

Positive Handling *Policy*



TOR BRIDGE
PRIMARY

Reviewed September 2020

POSITIVE HANDLING POLICY

Dealing with Challenging Behaviour in schools, and action in relation to section 550A Education Act 1996.

1. Introduction

This policy is designed to help staff in schools to understand how to deal as safely as possible with challenging behaviour as defined by S. 550A Education Act 1996.

2. Positive Behaviour Management

One of the most effective management strategies in schools has been shown to be careful planning to prevent difficulties arising. These preventative strategies create a context where acceptable behaviour is positively encouraged and where misbehaviour is reduced. An ethos is developed which emphasises co-operation, responsibility, concern for others and self-respect. (see our behaviour policy)

Pupils clearly know what kind of atmosphere they prefer in school and what they expect of a 'good teacher'. Research has shown that over a range of ages children produce a very similar list of characteristics which they look for in adults who work with them.

Children want adults to:

treat them as a person
help them learn and feel confident
make the day a pleasant one
be just and fair
have a sense of humour

and not to

get upset or angry in the face of misbehaviour

Although they want this for themselves they also want it for other children because it makes the learning situation so much more comfortable.

It is apparent that children prefer a relaxed yet purposeful atmosphere where the adults are safely in control and where they can get on successfully with their learning and be acknowledged as people who matter.

Research has shown that the way pupils feel about themselves and their abilities is very much affected by teachers' evaluation of their worth and that these feelings influence the way they perceive the authority of the school. It seems that where pupils feel they are valued they respect adults and accept their authority.

Summary

The Elton Report on 'Discipline in Schools' gave a clear message to staff as to good group management skills. It said that staff should:

- know their pupils as individuals
- plan and organise to keep pupils busy and interested
- be flexible
- continually observe and scan behaviour
- control their own behaviour: stance, tone of voice, etc.
- model the standards of courtesy they expect from pupils
- emphasise the positive, praise for behaviour and work
- make rules clear

- use reprimands sparingly and consistently
- analyse their own behaviour and learn from it

3. What the law means in relation to the use of “reasonable force”

Where positive behaviour management strategies are not working with a pupil and their behaviour is becoming more challenging, then it is important for staff to know:-

- a) that safety is of paramount importance
- b) that the safety of both pupil and staff member is of equal importance
- c) that as a staff member he or she does have rights under the Education Act
- d) that the Head and Governors will support them if they have tried to follow this policy and the training provided

What the law means in relation to the use of “reasonable force”

Section 550A of the Education Act 1996 allows teachers, and other persons who are authorised by the Head teacher to have control or charge of pupils, to use such force as is reasonable to prevent a pupil from doing, or continuing to do, any of the following:

- I. Committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility);
- II. Injuring themselves or others;
- III. Causing damage to property (including the pupil’s own property);
- IV. Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

See Appendix A for UK Health and Safety Executive definition of “Violence and Aggression”.

The provision applies when a teacher, or other authorised person, is on the school premises, or when he or she has lawful control of the pupil concerned elsewhere e.g. on a field trip or other out of school activity.

Who can use force?

The Act allows teachers at school to use reasonable force to control or restrain pupils. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the Head teacher to have control or charge of pupils. Those might include classroom assistants, care workers, midday supervisors, specialist support assistants, education welfare officers, escorts, caretakers or voluntary helpers including people accompanying pupils on visits, exchanges or holidays organised by the school.

Head teachers should identify people, other than teachers, whom they wish to authorise to have control or charge of pupils and therefore be able to use force if necessary. Authorisation may be on a permanent or long-term basis because of the nature of the person’s job, or short term for a specific event such as a school trip.

4. What is “reasonable force”?

Section 550 a) 1996 Education Act allows staff to use “reasonable force”. There is no legal definition of “reasonable force”, so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on the circumstances of the case.

There are 2 relevant considerations when staff are faced with serious challenging behaviour from a pupil:

- I. The use of force can be regarded as reasonable if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force, e.g. physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.

- II. The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result. However, the more serious the behaviour e.g. assault; the greater the use of force may be justifiable.

The degree of force that could reasonably be employed might also depend on the age, understanding, and sex of the pupil.

Before intervening physically a staff member should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if she or he does not. The staff member should continue attempting to communicate with the pupil throughout the incident, and should make it clear that holding or restraint will stop as soon as it ceases to be necessary.

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

Self Defence

Section 550A does not cover all the situations in which it may be reasonable for someone to use a degree of force i.e. under UK law, everyone has the right to defend him or herself against an attack provided they do not use a disproportionate degree of force to do so. Similarly, if for example a pupil was assaulting another pupil or member of staff; any member of staff would be entitled to use "reasonable force" to defend that person. The aim of self defence is to get away to get help. Self defence differs from retaliation and punishment.

