SHIPLAKE C.E. PRIMARY SCHOOL

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'Where there is no guidance, a people falls, but in abundance of counsellors there is safety'
Proverbs 11.14

Positive Handling Policy for all Schools and Similar Children Settings

The governors of Shiplake CE Primary School have chosen to adopt this model Oxfordshire County Council (OCC) policy - Positive Handling Policy for all Schools and Similar Children Settings (September 2019)

This is the latest policy issued by OCC – checked February 2025 MH

Reviewed by Resource Committee of Shiplake CE Primary School - February 2025 (3 year review)

Model Positive Handling Policy for all Schools and Similar Children Settings

September 2019
Next Review Date- September 2022

Executive Summary:
Oxfordshire County Council (OCC) takes seriously its duty of care towards pupils, employees and visitors. Touch is a sensitive issue requiring careful judgement. To safeguard both children and staff, OCC aims to provide clear guidance and appropriate training within the resources available.

This policy has a clear focus.

- The paramount consideration is to safeguard the welfare of the child
- and to safeguard the welfare of staff and others working in schools/settings and services who act in good faith

This policy applies in the following settings:

- Maintained schools
- Maintained special schools
- Non-maintained schools
- Non-maintained special schools
- Special post-16 institutions
- Special academies and special free schools
- Early years settings
- Residential care

The policy aims to help staff in schools and other child settings to develop plans to support children and young people whose behaviour challenges, to reduce the incidents and risk associated with that behaviour; and to promote and safeguard the welfare of children and young people in their care.

Eliminating the inappropriate use of restraint is vital and particularly important in relation to children who are still developing both physically and emotionally as any trauma at this formative stage in their development could be very damaging and have long term consequences. This Policy has been informed by joint guidance issued by the Department of Health and Department for Education *Children and Young People with Learning Disabilities, Autistic Spectrum Disorder and Mental Health Difficulties* (January 2017).

This policy aims to provide guidance in relation to all children including children and young people with learning disabilities, autistic spectrum disorders and mental health issues who may respond with challenging behaviour (verbal and non-verbal) when confronted with situations that they do not understand. This can cause anxiety or fear however; the likelihood of such behaviour can often be anticipated by those that know the child best. Measures to prevent or address this can be developed with the involvement of the child or young person and their family, careful assessment and where appropriate multi-agency planning and support. A preventative approach to supporting children and young people whose behaviour is challenging is always preferable and restraint should only be used when it is appropriate and necessary by trained staff and in line with the law, core values and ethical principles.

Summary of the policy:
In the first instance, where a child's behaviour could present a significant risk of injury to people the following steps should be taken:

Formal risks assessments at the school/setting– these should be routine for staff working with children who exhibit behaviour that challenges staff working in the settings.

a) **Positive handling plans** – risk management is an integral part of positive behaviour management planning. All children who have been identified as presenting a risk should have a Positive Handling Plan that includes details of the settings and situations which increase risk. It should also detail any strategies which have found to be effective for that individual, along with any responses which are not recommended. Positive Handling Plans should be a result of multi-professional collaboration, including parents, and included in any Pastoral Support Plan or IEP or EHCP (where relevant to the child's needs).

b) **Positive Behaviour Management** – this section sets out examples of alternatives to physical interventions that reward behaviour and act as preventative measures to mitigate against the use of reasonable force.

c) **Responding to unforeseen emergencies and the use of reasonable force** – acknowledging that the best planning systems cannot cover every eventuality, the school/ setting and staff should recognise that there are unforeseen or emergency situations which staff will need to respond to at pace. Physical intervention should be:
   a. In the best interests of the child
   b. Reasonable and proportionate
   c. Intended to reduce risk
   d. The least intrusive and restrictive of those options which are likely to be effective
   e. Staff must avoid touching or restraining a pupil in any way that could be interpreted as sexual or inappropriate conduct

d) **Use of Floor Holds** when all preventative steps have been attempted

e) **Any restraint should be recorded within 24 hours securely and as an agreed accurate action of events for all those involved**. Serious incident reports should not be completed until the individuals concerned have recovered from the immediate effects of the incident. Each incident should be reviewed by the Head Teacher who will instigate further action as required.

f) **Review/follow-up** – following an incident, consideration should be given to conducting a further risk assessment and reviewing the pupil's Positive Handling Plan, behaviour management policy or the positive handling policy for the school/setting.

g) **Complaints** - parents and pupils have the right to complain about actions taken by staff/employees. Schools and children's settings should have a

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formal Complaints policy and procedure in place to respond to any complaints that may arise following an intervention.

h) **Training –** any training provider commissioned must be thoroughly checked for credibility, authority and currency of best practice. References must be checked.

Also included in this document are references to essential legislation and guidance documents that should be considered alongside this policy.

