



# MARITIME ACADEMY

## POSITIVE HANDLING GUIDANCE (TSAT)

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**Maritime Academy**

Part of the Thinking Schools Academy Trust

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THINKING SCHOOLS  
ACADEMY TRUST

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## Introduction

**Behaviour is always a form of communication.** Understanding that children are communicating through their behaviour gives adults the opportunity to respond differently. When children feel valued, respected and have their needs met, there is no longer a reason to use challenging behaviour to communicate. Punishing a child for a behaviour may stop the behaviour for the moment, but it does not give the child support or provide alternate ways to act in difficult situations. When adults help children find positive ways to communicate their needs to others, children learn important social and problem-solving skills that will help them throughout their life.

At Maritime Academy we are committed to a positive behaviour policy which encourages children to make positive behaviour choices. On rare occasions circumstances may result in a situation that requires some form of physical intervention by staff.

Our policy for physical intervention is based upon the following principles:

- Physical intervention should be used only as a last resort when other appropriate strategies have failed;
- Any physical contact should be only the minimum required;
- Physical intervention must be used in ways that maintain the safety and dignity of all concerned;
- Incidents must be recorded and reported to the Head teacher as soon as possible;
- Parents/Carers will be informed on the day of the incident.

## The purpose of this document

The Maritime Academy believes everyone 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 and their parents attending Maritime Academy 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.

## Managing challenging behaviour

Maritime Academy also recognises that there is a need, reflected in common law, to physically intervene when there is an obvious risk to the safety of children, staff and property. This applies both on and off setting sites. If used at all, the use of force to control or restrain pupils will be used in the context of a respectful, supportive relationship with the child in order to ensure minimal risk of injury to children and staff.

It should never be acceptable for a member of staff to restrain a child by themselves – restraint means to hold back physically or to bring a pupil under control – if there is no other choice but to do so it should be for the shortest amount of time possible whilst waiting for help and assistance from other staff.

**The Legal Framework** - Section 93 of the Education & Inspections Act 2006 allows ‘teachers and other persons who are authorised by the Head Teacher who have control or charge of pupils to use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- Causing injury to his/herself or others;
- Committing an offence;
- Damaging property;
- Prejudicing the maintenance of good order & discipline.

## Our approach

At Maritime Academy we aim to avoid the need for physical intervention and regard this as a last resort in managing situations. We always aim to deal with behaviour using a positive approach and therefore this policy should be read in connection with our Behaviour Policy.

It is not possible to define every circumstance in which physical restraint would be necessary or appropriate and staff will have to exercise their own judgement in situations which arise within the above categories. Staff should always act within the Academies policy on behaviour and discipline, 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 have a 'Duty of Care' to all children they are in charge of. They must, therefore, take reasonable action to ensure all pupils' safety and wellbeing.

Staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention. Staff should understand the importance of listening to and respecting children to create an environment that is calm and supportive, especially when dealing with children who may have emotional and behavioural needs, which may increase their aggression. All staff should understand the importance of responding to the feelings of the child, which lie beneath the behaviour, as well as the behaviour itself.

If a child is behaving disruptively or anti-socially, every non-physical strategy will be used to manage the behaviour positively to prevent a deterioration of the situation. Staff should view physical intervention with a child as a 'last resort' and for the purposes of maintaining a safe environment.

## Use of physical restraint

Physical restraint should be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allows the pupil to regain self-control. It should never take a form which could be seen as punishment.

Staff are only authorised to use reasonable force in applying physical restraint, although there is no absolute definition of this. What constitutes reasonable force depends upon the particular situation and the pupil to whom it is being applied. Teachers should apply the training they receive to de-escalate where possible then use the appropriate holds as practised in the training. However, as a general rule, only the force necessary to stop or prevent danger should be used, in accordance with the guidelines below.

When physical restraint becomes necessary:

### Do

- Tell the pupil what you are doing and why;
- Use the minimum force necessary;
- Involve another member of staff if possible;
- Tell the pupil what s/he must do for you to remove the restraint (this may need frequent repetition);
- Use simple and clear language;



- Hold limbs above a major joint if possible e.g. above the elbow;
- Relax your restraint in response to the pupil's compliance.

### Don't

- Act in temper (involve another staff member if you fear loss of control);
- Involve yourself in a prolonged verbal exchange with the pupil;
- Involve other pupils in the restraint;
- Touch or hold the pupil in a way that could be viewed as sexually inappropriate conduct;
- Twist or force limbs back against a joint;
- Bend fingers or pull hair;
- Hold the pupil in a way which will restrict blood flow or breathing e.g. around the neck;
- Slap, punch, kick or trip up the pupil;
- Use physical restraint or intervention as a punishment.

