

The Charter School North Dulwich

POSITIVE HANDLING POLICY

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Can school staff use force to control or restrain a student?

The Charter School North Dulwich (TCSND) takes seriously its duty of care towards students' employees and visitors to the school.

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

Under the 2006 Education and Inspections Act, section 93 allows members of staff to use *reasonable force to control or restrain a student, to prevent a person from being injured or committing a criminal offence, and to prevent damage or injury to property; and to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also be counted as a criminal offence.*

We can also search students for weapons without their consent. (see also Confiscation and Search policy). Within the policy we use the vocabulary and terms that are in the [DfE guidance from 2013](#)

What happens before any restraint is used? De-Escalation techniques

In a relatively small number of circumstances usual classroom discipline and behaviour plans may be insufficient and a different approach is needed to manage children and young people's behaviour in a way that keeps them, the other children in the class and school staff physically and emotionally safe. Underpinning the success of managing the diverse needs that will be present in each classroom is the skill of adults intervening early to de-escalate situations calmly when they arise.

Reasoning with an angry child is not always possible, the aim of de-escalation is to reduce the level of agitation so that at an appropriate time discussion becomes an option, and a better outcome can be achieved. Remaining calm, professional and objective is not always easy and therefore it is a skill that will need to be practised to respond in a different way when a challenging situation occurs.

When to de-escalate

De-escalation techniques are most successful when used early, so it is essential to spot the individual signs for individual students. Examples could be:

- Balled fists;
- Fidgeting;
- Shaking;
- 'Eye-balling' another child;
- Head thrust forward;
- Clenched jaw;
- Speech becoming more rapid or high-pitched.

Non-verbal strategies for the adult to use

As adults we must ensure we are modelling the behaviour we want the child to emulate, such as those described below

- Appear calm and self-assured.
- Maintain a neutral facial expression.
- Allow space between you and the child
- Control your breathing to keep you calm

Verbal strategies

- Lower your voice and keep your tone even.
- Distraction and diversion are extremely useful.
- Give choices and do not get drawn into secondary behaviours
- Acknowledging the child's feelings shows that you have listened to them, and can be crucial when diffusing a situation;
- Use words and phrases that de-escalate, such as: I wonder if... Let's try... It seems like... Maybe we can...
- Tell the child what you want them to do rather than what you do not want them to do; for example, 'I want you to sit down' rather than 'stop arguing with me';
- Give the child take-up time following any direction and avoid backing them into a corner, either verbally or physically.

Things to avoid

- Do not make threats or promises you cannot carry through
- Do not be defensive or take it personally
- Do not use sarcasm or humiliate the child.

Sometimes, no matter how carefully and skilfully you try to de-escalate a situation, it may still reach crisis point. Know your school systems for summoning help and moving bystanders to safety.

What is reasonable force?

1. The term reasonable force covers a broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with students.
2. Force is usually used to control or restrain. This can range from guiding a student 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.
3. Reasonable in the circumstances means using no more force than is needed

4. Control means either passive physical contact like standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom.
5. Restraint means to hold them back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.
6. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not be possible to avoid injuring the student.

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.

Communicating the school's approach to the use of force to parents/carers

The use of positive handling is highlighted in the following documents

- Positive Behaviour Policy– available on our website and upon request
- Positive handling policy – available on our website and upon request
- Positive handling plans – in individual circumstances where necessary (See Appendix)
- Types of controls and restraints will be discussed with parents if their child requires a positive handling plan, upon request.
- The parents will be informed of any incidences relating to their child that have involved positive handling by the most senior person involved in that incident.

Staff Training

At TCSND, we recognise that it is very rare that one of our students be the subject of positive handling. All physical interventions are conducted within a framework of positive behaviour management. We look for early warning signs, taking steps to divert behaviours leading towards foreseeable risk. We always look for alternatives to physical control and use well chosen words to try and de-escalate a situation. Physical intervention is a last resort.

Positive handling training is always provided by qualified instructors with rigorous guidelines. The level of training required is kept under review and may change in response to the needs of our students.

Authorised Staff

Who is able to use positive handling techniques? - S93 of the Education Act 2006, allows a person who is, in relation to a student, a member of the staff, to prevent a student from doing or continuing to do any of the following, namely:

- Committing any offence, including anything that would be an offence if that young person was not under the age of criminal responsibility.
- Causing personal injury to, or damage to property of any person including the student themselves[sic]
- Prejudicing the maintenance of good order and discipline at the school or among any of its students receiving education at the school, whether during a teaching session or elsewhere

Definition of member of staff:

- Any teacher who works at the school, and any other person the headteacher has authorised to have control or charge of students,

Extent of the responsibility of those authorised

Where are authorised members of staff allowed to control my child in this manner? - Staff have the power in law to use force where:

The member of staff and student are on the premises of the school.