Full Policy:

Purpose: This policy sets out OCC's expectations in relation to the use of positive handling and reasonable force in schools and other educational settings for all pupils including those with learning disabilities, autistic spectrum disorder and mental health difficulties. The policy is not intended to be prescriptive but sets out the processes that schools and settings should have in place for these pupils and is supported by legislation and best practice guidance.

Underpinning this policy are the beliefs that everyone has the 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 and their parents attending schools and other settings can expect:

- Individual consideration of pupils' needs by trained staff who have a responsibility for their learning and protection
- To be informed about the school or education settings rules, policies and the expected conduction of all pupils and staff

The policy recognises that schools and other settings have a duty of care towards their pupils and staff. It is therefore necessary and appropriate for schools and settings to proactively plan for challenging behaviour to prevent injury or damage.

3. **The Legal Framework**

(i). The Best Interest Principle
The welfare of the child shall be the paramount consideration. Paramount in this context means that it is the first thing people should think about and it should take precedence over every other consideration.

(ii). Duty of Care
The term "duty of care" is an important legal term. Anyone who is lawfully authorised to work with children, has a duty of care. Schools owe a duty of care to their pupils. "Negligence" involves a breach of that duty and has three main elements:

- Firstly, there must be a duty of care
- Secondly there must be a breach of that duty of care
- Thirdly there must be some ensuing damage or injury related to that breach

As the statutory power to use force is held by individual members of staff, no school should have a policy of *no physical contact*, because this could make staff feel deprived of that power or hinder their exercise of it. (EIA 2006)

Health & Safety legislation requires that employers also have a duty of care towards their employees. It would be negligent of an employer not to provide the time and

resources for the appropriate level of training for their role/setting. It would also be negligent of an employee not to access training when it was offered, or to assess information which was made available, though employees may choose to opt out of physical restraint training due to physical or medical issues, whilst still attending de-escalation training.

(vi). **Reasonable and Proportionate**
Common law hangs on the word "reasonable" in the context of physical interventions, yet it changes meaning according to the circumstances of each case. For example, an action taken in response to an attack with a baseball bat might be deemed reasonable by a court, whereas exactly the same action taken in response to a verbal assault would be judged to be excessive and unreasonable. What determines the reasonableness of a particular intervention is often governed by whether or not it was "proportionate". The degree of force used should be the minimum to achieve the desired result. Good training provides techniques which rely on a combination of psychology and biomechanics to reduce the amount of force required. It is good practice for schools to have an explicit policy on the Use of Reasonable Force to control or restrain pupils.

(vii). Absolutely Necessary
There are times when those with a duty of care believe that they must take necessary action to protect the interests of the child. If they fail to take action and, as a result, negligently allow a child to come to harm, they could be liable for any damage which ensues. When people are honest in their attempts to do the right thing, they are said to be acting in "good faith". Staff who act in good faith, in the best interests of those for whom they have a duty of care, deserve support.

(viii). Lawful Defences
Rather than focus on preventing staff from taking any action which could possibly result in accusations, which too often has resulted in staff not taking any action at all, we should focus on lawful defence. The clearest lawful justification is that the actions of staff are reasonable, proportionate and in the best interests of the young person. Under Human Rights legislation they should be "absolutely necessary".

Health and Safety
If hazardous behaviour presents a significant risk of injury to people, there is a Health and Safety issue to be addressed. Hazardous behaviour should be regarded just as seriously as hazardous equipment. Dangerous occurrences should be reported to the person responsible for Health and Safety in the school/setting or service on behalf of the employer. Trade union safety representatives should also be informed.

When considering a pupil's behaviour staff should think about the following questions:

- Can we anticipate a Health and Safety risk related to this pupil's behaviour?
- Have we got all the information we need to conduct a risk assessment?
- Have we produced a written plan as a result?
- What further steps can we take to prevent dangerous behaviour from developing?

Formal Risk Assessments and Positive Handling Plans:
Schools and settings must assess the frequency and severity of incidents that require the use of force across the whole setting. The use of individual risk assessments when pupil's challenging behaviour could be associated with:

- Communication impairments that make them less responsive or less able to communicate
- Physical and/or sensory impairment
- Conditions that may make the pupil more vulnerable e.g. epilepsy, brittle bone syndrome
- Requiring the use of equipment such as wheelchairs, breathing or feeding tubes

should be drawn up in collaboration with parents, where possible

This should also be accompanied by a positive handling plan which clearly sets out the techniques that should be used and those that should not normally be used. The plan should also document situations that may provoke challenging behaviour and any successful preventative strategies. The plan should also document how physical intervention should be used appropriately. These plans should be developed and agreed by staff, parents and the pupil concerned wherever possible. The document should be reviewed by the parents of the pupil and the pupil themselves if appropriate. It is also important to gain the consent of the parents in relation to the plan wherever possible, though it may be necessary to implement a Positive Handling Plan without parental consent.