6. The Application of "Reasonable Force"

It is not possible to offer advice for every type of challenging behaviour, but staff might use "Reasonable Force" to:-

- a) guide/shepherd a pupil away using positive touch
- b) turn a pupil who is assaulting or threatening to assault someone else
- c) with a colleague, hold a pupil
- d) if necessary, with a colleague, restrain a pupil

Staff are advised to avoid the following as they may be judged to be unreasonable:-

- e) holding a pupil round the neck or by the collar or in any other way which might restrict the pupil's ability to breathe
- f) slapping, punching or kicking a pupil
- g) twisting or forcing limbs against the joint
- h) holding a pupil by the hair or ear
- i) touching or holding a pupil in a way that may be considered indecent
- j) holding a pupil face down on the ground

If a pupil is threatening to use a weapon; the best advice is to:-

- a) create space between pupil and self
- b) ask/instruct the pupil to put the weapon down
- c) create a barrier between the pupil and self/or get away and call for help

All the advice in sections 3,4,5 and 6 means that in order to keep a pupil or themselves safe, staff have to make a judgement whether to:-

- a) continue to try to calm, defuse, divert or de-escalate the behaviour they are facing.
- b) leave the situation, perhaps taking other pupils too.
- c) with the help of a colleague, hold or restrain the pupil or
- d) defend themselves and leave the situation

The physical skills needed to try to safely hold, restrain or defend staff will be described in Appendix C and taught as “Safe touch, holding, restraint and breakaway skills” on the “Keeping Safe” programme.

7. Planning for Challenging Behaviour

Obviously some situations may need immediate action but if the school is aware that a pupil is likely to behave in a way that may require holding or restraint, it will be sensible to plan how to respond if the situation arises. Such planning needs to address:

- a Risk Assessment of the pupil’s behaviour
- positive Behaviour Management Strategies for the pupil
- preventative Strategies and Skills to calm, defuse, divert or de-escalate the behaviour
- briefing staff to ensure they know what holding or restraint skills may be needed
- ensuring that additional support can be summoned quickly if appropriate, especially if the pupil may need to be held or restrained
- involving the parents to ensure that they are clear about what specific action the school might need to take

8. Physical Contact with Pupils in other Circumstances

There are occasions when physical contact with a pupil may be proper or necessary other than those covered in this policy. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching or design technology, or if a member of staff has to give first aid. Young children and children with special educational needs may need staff to provide physical prompts or help. Touching may be appropriate where a pupil is in distress and needs comforting. Members of staff must use their own professional judgement when they feel a pupil needs this kind of support.

Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should bear in mind that even innocent and well intentioned physical contact can sometimes be misconstrued. It is advisable and much safer for all concerned that physical contact as comfort is made in the vicinity of others.

9. Principles of Training for Dealing with Challenging Behaviour

Staff in schools need to be trained in:-

- a) understanding their school policy and their rights under section 550A
- b) preventative strategies and skills in calming, defusing, diverting and problem solving challenging behaviour
- c) the use of appropriate touch, holding, restraint and breakaway skills (See Appendix C re “Keeping Safe” training)

10. Recording Incidents

Schools should keep a record of use of force to hold or restrain using your own LEA Report form or alternatively the attached form (see Appendix 2)

It is important that there is a prompt and detailed written report of any occasion (except minor or trivial incidents) where force is used. It may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint.

Staff may find it useful to seek advice from a senior colleague or a representative of their professional association when compiling a report.

Incidents involving the use of force can cause the parents of the pupil involved great concern. It is always advisable to inform parents of an incident involving their child, and give them an opportunity to discuss it. The

Head teacher, or member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing.

11. Complaints

Involving parents when an incident occurs with their child, plus a clear policy about physical contact with pupils that staff adhere to should help to avoid complaints from parents.

It will not prevent all complaints, however, and the possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a pupil or parent, cannot be ruled out. In any of these exceptional circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in the circumstances.

Where a parent complains that unreasonable force has been used, schools should follow the Child Protection procedures in their authority.

12. Support and Debriefing

Being involved in dealing with challenging behaviour is often an unsettling experience for pupils, staff and Heads. There is a need to provide appropriate support, including:-

- a) Immediate Support to allow the staff member to talk about their feelings and to check they are not injured
- b) Debriefing 24-72 hours after the event to allow discussion of what happened by the staff involved and what lessons can be learned for the future. It is important that the approach is to find out what learning can take place not what could/should have been done differently or to apportion blame.
- c) Counselling may be needed to provide staff with help to deal with the long term effects of violence and aggression

It is required that at times staff may have to make very quick decisions about how to deal with challenging behaviour under great pressure. The school does not expect staff to “get it right” in every conceivable situation. It does expect them to act reasonably and responsibly, balancing the safety of pupils with their own safety. Both are of equal importance.