They are elsewhere and the member of staff has lawful control or charge of the student i.e. on trips or visits.

However, everyone has the right to defend themselves against attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a student was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene.

Types of incidents

Under what circumstances is a member of staff allowed to use reasonable force against my child? – Decisions on whether the precise circumstances of an incident justify the use of force, must be reasonable i.e. would any reasonable person with similar experience have reacted in a similar way? Typically, such decisions have to be made quickly, with little time for reflection. Nevertheless, staff need to make the clearest possible judgements about:

- The seriousness of the incident – if force is not used to control the situation is the likely outcome going to be worse for all concerned? If it is, then using force may be justified.
- The chances of achieving the result by other means – Could I achieve the same result in some other way, and not have to use force?
- The relative risks associated with physical intervention compared with using other strategies – Is it likely to cause less damage or stop the incident as quickly as possible, if I were to just step in rather than try any other strategies?

Examples of such situations that particularly call for judgements of this kind include:

- A student attacks a member of staff, another student or a member of the public
- A student is committing, or on the verge of committing deliberate damage/injury to property or another person or themselves.
- A student tries to leave school. Refusal of a student to remain in a particular place is not enough on its own to justify use of force, BUT it would be justifiable if allowing the student to leave would entail a serious risk to the student's safety or to the safety of other students or staff.

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

- How is this in the best interest of the student?
- 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 necessary?

Alternatives to physical control

We see physical control as a last resort, we will seek to bring the situation to safety for all concerned by doing all, or some of the following:

- Request alternatives to unacceptable behavior using negotiation and reason
- Give clear directions for students to stop
- Remind students about rules and likely outcomes
- Remove the audience (where possible)
- Make the environment safer (where possible)
- Ensure that colleagues know what is happening and get help
- Use positive touch to guide or escort students to somewhere less pressured)

The age and level of understanding of the student is also very relevant in those circumstances.

What if my child is likely to need to be restrained because they have SEND?

TCSND will assess the frequency and severity of incidents requiring use of force that are likely to occur in the school, and we will also make individual risk assessments for particular students whose SEN and/or disability is associated with extreme behaviour. An individual risk assessment is also essential for students whose SEN and/or disabilities are associated with:

- Communication impairments that make them less responsive to verbal communication e.g. autism
- Physical and/or sensory impairments
- Conditions that make them fragile e.g. haemophilia, brittle bone syndrome or epilepsy
- Dependence on equipment such as wheelchairs, breathing or feeding tubes

Any planned use of physical intervention should be compatible with a student's EHCP and properly documented in school records. Please see appendix for an outline positive handling plan.

Positive Handling:-

- must only be used for the minimum amount of time necessary to diffuse or resolve the immediate situation
- must not inflict pain or be punitive
- must not impede breathing

- must avoid vulnerable parts of the body (neck, chest, genitals, or undue weight on spine)
- must avoid hypertension, hyperflexion and pressure on or across joints

All incidents where positive handling has been used will be recorded and reported in the usual way.

Reasonable Force

Who decides what reasonable force is? –

There is no legal definition of when it is reasonable to use force

TCSND is currently referring to the DfE Guidance 'Use of Reasonable Force – Advice for headteachers, staff and governing bodies – July 2013'

Force can only be regarded as reasonable if the circumstances of the incident warrant it

BUT: Members of staff have a Duty of Care towards all students to keep them safe – *so you cannot do nothing!* You could shout and/or summon help, but we would not necessarily expect staff to physically intervene where it may put them at risk of harm.

To be judged as lawful:

- The force used would need to be in proportion to the consequences it is intended to prevent.
EG: Force cannot be justified to prevent trivial misbehaviour

Application of force

If force is used against my child – what is the member of staff permitted to do?

Staff follow the Team Teach techniques and these include

- ☐ ☐ physically interposing between students;
- ☐ ☐ blocking a student's path;
- ☐ ☐ holding – usually hands and/or arms
- ☐ ☐ leading a student by the hand or arm;
- ☐ ☐ (in extreme circumstances) using more restrictive holds

Recording Incidents (see appendix)

If force is used against my child, who will know about it and what records will be kept?

Every significant incident where positive handling techniques have been used will be recorded in accordance with this policy (see appendix B for the form on which to record incidents). The purpose of recording is to ensure policy guidelines are followed, to inform parents, to prevent misunderstanding of the incident and to provide a record for any future enquiry. We will include in the report all the de-escalation strategies employed beforehand. The report will give facts only and not opinions.

