



*"A kind and inclusive learning community with high expectations for all"*

*At Queen's Park Primary School, we recognise and value individual differences in an inclusive learning community. We nurture children to become resilient and creative lifelong learners and caring, responsible adults in a diverse society.*

#### Positive Handling Policy

Date	September 2023
Review Date	September 2024

To be read in conjunction with:

Behaviour Policy

Child Protection Policy



## Positive Handling Policy

### **The Legal Framework**

Positive handling should be limited to emergency situations and used only in the last resort. Under the Children Order 1995, it is only permissible as described under the heading "Physical Control". Article 4 of the Education Order 1998 clarifies powers that already exist in common law. It enables trained staff in the school, authorised by the Headteacher, to use such force as is reasonable in the circumstances, to prevent a pupil from:

- Committing an offence
- Causing personal injury to, or damage to the property of, any person (including the pupil himself)
- Engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among its pupils, whether during a teaching session or otherwise.

(Examples of possible situations are given in Appendix 1)

### **Definition of Positive Handling at Queen's Park Primary School**

Positive handling is the positive application of force with the intention of protecting the child from harming himself or others or seriously damaging property.

### **General Policy Aims**

Good personal and professional relationships between staff and pupils are vital to ensure a safe and happy atmosphere in our school. It is recognised that the majority of pupils in our school respond positively to the high expectations set out by staff. This ensures the well-being and safety of all pupils and staff in school. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable, proportionate and necessary force may be required. Queen's Park Primary acknowledges that physical techniques are only a small part of a whole setting approach to high expectations of behavior and attitudes. Our policy on positive handling should therefore be read in conjunction with our Behaviour and Child Protection policies.

### **Specific Aims of the Positive Handling Policy**

To protect every person in the school community from harm.

- To protect all pupils against any form of physical intervention which is unnecessary, inappropriate, excessive or harmful.
- To provide adequate information and training for staff so that they are clear on what constitutes appropriate behaviour and to deal effectively with violent or potentially violent situations.

Every effort will be made to ensure that all staff in this school:

- Clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where use of force is necessary and
- Are provided with appropriate training to deal with these difficult situations.



## Positive Handling Policy

### Underpinning Values

#### **Everyone attending or working in this school has a right to:**

- Recognition of their unique identity;
- Be treated with respect and dignity;
- Learn and work in a safe environment;
- Be protected from harm, violence, assault and acts of verbal abuse.

#### **Pupils attending this school and their parents have a right to:**

- Individual consideration of pupil needs by the staff who have responsibility for their care and protection;
- Expect staff to undertake their duties and responsibilities in accordance with the school's policies;
- Be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school;
- Expect that children with recognised social, educational and/or behavioural difficulties (SEBD) have appropriate learning opportunities to be designed to achieve outcomes that reflect the best interests of the child in question and other children that may be affected by that child's SEBD;
- Be informed about the school's complaints procedure.

The school will ensure that pupils understand the need for and respond to clearly defined limits, which govern behaviour in our school.

### Physical Contact

At Queen's Park we recognise that appropriate physical contact occurs between staff and pupils, e.g., in the care of pupils and in order to support their access to a broad and balanced curriculum. It would seem reasonable that young children do require opportunities for close contact, as long as this is within public view, sensitively carried out and age/person appropriate; for example, comforting a child who has fallen in the playground, administering first aid, guiding a child safely past an obstacle, handshakes/ high-fives, demonstration or guidance in PE or sports lessons etc.

### Why Use Positive Handling?

Positive Handling is the term we use at Queen's Park Primary School to encompass the occasions an adult, in the course of fulfilling their duty of care and their job description, has need to make physical contact with a child.

Positive handling 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, allowing the pupil to regain self-control. It should never take a form which could be seen as a punishment.

Positive Handling includes the use of force for control and restraint, as described in the Education and Inspections Act 2006. No legal definition of reasonable force exists, however for the purpose of this policy and the implementation of it at Queen's Park Primary School:

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- Positive Handling uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming himself, herself, others or property.
- The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled, and the nature of the harm they might cause.
- Staff would be expected to follow the pupil's Individual Learning Plan (ILP) / Risk Assessment in the first instance to manage any incidents of disruptive and dangerous behaviour
- If this was unsuccessful and the situation continues to escalate staff would then be expected to employ Maybo techniques that they have been trained to use.

Positive handling should avert danger by preventing or deflecting a child's action or perhaps by removing a physical object, which could be used to harm themselves or others. It is only likely to be needed if a child appears to be unable to exercise self-regulation of emotions and behaviour. See types of incident for further examples.