Appendix A

Definition of 'violence and aggression'

This definition is based on advice from the UK Health and Safety Executive.

Violence and aggression is defined as:-

'any incident in which an employee is abused, threatened or assaulted by another person in circumstances arising out of the course of his or her employment'

Examples of behaviour that would be classed as 'violence' or 'aggression'

- Kicking
- Biting
- Punching
- Poking
- Spitting
- Scratching
- Butting
- Tripping
- Actions that restrict movement
- Unwanted physical contact which results in no injury
- Use of weapons
- Use of missiles
- Swearing
- Other verbal or written abuse which causes personal offence or distress
- Sexual, racial or other harassment
- Bullying
- Intimidation
- Damage to personal property

Other aggressive behaviour

- Shouting
- Posturing
- Gestures
- Insults
- Innuendo
- Unreasonable demands
- Blackmail

Appendix B

REPORT ON THE USE OF FORCE TO CONTROL OR RESTRAIN

Report compiled by: _____

Name of pupil: _____ Year: _____ Date of incident: _____

Where incident occurred: _____ Time of incident: _____

Witness – staff: _____ Witness – pupils: _____

Why was the use of force necessary?

- a) to prevent injury to myself or other staff;
- b) to prevent injury to pupil or other pupils;
- c) to prevent damage to property;
- d) other - _____

Give a detailed account of how the incident began and progressed, including what was said by each party, what steps were taken to defuse or calm the situation, how the pupil was held or restrained and for how long

What was the outcome of the incident including the need for any medical treatment?

Signed:

Date:

SECTIONS OVERLEAF TO BE COMPLETED BY HEADTEACHER OR OTHER SENIOR MEMBER OF STAFF.

Follow-up action:

Have parents been notified about this incident?

YES / NO

If YES – by what means and when?

Signed:
Head teacher/Senior Member of Staff

Date:

Appendix C

"Keeping Safe" Training

Principles for dealing with Challenging Behaviour through the use of Prevention, Diversion, Calming, Problem Solving, Safe Touch, Holding, Restraint and Breakaway Skills

"Keeping Safe" Training is based on Physical Interventions Guidance and the BILD Code of Conduct for Trainers in the use of Physical Intervention

The programme is designed to develop positive verbal and physical skills and therefore considerably increase staff ability and confidence in dealing with challenging behaviour.

Wherever possible staff are encouraged to use positive preventative, calming, defusing and problem solving skills and on many occasions this will be successful.

However, where physical skills are needed, then the use of safe touch, holding and restraint skills have been developed. They are designed to keep both pupils and staff as safe as possible and are based on "making movement safe" rather than "overpowering".

Pupil safety and staff safety are deemed to be of equal importance

The aim is also to provide pupils with positive touch and holding even at high levels of restraint to give them back some self control and help in calming down
i.e. touch; holding and restraint are all on the same spectrum as skills

Staff faced with "a duty of care" and a need to:

- be proactive or reactive in holding a young person to prevent danger to self or others
- use restraint "as a last resort"

need to think of a team approach to maximise the chances of keeping both pupils and themselves safe. i.e. use of 2 staff to hold or restrain.

Principles

- The holding skills aim to enable staff to care for pupils during crisis through teamwork and a coordinated approach
- The skills are justifiable in terms of a duty of care which is combined with calming, defusing and problem solving.
- The training programme is designed to challenge existing individual/team practices in order to either confirm or change that practice to make them safer
- The skills aim to combine acceptability with effectiveness for both pupils and staff
- The skills are client centred i.e. pupil specific and pupil sensitive
- The skills are designed to take into account the natural range of movement of the pupil and to make any movement safe
- All the skills concentrate on the use of technique and positioning rather than strength and therefore aim to maximize staff potential and confidence
- Because they are based on positive touch and holding, the skills may be included within risk assessments and Behaviour Management Plans
- The skills allow staff to act positively at times of crisis. They allow a variety of appropriate responses to a situation, which may be proactive, reactive or last resort
- The nature and intention of physical contact with a pupil is care and the skills offer a range of options from safe touch, to holding, to restraint.

Team Decisions and Practice

At the end of the programme, the team will be asked to make decisions about the use of the skills learned on the programme, in order that team members agree a consistent approach.

It is vital that team make time both to discuss and to practice the calming, defusing, safe touch, holding, restraint or breakaway skills on a regular basis to ensure that the confidence which was achieved during training is maintained.

Only staff who have had the training for safe handling (MAPP) may use this method of restraint.