

Saint Joseph's Catholic Primary Voluntary Academy.



Positive Handling Policy

St. Joseph's Catholic Primary Voluntary Academy

Positive handling policy

Throughout this policy the terms school and academy are interchangeable.

Date	Review Date	Nominated Governor
January 2021	January 2022	R. Mellows

This policy has been updated in light of the current restrictions in place due to Covid19.

During this period where restrictions are in place, physical contact with children (e.g. to give first aid and to employ positive handling / physical management techniques will only be used in emergency situations). In terms of positive handling physical management, where children are presenting as a danger to themselves or others, all de-escalation techniques will be employed by staff as a first option.

If behaviours continue to escalate or pose a danger to the child or others, one parent or carer will be asked to attend school, (adhering to all visitor procedures when they enter the building). Where this is the case all children will be removed from the area, (if not already implemented), staffing will be kept to a minimum to ensure the ongoing safety of the pupil. Staff will have access to any available and appropriate PPE equipment.

Where behaviours are continuing that are putting children or staff in danger, including the breaching of social distancing regulations, or in cases where a child is being physically violent or spitting at others, parents will be asked to take their child home in order to ensure the safety of others.

The child's place in school, during this period of restrictions will be discussed and reviewed in conjunction with the St Therese of Lisieux Catholic Multi-Academy Trust and the Local Authority. This is to ensure the ongoing safety of the wider school community.

Aims

The aims of this Positive Handling Policy are to:

- Provide clarification on the use of physical management in school
- To enable staff to feel more informed and confident about the use of physical management when they believe it to be necessary (and as a last resort)
- To make clear the responsibilities of Headteacher, senior staff and Governing Bodies in respect of this power.

This policy has been written with due regard to the Equality Act 2010 and is drawn from advice contained in the document 'Use of Reasonable Force – Advice for Headteachers, staff and governing bodies' issued July 2013 by the Department for Education.

At St Joseph's we aim to avoid the need for positive handling and regard this as a last resort. We always aim to deal with behaviour using a positive approach and therefore this policy should be read in connection with the behaviour policy.

Schools have a duty of care to their pupils. This may involve all staff, on very rare occasions, having to having to physically intervene with pupils to prevent them harming themselves, others or damaging property. Staff must not remove shoes from pupils, fasten them in chairs or lock doors as a form of behaviour management.

The Legal Framework

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:

- Committing a criminal offence.
- Causing personal injury to themselves or another.
- Causing damage to property belonging to them or another, including the school.
- Any behaviour prejudicing the maintenance of good order and discipline in the school.

What is physical management / reasonable force?

The term 'reasonable force' or 'physical management' covers the broad range of actions that may be used by school staff that involves a degree of physical contact with pupils.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

Physical restraint should 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 allows the pupil to regain self-control. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

As mentioned above, schools generally use physical management to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.

Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

School staff should always try to avoid acting in a way that might cause injury, but in **extreme** cases it may not always be possible to avoid injuring the pupil. Staff must not remove shoes from pupils, fasten them in chairs or lock doors as a form of behaviour management.

Who may use physical management?

The staff to which this lawful power is granted are defined in the Act. In the first instance staff trained in positive handling should be called upon to manage a child however in circumstances where this is not possible, the Headteacher expressly gives authority to:

- a) All staff who have control or charge of pupils (including teaching staff, teaching assistants, special needs assistants, midday assistants and supply staff) who work at the school. And
- b) The Headteacher also gives authorisation to those who do not usually have such control or charge- for example catering staff, and suitable unpaid volunteers such as parents/carers or Governors accompanying pupils on school organised visits – only in circumstances where the safety of the child or other children becomes an imperative.

Schools can use physical management:

In situations where a pupil (including one from another school) is on school premises or elsewhere, in the lawful control or charge of a staff member – for example on a school visit.

- To remove disruptive children from the classroom where they have refused to follow an
- instruction to do so;

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- To prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- To prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- To prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;
- To restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- Use force as a punishment – **it is always unlawful to use force as a punishment.**

Deciding whether to use physical management

As a general rule staff should only use physical management when:

- All other de-escalation procedures have proven to be ineffective.
- The potential consequences of not intervening are sufficiently serious to justify it.
- The chance of achieving the desired outcome by other non-physical means are low; and the risk associated with not using force outweighs the risk of using it.
- Staff do not require parental consent to apply reasonable force / physical management on a pupil.

Using Physical Management

Before using force, staff should - where practicable - instruct the pupil / pupils to stop and explain why, articulating the implications to safety of themselves or others. Care should be taken to avoid giving the impression that the member of staff is angry or frustrated, or are acting to punish the child.