It is not possible to define every circumstance in which positive handling would be necessary or appropriate and staff will have to exercise their own judgement in situations which arise. Staff should always act within the school's policy on behaviour, particularly in dealing with disruptive behaviour. Staff should be aware that when they are in charge of children during the school day, or during other supervised activities, they are acting in *loco parentis* and should, therefore, take reasonable action to ensure pupils' safety and wellbeing.

A member of staff who has not been trained in Maybo techniques, may make the professional judgement that it is absolutely necessary to physically intervene to maintain the safety of one or more children or members of staff. If a member of staff makes such a judgement they must comply with the points above, i.e., that they can restrain a child in a reasonable manner that is proportionate to the nature of the incident for the minimum possible time. They should take sensible steps to seek the support of a fully trained colleague as soon as safely possible. Any such incidents of restraint are also bound to be recorded as described in this policy.

The overriding consideration should still be the reasonableness and proportionality of the force used.

All the techniques used take account of a young person's;

- Age
- Gender
- Level of physical, emotional and intellectual development
- Special needs
- Social context

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Failure to positively handle a pupil who is subsequently injured or injures another could, in certain circumstances, lead to an accusation of negligence. At the same time, staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention.

### Use of Positive Handling

#### Physical Intervention

This may be used to divert a pupil from a destructive or disruptive action, for example guiding or leading a pupil by the arm or shoulder where the pupil is compliant.

This technique cannot be emphasised enough and in the hands of a skilful practitioner, many pupils can be deflected from a potentially volatile situation into a less confrontational situation i.e., it may be possible to “defuse” a situation by a timely intervention.

#### Physical Control / Restraint

This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property or if the child’s behaviour represents a significant disruption to the maintenance of good order and discipline.

#### Types of Incident

- Where action is necessary in self-defence or because there is an imminent risk of injury.
- Where there is a developing risk of injury, or significant damage to property.
- Where a pupil is behaving in a way that is compromising good order or discipline.
- 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 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 on a stairway in a way which he or she might have or cause an accident likely to injure him or herself or others.
- A pupil absconds from school.
- A pupil persistently refuses to comply with an adults’ request to leave a classroom/ playground.
- A pupil is behaving in a way that is continuously, seriously disrupting a lesson.

#### Recovery

Pupils who may be distressed by events can be offered the following support:

## Positive Handling Policy

- Quiet time taking part in a calming activity
- Quiet time away from the incident/trigger
- Resuming their usual routine/previous activity as soon as possible, especially for pupils with special needs

### **Time with a member of staff to debrief the incident**

Staff should make special consideration if expecting the child to apologise or make amends for their actions after an incident. It is an expectation that apologies are made and that we are all responsible for the consequences of our own actions. However, for some children, being expected to apologise immediately may re-escalate a situation, increase risk and therefore undermine the practice outlined in this policy. Therefore, members of staff who work most closely with the child responsible will seek to find a suitable time and way to make amends (taking consideration of the child's developmental level and Special Educational Needs (SEN)). At the same time staff will show care to the hurt party and may themselves make an apology such as "I am sorry you were hurt by \_\_\_, I expect them to apologise for their actions when they can."

### **Alternative Strategies**

There are some situations in which the need for positive handling is immediate and where there are no equally effective alternatives (e.g., is a pupil is about to run across a road). However, in many circumstances there are alternatives e.g., use of assertiveness skills such as:

- The *broken record* in which an instruction is repeated until the pupil complies
- Use of a distracter, such as a loud whistle, to interrupt the behaviour (such as a fight) long enough for other methods of verbal control to be effective
- Withdrawal of attention (audience) e.g., if an action such as damage to property is threatened
- Other techniques designed to defuse the situation, such as the avoidance of confrontation, or use of humour (in these cases the incident can be dealt with later when emotions are no longer running high)
- The employment of other sanctions consistent with the school's policy on behaviour.

### **Injury to the Child**

Whilst the physical techniques taught in Maybo are intended to reduce risk, there is always risk when two or more people engage to use force to protect, release or restrain. Maybo techniques seek to avoid injury to the child, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the child remains safe. Any such injury will be reported by making a note on C-POMS. Any injuries to pupils as a result of incidents involving restraint will be reported to the Headteacher and parents/carers.

The application of any form of physical control inevitably carries an attached risk of unintended harm and this places staff and the school at risk of potential litigation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow this policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention.



