice will be taken from outside agencies if necessary.

### **Special Needs**

Pupils with special needs have the same rights to safety and privacy when receiving intimate care. Additional vulnerabilities that may arise from a physical disability or learning difficulty must be considered with regard to individual teaching and care plans for each pupil. As with all arrangements for intimate care needs, agreements between the pupil, those with parental responsibility and the organisation should be easily understood and recorded.

Regardless of age or ability, the views and/or emotional responses of pupils with special needs should be actively sought (with advocacy arrangements made for those who can't) in regular reviews of these arrangements.

If a pupil makes an allegation against a member of staff, all necessary procedures will be followed.

### **First Aid, Intimate Care, Health & Safety**

Staff who are changing pupils or dealing with a pupil who has had an accident or who is bleeding should always wear an apron and gloves and any soiled waste should be placed in a polythene waste disposal bag, which can be sealed. This bag should then be placed in a bin (complete with a liner) which is specifically designated for the disposal of such waste.

Staff who administer first aid should ensure wherever possible that another adult or pupil are present. The pupil's dignity must always be considered and where contact of a more intimate nature is required, another member of staff should be in the vicinity and should be made aware of the task being undertaken.

Regular requirements of an intimate nature should be planned for. Agreements between the academy, those with parental responsibility and the pupil concerned should be documented and easily understood. The necessity for such requirements should be reviewed regularly. The pupil's views must also be actively sought and, in particular, any discomfort with the arrangements made. Staff should be aware of the school's Health and Safety policy.

### **Physical Education and other Coaching Skills**

Some staff are likely to come into physical contact with pupils from time to time in the course of their duties when participating in games, demonstrating an exercise or the use of equipment. Staff should be aware of the limits within which such contact should properly take place and the possibility of misinterpretation.

Where it is anticipated that a pupil might be prone to misinterpret any such contact, alternatives should be considered, perhaps involving another member of staff or a less vulnerable pupil in the demonstration.

### **Changing Clothes**

Young people are entitled to respect and privacy when changing clothes. However, there must be the required level of supervision to safeguard young people with regard to health and safety considerations and to ensure that bullying or teasing does not occur. This means that adults should announce their intention of entering changing rooms, avoid remaining in changing rooms unless pupil needs require it, avoid any physical contact when pupils are in a state of undress and avoid any visually intrusive behaviour.



It is strongly recommended that when supervising pupils in a state of undress, another member of staff is present, however, this may not always be possible. Staff need to be vigilant about their own conduct, eg adults must not change in the same place as pupils.

### **Out of School Trips, Clubs etc.**

Employees should take particular care when supervising pupils in the less formal atmosphere of a residential setting or after-school activity. Although more informal relationships in such circumstances tend to be usual, the standard of behaviour expected of staff will be no different from the behaviour expected within school. Staff involved in such activities should also be familiar with the academy's policy and all LA guidance regarding out of school activities.

To ensure pupils' safety, increased vigilance may be required when monitoring their behaviour during Education off - site. It is important to exercise caution so that a pupil is not compromised and the member of staff does not attract allegations of overly intrusive or abusive behaviour. Meetings with pupils away from the school premises where a chaperone will not be present are not permitted unless specific approval is obtained from the Head teacher or another senior colleague with delegated authority. Staff should not place themselves in a position where they are in a vehicle, house or other venue alone with a pupil.

If staff come into contact with pupils whilst off duty, they must behave as though in their professional role and not give conflicting messages regarding their own conduct.

### **Photography, Videos and Similar Creative Arts**

Staff should be aware of the potential for such mediums of teaching to be used for the wrong purposes. Additionally, pupils who have been previously abused in this way may feel threatened by the legitimate use of photography, filming etc. The potential for founded and unfounded allegations of abuse requires that careful consideration be given to the organisation of these activities.

Warden Park Primary Academy has clear policies and protocols for the taking and use of images and of photographic equipment. These require the justification and purpose of the activity; its contents; avoidance of one to one sessions; and arrangements for access to the material and its storage.

Consent to participating in these activities should be sought from the pupil and those with parental responsibility at the beginning of courses, but staff should remain sensitive to those pupils who appear particularly uncomfortable with the activity.

All material produced should be viewed for acceptability by another member of staff. Its circulation should be in accordance with the school's 'Use of Images' policy, and relevant arrangements with parents, guardians and carers.

### **Monitoring and Review**

Following an incident, consideration may be given to conducting a further risk assessment, reviewing the Positive Handling Plan, behaviour management policy or this positive handling policy. Any further action in relation to a member of staff, or an individual pupil, will follow the appropriate procedures. (See staff and pupil disciplinary policy). The policy will be reviewed every 3 years or more often if required.

### **Other Relevant Policies**

This policy should be read in conjunction with:  
Behaviour Policy



Exclusion Policy  
Staff/Pupil Disciplinary Policy  
Health & Safety Policy  
Safeguarding and Child Protection Policy