Positive Behaviour Management:
Schools and settings must seek to reward effort and encourage pupils to take responsibility for improving their own behaviour, wherever possible. When incidents do arise, alternatives to physical intervention requiring force must be used in the first instance.

Responding to unforeseen emergencies and the use of reasonable force:
The use of restraint must always be a last response to challenging behaviour. De-escalation techniques that are appropriate to the pupil, set within a positive approach to behaviour, must always be used in the first instance. However, it is acknowledged that there may be a very small number of circumstances where reasonable force may be required.

The Principle of Last Resort
Staff/employees should only use physical restraint when there is no other realistic alternative. This does not mean that we always expect people to methodically work their way through a series of failing strategies before attempting an intervention in which they have some confidence. Nor does it mean always waiting until the danger is acute and imminent, by which time the prospect of safely managing it may be significantly reduced. It does mean that staff should conduct a dynamic risk assessment and choose the safest alternative available. This includes thinking creatively about any alternatives to physical intervention which may be effective.

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There is no legal definition about when it is reasonable to use force, it can only be deemed reasonable if circumstances warrant it and as such, the judgement can often be finely balanced. The Education and Inspection Act 2006 states that reasonable force may be used to prevent a pupil from doing or continuing to the following:

- Causing harm to themselves
- Committing a criminal offence
- Causing harm to another person
- Any behaviour that could be considered prejudicial to the maintenance of good order and discipline

Reasonable force could cover a broad range of actions. Force will usually involve action taken to control or restrain. 'Reasonable in the circumstances' means using no more force than is needed and the following factors should be considered:

- Being in the best interests of the pupil balanced against respecting the safety and dignity of all concerned, including other pupils or adults present
- Restraint must not be used as a form of punishment
- Techniques used to restrain or restrict the liberty of movement must be reasonable and proportionate to the circumstances, risk and seriousness of harm and be applied with the minimum level of force necessary by appropriately trained staff

Force must not be used to deliberately inflict pain or as a punishment, this would be considered an unreasonable use of force. Staff should not react in anger and if they feel that they are becoming angry, they must withdraw to allow someone else to deal with the situation.

Use of Floor Holds:
Oxfordshire County Council does not sanction prone (front ground) intervention being used as a part of a physical intervention menu. It is recognised that where a Floor Hold is part of a PHP it is possible the pupil may unintentionally become face down. If this occurs the approved face up hold should be instigated as soon as safely possible or, if it is safe to do so, the pupil released and the hold re-attempted.

Any use of the prone restraint should be notified to Oxfordshire County Council immediately as a notifiable incident setting out the reason that this hold was employed and the reasons another hold would not have been appropriate to safeguard the child and/or others. Notification must be sent to the child's social worker and IRO if they are looked after and to the Local Authority Designated Officers team if the child is not looked after via lado.safeguardingchildren@oxfordshire.gov.uk.

Where a floor hold is part of a positive handling plan, members of staff who have received the necessary additional training should be identified to carry it out.

Incident Reporting and Follow-up Actions:
When an incident involving the use of force has been used, this policy recommends that any incident is recorded as soon as practicable and within 24 hours of an

incident taking place. All incident records must be stored securely. All incidents should be recorded ***securely as an agreed accurate action of events for all those involved.***

Schools and other settings should consider identifying a lead person at governing body or executive board level with responsibility for behavioural policy and strategy. The lead person would consider any incident reporting and consider any specific programmes to reduce inappropriate restraint.

The purpose of recording an incident is to ensure that policy guidelines have been followed, to inform parents/carers, to prevent the misunderstanding of an incident and provide a record for any future enquiry.

All staff working within a school or setting should be aware of their whistle-blowing policy and how to use this to escalate concerns regarding the mis-use of restraint as necessary.

When a serious incident occurs, it can be upsetting for all involved and may result in injuries to children or staff. Immediate action must be taken to provide first aid for any injuries or medical attention sought for more serious injuries. Emotional support for children and staff should also be considered after the incident has occurred.

The Post Incident Support Structure for Pupils and Staff/Employees
Following a significant incident, the school should offer support to all involved. People take time to recover from a serious incident. Until the incident has subsided, the 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 using the school systems.

It is important to note that an 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 reminding them 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 and staff have an opportunity to express their feelings, suggest alternative courses of action for the future and appreciate the perspective of others. 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.

Parents must be informed of any incidents as soon as it is reasonably possible. After any serious incident, consideration must be given to meeting with parents to discuss the incident, review the child's positive handling plan (if they have one) and agree any subsequent actions to try to avoid any future incidents. This meeting may also be an opportunity to discuss whether multiagency partners should be involved in identifying follow up action, for example CAMHS or LCSS.