All staff must have read and be compliant with Keeping Children Safe in Education 2023 statutory guidance for schools (KCSIE). KCSIE, in its guidance about reasonable force, states: 'Reasonable' in these circumstances means 'using no more force than is needed'. Staff must be aware that they are responsible for:

- Assessing risks (dynamic risk assessment) related to individual circumstances which may arise in the course of their day-to-day duties and
- Making judgements about when the use of force is necessary and the degree of force which may be regarded as necessary to manage a situation.
- Staff need to be aware that they are required to justify their decisions in writing through the recording and reporting procedures outlined later in this document.

### **Authorised Staff**

All teachers, staff and the Headteacher are authorised to have control, or charge, of pupils automatically; they have the statutory power to use reasonable force within the context of The Education and Inspections Act 2006 and the subsequent guidance.

Supply staff must ensure that they are familiar with this school's policy. Appropriate guidance will be given if they have not undertaken Maybo training.

Please note: whilst DFE Guidance on Use of Reasonable Force (2013) recognises that this can extend to:

'People whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit'

At Queen's Park we would not generally expect volunteers, students on placement, visitors or parents to have to use this power as they will not generally have charge/control of pupils who may present with the most challenging behaviour.

### **Health and Safety of Staff**

Under the Health and Safety at Work Act, employees have a responsibility to report any circumstances that give rise to an increased risk to their Health and Safety.

Staff who have, or acquire, permanently or temporarily, any medical condition that may impact on their ability to carry out pupils' plans have a duty to report these to the Headteacher immediately, as there may be an impact on their own safety and that of colleagues and/or pupils.

Through the provision of Maybo training, the risk of harm towards staff is reduced but it is possible for some injury to be received. All such occurrences should be treated and subsequently recorded on CPOMs and an HS2 form.

### **Staff Training**

It is the responsibility of the Headteacher to ensure that Maybo training in the use of positive handling is available to staff and is kept up to date. The school provides training for all authorised staff and the Headteacher retains a list of all those staff trained. The list is reviewed on an annual basis.

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Note that the availability of Maybo training will usually only be given when there is a clear and evident need for it e.g., where the school has on roll a child who regularly presents with challenging behaviours requiring the use of reasonable force.

No member of staff will be expected to use Maybo techniques without appropriate training. Prior to the provision of training, guidance will be given on action to be taken. Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development. If staff are unable to support physically, they are expected to support with other de-escalation techniques.

### **Staff Support Following Incidents**

Any member of staff or pupil at the school involved in or witnessing a serious incident involving the use of physical hold, may require additional support following the incident. Staff should ensure that they are fully recovered from an incident before resuming their duties and colleagues are encouraged to seek and offer support where it is deemed necessary.

It is good practice for staff involved in the incident to 'debrief' as soon as possible after the incident. The debrief should involve a member of the senior leadership team and can support the completion of the Restraint Incident Report.

### **Recording and Monitoring Incidents**

#### **Recording**

Where physical control or restraint has been used, staff must record the details as soon as possible after the incident. If anyone is injured an accident report must also be completed, again as soon as possible.

#### **Monitoring**

Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Headteacher to the needs of any pupil(s) whose behaviour may require the use of reasonable force.

Monitoring of incidents will take place on a regular basis (at least termly) and the results used to inform planning to meet individual pupil and school needs. The Headteacher will present an annual summary of incidents that have involved the use of force to the Governing Body.

The Headteacher will ensure that each incident is reviewed and investigated further as required. If further action is required in relation to a member of staff or a pupil, this will be pursued through the appropriate procedure:

#### **Visits Out of School**

Our equal opportunities policy states that all pupils should be included in all curriculum activities. However, Health and Safety remains a priority and staff should carry out risk assessments for pupils that may be a possible danger prior to each visit into the community. Due consideration should be given to the following:

Is the pupil able to cope with the demands of the proposed visit?

Are there sufficient, suitably trained staff - particularly if there should be an incident?





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How will you contact school to get extra help if necessary and how will you get back?

### **Whistleblowing**

Whilst the training in Maybo provided to staff, encourages the use of help protocols and reflective practice, it is acknowledged that under some circumstances, physical intervention can be misapplied.

Staff are reminded that part of their duty of care to pupils includes the requirement to report any such matters which cause them concern in relation to pupil management and welfare. Any such concerns should be raised with the Headteacher or with the Chair of Governors (where the concern relates to the Headteacher), in order to allow concerns to be addressed and practice improved.

### **Complaints**

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them.

Where the nature of any complaint made by a pupil, parent or other person in relation to the use of physical hold within the school indicates that an allegation of mishandling by a member staff, the school's complaints policy will be followed.