Copies of such reports may be given to the parent for their records upon request, however there are some circumstances in which the school would not disclose information: **(see Data protection Act 1998 – sections 30 (2) and 38 (1))**

- Information, that could cause serious harm to the physical or mental health or condition of the child or someone else, if it was publicly known.
- Information relating to abuse either suspected or actual, where telling someone else might put that child at more risk.
- Any references supplied to potential employers of the child, any national body concerned with student admissions, another school, an institution of further or higher education, or any other place of education and training may not be seen.
- Information supplied by the school in a report to any juvenile court, where the rules of that court provide that the information or part of it may be withheld from the child
- Information concerning the child which also relates to another person who can be identified from that information, or which identifies another person as the source of that information. Unless the person has consented to the disclosure, or it is reasonable in all the circumstances to disclose the information without his/her consent, or the person is an employee of the LA or of the school. (This exemption does not apply where it is possible to edit the information requested to omit the name or any other identifying particulars of that other person)
- Information recorded by the student during an examination

All injuries should be recorded in accordance with school procedures and relevant injuries to staff or students should be reported to the Health and Safety Executive – this can be done online or by phone. The website gives a list of major injuries and serious near misses that need to be reported to them immediately. 0845 300 99 23 (www.hse.gov.uk/riddor/index.htm)

Members of staff who have been assaulted may wish to report this to the police.

Post Incident support

What happens after my child has been the subject of reasonable force? –

Serious incidences that require the use of force can be upsetting to all concerned and may result in injuries to the student or to staff. Immediate action should be taken to provide first aid for any injuries and to access medical help for any injuries that go beyond first aid. It is also important that students are given emotional support.

Parents will be informed as soon as is reasonably possible verbally. If it is deemed necessary, the parents will be invited in for a meeting to discuss the incident and to set out subsequent actions and support to avoid such an incident recurring. For parents of students whose behaviour is associated with SEN and/or disabilities, an individual positive handling plan (to be part of an IEP) may be appropriate. This will be discussed with all parties.

Complaints

What if I want to complain about the way the situation was handled and the force that was used against my child?

Parents have the right to complain about actions taken by school staff. If a specific allegation of abuse is made against a member of staff, then TCSND will follow the guidance set out in part 4 of KCSIE

Other complaints will be dealt with under our normal complaints procedure. In such circumstances the headteacher would respond to the complaint in the light of this policy. Parents may then choose to appeal against the Headteacher's decision. At this point a Governor's panel would be convened. **The school policy and the degree to which it had been followed will be at the core of any investigation.**

Physical contact with students under other circumstances

Government guidance recognises that there will be some circumstances where physical contact with students may be necessary, such as;

- To demonstrate exercises or sports / PE techniques
- To demonstrate how to use a piece of equipment
- To give first aid
- To prompt or help young children or students with special educational needs / disability
- Touching may also be appropriate where a student is being congratulated or praised
- Touching may also be necessary where a student is in distress and needs comforting.
- Professional judgement must apply in all cases
- For some students touching may be a particularly sensitive issue EG: for cultural reasons or the child may have been abused
- Physical contact with students becomes increasingly difficult as students reach or go through puberty
- **REMEMBER – The main factor is not about 'touching' *per se* but whether the touching is appropriate or inappropriate**

TCSND
Positive Handling Report Form

*To be completed when any child is involved in the use of Positive Handling at school.
 Please hand directly to either the SENCO, Headteacher or Deputy Headteacher.*

Child's Name:	Date:
Year Group/Class:	Time:
Staff Involved:	
Adult Witnesses:	
Students who witnessed incident :	

Outline of events leading up to incident and steps taken to defuse the situation <u>other than physical intervention</u> (including 'caring c's'). (Give details in the box further below of positive handling strategies.)

Behaviour resulting in positive handling.					
Absconding	Fighting	Physical Aggression towards member of staff	Physical Aggression towards another child/children	Behaviours that are a danger to themselves.	Behaviours that are a danger towards others.
Additional Details:					

Positive Handling Strategies used (from Team Teach)					
Friendly Hold	Single Elbow	Figure of four	Double Elbow	Escort to Chairs	T Wrap
Two person Single Elbow	T Wrap to ground	Two Person T Wrap to ground	Cradle Hug	Steering Away	Safe disengagement

Duration of each hold used:
Additional Details:

Where the positive handling took place			
Classroom	Playground	Stairs	Corridor
Toilets	SLT office	Lunch Hall	Other (detail below)
Additional Details:			

After care of those involved				
Debrief with the child	Debrief with staff	Respite for child	Respite for staff	Opportunity for staff and child to reconcile
Additional Details:				

In your opinion is further investigation needed? Yes / No Why? (please detail reasons)
Has a first aid form been completed, if necessary? Yes / No
Has the designated safeguarding officer been informed? Yes / No

Form completed by;

Name: _____ Role: _____

Date: _____ Signature: _____

For the named positive handling lead to complete:

Witness statements collected from (please list and attach)
Parents contacted on (date/time):
Names of parents contacted;
Parents contacted by:
How were parents contacted? (phone/meeting etc)

To the best of my knowledge, information and belief the contents of this form are a true reflection of what happened.