- The adult should remain calm,
- Tell the pupil what they are doing and use the minimum force necessary.
- Another member of staff should be alerted if possible.
- Use simple and clear language
- Use techniques taught through team teach training

Appropriate use of physical management will range from physical passive presence in between pupils, to blocking a pupil's path, ushering them by placing a hand in the centre of the back, leading them by the hand or arm, to in more extreme circumstances using appropriate restraining holds using the Team Teach techniques of single wrist or caring c's.

Particular attention will be given to individuals' needs which arise from statements of SEN or disability.

Whilst it is highly desirable that staff should avoid acting in any way which might reasonably be expected to cause an injury, in truly exceptional circumstances it is recognised that it may not always be possible to avoid. Any such injury caused will be properly investigated by the school and will require justification. Types of incidents where physical intervention may be required

(As described in Circular 99/9 and the Department of Education 2002)

These fall into three broad categories

- 1) Action due to imminent risk of injury;
- 2) Action due to developing risk of injury or significant damage to property;
- 3) Action where a pupil is behaving in a way that compromising good order and discipline.

Examples of situations that fall into one of the first two categories are:

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- A pupil attacks a member of staff or another pupil;
- Pupils are fighting;
- A pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- A pupil is causing, or is at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- A pupil is running in a corridor or they might cause an accident or injury to himself, herself or to others;
- A pupil absconds from a class or tries to leave school (this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations that fall into the third category are:

- A pupil persistently refuses to obey an instruction to leave a classroom
- A pupil is behaving in a way that is seriously disrupting a lesson

Acceptable Measures of Physical Intervention / Management

The use of any degree of force can only be deemed reasonable if:

- a) It is delivered in accordance with the seriousness of the incident and the consequences which it is intended to prevent;
- b) It is carried out as the minimum to achieve the desired result;
- c) The age, and level of understanding of the pupil are taken into account;
- d) It is likely to achieve the desired result.

Wherever possible assistance will be sought from another member of staff before intervening.

Children with known challenging behaviours/links to SEND

Some children that attend our school may display challenging behaviour linked to a particularly SEN. If a child is known to have these behaviours a meeting between parents/carers, the Headteacher and the Special Educational Needs Co-Ordinator (SENCo) will take place. The behaviour policy and positive handling policy will be explained in full to parents/carers. If required the child will have in place a risk assessment which has been agreed and signed by parents/carers.

Training for Staff

Physical restraint is an available option, only to be used when other means of dealing with the situation have failed. Staff are made aware of this policy and have training on safeguarding, that will ensure they are aware of their duties and the law. Some staff in school have received Team Teach training and this is repeated every 2-3 years.

Advice is also taken from professionals, if needed, around helping a specific child or a specific physical management technique.

Recording Incidents

St Joseph's will keep a record of each significant incident of the use of physical management to control and restrain. If a restraint has been used, then this will be documented in a bound and numbered book. The incident will also be recorded on CPOMs by all staff involved.

The purpose of recording is to ensure that policy guidelines are followed, to inform parents/carers, to inform future

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planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

Parents / carers will be informed of the incident. School will provide details of the incident and what type of physical management , if any, was used on the child. Parents/carers will be asked to sign to say that they have been informed if possible. Each time an incident occurs procedures will be reviewed and recorded to potentially prevent a repeat of a similar incident.

Post-incident support

- If injuries result from the application of physical management, medical help should be sought straight away. It is also important to ensure that staff and pupils are given emotional support.
- As soon as possible after the incident parents / carers should be informed by telephone and if possible parents will be invited in to school to sign the bound and numbered book.
- When assessing the incident, consideration may be given to involving multi- agency partners to offer support or advice.
- Where a pupil is responsible for injury to another, as well as holding him/her to account and issuing appropriate sanction, the pupil will be given the opportunity to repair the relationships with pupils and staff affected by the incident. The pupil will be offered appropriate support to help develop strategies for avoiding such crisis points in future. The parents / carers of the other child will be informed.
- Children who have been subjected to a physical management will be given the opportunity to discuss the incident with a member of staff at the first reasonable opportunity following the incident. Such discussions will offer pupils and staff fresh opportunities to work together and renew relationships that may be strained by the incident.
- Pupils will be informed of ways in which their behaviours could change in order to prevent a repetition of the incident.

Links between challenging behaviours and signs of abuse

We are aware that challenging and repeated negative or anti-social behaviours displayed by children can often be the signs of abuse. This could be peer on peer abuse or abuse by an adult. We are therefore vigilant as a staff to monitor behaviours and log any patterns or concerns in line with the safeguarding and child protection procedures in school.