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Complaints:
Parents and pupils have the right to complain about actions that may be taken by school staff. If a specific allegation is made against a member of staff, then schools or settings must refer to their own complaints and safeguarding procedures.

Training:
This Policy expects that any physical intervention should be performed by trained staff who are competent in the use of a recognised behaviour management system. If a non-British Institute of Learning Disabilities (BILD) or the Institute of Conflict Management (ICM) training course is used, there is an expectation that the County Council will be consulted for approval.

All training bodies, organisations and the tutors/instructions that provide training should be thorough assessed to ascertain:

- background knowledge
- experience and recognition
- prevention and management of aggression training

OCC's preferred approach is for whole staff / team training, but we recognise that training should be proportionate to the level of risk and exposure that staff may have to the most challenging children.

Opportunities should be arranged for staff to practice their training between the main training sessions.

Glossary of terms used in this policy:

CAHMS – Child and Adolescent Mental Health Services.

Learning disability – defined by three core criteria: lower intellectual ability (usually an IQ of less than 70), significant impairment of social or adaptive functioning, and onset in childhood. Learning disabilities are different from specific learning difficulties such as dyslexia, which do not affect intellectual ability (taken from *Challenging behaviour and learning disabilities: prevention and interventions for people with learning disabilities whose behaviour challenges* NICE Guideline 2015)

Positive handling – the term 'positive handling' includes a wide range of supportive strategies for managing challenging behaviour. The term 'restraint' is used whenever force is used to overcome active resistance.

Non-physical interventions (no touch)- this would include adaptions to the physical environment; use of space; body language; facial expressions; volume, pitch, pace and tone of voice and choice of words

Physical contact (contingent touch) – this would include reassuring touch for example holding hands in the playground or physical prompts and guidance for example attracting attention or communicating with someone with sensory impairment, helping someone to learn physical skills, escorting a young child or someone with learning difficulties

References:

Codes of Practice and National Minimum Standards:

- 0-25 Special Educational Needs and Disability Code of Practice
- Mental Capacity Act Code of Practice: Protecting the Vulnerable (2007)
- The National Minimum Standards for Boarding Schools
- The National Minimum Standards for Residential Special Schools

Guidance:

- *Draft Guidance* for Children and Young People with Learning Disabilities, Autistic Spectrum Disorder and Mental Health Difficulties (2017, DfE and DH)
- Guidance for the Restrictive Physical Interventions: How to provide safe services for people with Learning Difficulties and Autistic Spectrum Disorder (2014, DfES and DH)
- Positive and Proactive Care: reducing the need for restrictive interventions (Department of Health, 2015) produced for supporting adults but with supporting principles that apply in both settings
- Protocol for Local Children's Services Authorities on Restrictive Physical Interventions in Schools, Residential and Other Care Settings for Children and Young People (Association of Directors of Children's Services, 2009)
- Guidance on the use of reasonable force in Use of Reasonable Force: advice for head teachers, staff and governing bodies (DfE July 2013)
- Behaviour and Discipline in Schools (DfE January 2016)
- Residential Special Schools: National minimum standards (DfE, April 2015)
- Supporting pupils with medical conditions (DfE, December 2015)
- The Children Act 1989 Regulations and Guidance – Volume 2: Care planning, placement and case review (2015)
- Working Together to Safeguard Children (2018)

NICE Guidelines:

- Challenging behaviour and learning disabilities: prevention and interventions for people with learning disabilities whose behaviour challenges
- Autism in under 19s: support and management
- Antisocial behaviour and conduct disorders in children and young people: recognition and management
- Violence and aggression: short-term management in mental health, health and community settings
- Looked-after children and young people
- Psychosis and schizophrenia in children and young people: recognition and management

Legislation:

- Section 93 of the Education and Inspections Act 2006 – the use of reasonable force
- Section 100 of the Children and Families Act 2014
- United Convention on the Rights of the Child (1991)

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Restraint/restrictive physical interventions (the positive application of force with the intention of overpowering a person) – this includes holding someone who is actively resisting to prevent them from putting themselves and others at risk of significant harm; holding someone who is actively resisting to reduce the risk of pain or injury; holding someone who is actively resisting to reduce the risk of damage to property; holding someone who is actively resisting to prevent the commission of a criminal offence; moving someone who is actively resisting into a reduced risk environment; holding/moving someone whose actions are or leading to a breakdown of discipline; preventing a person who is actively resisting from moving into an increased risk environment. When a pupil seeks to remove themselves from a conflict situation, blocking this action is not considered reasonable justification for restraint unless they are running onto the road or towards a person with violent intent. Staff can be injured when seeking to block a child (for example by standing in a doorway). This is not a necessary outcome and frequently inadvertent on the part of the child in a high stress state.

Staff – is intended in this document to refer to both teaching and non-teaching staff and approved volunteers or contracted personnel under the authority of a Head Teacher.