Name: _____ Role: _____

Date: _____ Signature: _____

Positive Handling Plan

Name		DOB	
Baseline Behaviours – Pls describe how the YP normally interacts with others			
Describe how the YP presents on a day to day basis.			
Proactive Strategies to maintain baseline behaviour			
Include strategies such as positive communication and reinforcement, body language and personal space etc.			
Trigger Behaviours – Describe common triggers which may led to the YP displaying heightened arousal levels			
Describe the type of situation that may cause the YP to display challenging behaviour.			
Stage I – Anxiety Behaviours			

Pls describe the types of behaviours that the YP will display when they have been subjected to trigger behaviours i.e. Posturing body Language, Verbal abuse etc.

Stage 1 – Anxiety Behaviours – Preferred Supportive and Intervention Strategies

Pls describe a range of strategies (i.e. Verbal Support, Reassurance, Negotiation) that will help to return the YP to baseline behaviour.

Stage 2 – Escalation Behaviour

Pls describe the types of behaviours that the YP will display when Stage 1 supportive strategies have failed to bring the YP back to their baseline behaviour i.e. Rule Breaking, Pushing Boundaries, noncompliance etc.

Stage 2 – Escalation Behaviour – Preferred Supportive and Intervention Strategies

Pls describe how the YP wants you to respond to them when their behaviour is escalating (i.e. Cool Off, Time Out, Staff Withdrawal).

Stage 3 – Crisis Behaviour

Pls describe what this YP does when they are displaying crisis behaviour. This would include self-harming, assaults, significant damage to property).

Stage 3 – Crisis Behaviour – Preferred Supportive and Intervention Strategies

Describe preferred holds, positional information, staff numbers, get-outs etc. Medical Info - that should be taken into account before physical intervention i.e. Asthma, Brittle bones.

Stage 4 – Recovery Phase

Pls describe how the YP would present in the recovery phase. This may include the YP being angry, agitated and hypersensitive.

Stage 4 – Recovery Phase– Preferred Supportive and Intervention Strategies

Pls include strategies that the YP would want you to use to help restore them back to Baseline behaviour and reduce their arousal levels.

Stage 5 – Post Crisis Phase

Pls describe how the YP would present in the Post crisis phase, this may include withdrawn, upset, tearful etc.

Stage 5 – Post Crisis Phase – Preferred Supportive and Intervention Strategies

Pls include strategies that the Yp would want you to use to help restore the relationships. This would include Bridge Builders Praise Points etc.

Stage 6 – Follow Up – Post Incident Discussion

Listen -To the YP's view first
Link - Feelings to behaviours for all concerned
Learn - Find better ways for next time

Staff should use the discussion with the YP to inform future planning and amend this document as necessary. The focus should be on developing the YP's own tools to help them to manage their emotions in a more positive manner.

Who is to be informed after an incident – pls tick ✓

Parent / Carer		Residential Manager	
Social Worker		Unit Manager - Residential	
Staff Team		Ofsted	

Role	Name	Signature
YP		
Parent / Carer		
Keyworker		
Residential Manager		
Social Worker		
Health Professional		
Date of Completion		
Date of Review		

Appendix Three (aide memoire for some of the holds)

NB – under no circumstances should an untrained person be using these holds

T Wrap: Standing, sitting or kneeling behind a small person, holding the small person's hands crossed in front of their hips, leaving elbows apart with ribs and abdomen clear.

Single Elbow: Standing, sitting or kneeling alongside the person, holding the nearest forearm drawn back to be parallel to the ground with hands close to the chest and supporting pressure through the hip. The nearest hand holds the forearm with the other supporting the shoulder.

Double Elbow: Standing alongside the person, holding both forearms drawn back to be parallel with the ground with hands close to the chest and supporting pressure through the hip. One arm is supporting the person's back.

Figure of Four: Standing, sitting or kneeling alongside the client with the hand of the outer arm holding underneath the person's nearest forearm and the other passing under the armpit, across the top of nearest forearm to hold own wrist.

Back Ground Recovery: Kneeling alongside a supine person, entirely supporting own weight, securing the person's elbows at sides with hip and heel of hand on the floor. Ribs and abdomen are left clear.

Front Ground Recovery: Kneeling facing towards a prone person securing the wrist and elbow, limiting movement of the shoulder, but leaving ribs and abdomen clear.

Legs: Sitting or kneeling, entirely supporting own weight, using hip, arm and forearm to limit the range of kicking.