Other physical contact with pupils

There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

Examples of where touching a pupil might be proper or necessary:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching;
- To give first aid

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Complaints and allegations

A clear Positive Handling Policy, adhered to by all staff and shared with parents, should help avoid complaints by parents/carers. It is unlikely to prevent all complaints and if a complaint is made against a member of staff about the use of force, the school will follow the guidance set out in Section Eight of the Use of Reasonable Force: Advice for Headteachers, staff and governing bodies DfE-000602011.

Any complaints received by the Headteacher from parents/carers, staff or any other persons regarding alleged ill treatment of pupils or injuries received by a student during the course of physical intervention must be investigated fully by the Headteacher. The chair of Governors and St Therese of Lisieux Academy Trust will be informed of complaints.

The Complaints Procedure is available on the school website or request from the school office.

Responsibility for the Policy and Procedure

Role of the Governing Body

The Governing Body has:

- delegated powers and responsibilities to the Headteacher to ensure all school personnel and stakeholders are aware of and comply with this policy;
- responsibility for ensuring that the school complies with all equalities legislation;
- nominated a designated Equalities governor to ensure that appropriate action will be taken to deal with all prejudice related incidents or incidents which are a breach of this policy;
- responsibility for ensuring funding is in place to support this policy;
- responsibility for ensuring this policy and all policies are maintained and updated regularly;
- responsibility for ensuring all policies are made available to parents;
- responsibility for the effective implementation, monitoring and evaluation of this policy

Role of the Headteacher and Senior Leadership Team

The Headteacher and the Senior Leadership Team will:

- ensure all school personnel, pupils and parents are aware of and comply with this policy;
- work closely with the governing body;
- provide leadership and vision in respect of equality

Role of School Personnel

School personnel will:

- comply with all aspects of this policy;
- implement the school's equalities policy and schemes;
- report and deal with all incidents of discrimination;
- attend appropriate training sessions on equality;
- report any concerns they have on any aspect of the school community

Role of Pupils

Pupils will:

- be aware of and comply with this policy;
- support the school mission statement;
- liaise with the school council;
- take part in questionnaires and surveys

Role of the School Council

The School Council will be involved in:

- discussing improvements to this policy during the school year;
- reviewing the effectiveness of this policy with the headteacher or a senior teacher

Role of Parents/Carers

Parents/carers will:

- be aware of and comply with this policy;
- be asked to take part periodic surveys conducted by the school;
- support the school mission statement

Raising Awareness of this Policy

We will raise awareness of this policy via:

- the School Prospectus
- the school website
- the Staff Handbook
- communications with home such as newsletters and texts

Training

We ensure all school personnel have equal chances of training, career development and promotion.

Periodic training will be organised for all school personnel so that they are kept up to date with new information and guide lines concerning equal opportunities.

Equality Impact Assessment

Under the Equality Act 2010 we have a duty not to discriminate against people on the basis of their age, disability, gender, gender identity, pregnancy or maternity, race, religion or belief and sexual orientation.

This policy has been equality impact assessed and we believe that it is in line with the Equality Act 2010 as it is fair, it does not prioritise or disadvantage any pupil and it helps to promote equality at this school.

Monitoring the Effectiveness of the Policy

The effectiveness of this policy will be reviewed every two years (or when the need arises) by the Headteacher or a senior teacher and the necessary recommendations for improvement will be made to the Governors.

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Headteacher:	<i>E. Mc Cullagh</i>	Date:	January 2021
Chair of Governing Body:	<i>R. Mellows</i>	Date:	January 2021

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Initial Equality Impact Assessment

Please complete an initial equality impact assessment once this policy has been customised to suit your purposes.

Policy Title	The aim(s) of this policy	Existing policy (✓)	New/Proposed Policy (✓)	Updated Policy (✓)
Positive handling	✓			✓

This policy affects or is likely to affect the following members of the school community (✓)	Pupils	School Personnel	Parents/carers	Governors	School Volunteers	School Visitors	Wider School Community
	✓	✓	✓	✓	✓	✓	✓

Question	Equality Groups															Conclusion													
	Age			Disability			Gender			Gender identity			Pregnancy or maternity			Race			Religion or belief			Sexual orientation			Yes	No			
Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y	N	NS	Y			N	NS	
Does or could this policy have a negative impact on any of the following?																													
	✓			✓			✓			✓			✓			✓			✓			✓							✓
Does or could this policy help promote equality for any of the following?																													
	✓			✓			✓			✓			✓			✓			✓			✓							✓
Does data collected from the equality groups have a positive impact on this policy?																													
	✓			✓			✓			✓			✓			✓			✓			✓							✓

Conclusion We have come to the conclusion that after undertaking an initial equality impact assessment that a full assessment is not required.

Preliminary EIA completed by	Date	Preliminary EIA approved by	Date
Emily McCullagh	January 2021	R Mellows	January 2021