Examples of situations where positive handling may be appropriate include:

- Child or young person attacks member of staff or another child;
- Child or young person is fighting;
- Child or young person is engaging in, or on the verge of, committing deliberate damage or vandalism to property;
- Child or young person is causing or at risk of causing injury or damage by accident, by rough play or by misuse of dangerous materials or objects;

Refusal of a pupil to remain in a particular place is not enough on its own to justify force. It would be justifiable where allowing a pupil to leave would:

- Entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property

**The procedure for restrictive physical intervention is set out below must always be followed:**

- Give the child clear warning. Offer an escape route from the situation, for example, through calming or following instructions;
- Once the restrictive physical intervention is judged necessary it should happen quickly, smoothly and confidently;



- Always remain calm and talk in a conciliatory tone. Ignore any abuse and let the high emotional state run its course;
- Once things begin to calm, it can be coupled with significant changes in restrictive physical intervention, this should be on staff terms, not when demanded by the child;
- The aim is to talk through the situation and discuss the behaviour that caused the whole episode;
- The extent of force used should be no more than necessary to control the situation.

## Actions after an incident

Physical restraint often occurs in response to highly charged emotional situations and there is a clear need for debriefing after the incident, both for the staff involved and the pupil. The Head Teacher should be informed of any incident as soon as possible and will take responsibility for making arrangements for debriefing once the situation has stabilised. An appropriate member of staff should always be involved in debriefing the pupil involved and any victims of the incident should be offered support. The parents/carers will be informed at the earliest possible opportunity.

If the behaviour is part of an ongoing pattern it may be necessary to address the situation through the development of a behavioural plan, which may include an anger management programme, or other strategies. This may require additional support from other services.

In some circumstances an EHA may be appropriate to help identify an additional need for a particular child.

All incidents should be recorded immediately on the Pupil Restraint Report Form (**Appendix A**). All sections of this report should be completed so that any patterns of behaviour can be identified and addressed. In the event of any future complaint or allegation this record will provide essential and accurate information. A copy should be filed in the child's appropriate file and may be used in order to inform individual and school risk assessments.

There may be occasions where minor touch is necessary rather than restraint and therefore should be recorded on the Minor Touch form (**Appendix B**). Not all touch needs to be recorded however if it could be perceived in a negative way please discuss with your line manager and record if appropriate.



A member of the leadership team will contact parents as soon as possible after an incident, normally on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.

## **Debriefing arrangements**

The child/young person and the member of staff will be checked for any sign of injury after an incident. First aid will be administered to anyone who requires it, or medical treatment obtained.

The child or young person will be given time to become calm while staff continue to supervise them. When the child regains complete composure, a senior member of staff (or their nominee) will discuss the incident with the child and try to ascertain the reason for its occurrence.

The child will be given the opportunity to explain things from their point of view. All necessary steps will be taken to re-establish the relationship between the child and the member(s) of staff involved in the incident. In cases where it is not possible to speak to the pupil on the same day as the incident occurred, the debrief will take place as soon as possible after the child returns to school.

All members of staff involved should be allowed a period of debrief and recovery from the incident. A senior member of staff (or their nominee) will provide support to member(s) of staff involved.

The Head Teacher will be informed at the earliest possible opportunity of any incidents where positive handling was used. The Head Teacher (or their nominee) will initiate the recording process if not already under way and review each incident to ensure that any necessary lessons are learned.

## **Arrangements for informing parents**

All parents/carers will be informed immediately after an incident where positive handling is used with a child. Parents/carers will need to be notified sensitively and to be made aware of the full circumstances.

Parents/carers should be informed of the school's policy regarding positive handling and their behaviour policy.





Staff who work with particular children who have learning or physical disabilities (and who have School Based Support plans, Individual Behaviour Plans and/or Pastoral Support Plans), may need to use specific techniques routinely to manage challenging behaviour. Such arrangements must be discussed with parents/carers in advance on an individual basis using positive handling plans. All interventions will be routinely recorded and monitored with the expectation that steps are taken to reduce the number of restrictive physical interventions year on year.

## Recording an incident

All incidents where staff feel that they have used force to modify behaviour or conduct should be recorded. It is not necessary to record every incident of contact with a child, but where a member of staff perceives that contact has been received at all negatively, they are advised to record the circumstances.

Physical Intervention Recording Forms are available on the Academy network system and should be submitted to the Assistant Principal. The Head Teacher will be informed of the intervention that has taken place. It is the responsibility of the intervening member of staff to complete the record form on the day that the intervention took place or the next day if appropriate.

The circumstances and nature of the physical intervention will be held on the record of the student involved. The DSL will inform any necessary agencies/authorities (eg. LADO) of the physical intervention in accordance with DFE and LA guidance. The Head Teacher will ensure that parents/carers are appropriately informed on the same day as the incident. It is also expected that the child's Social Worker be informed if they are a Child in Care. For the safeguarding of both staff and student, any subsequent investigation of the situation/incident should be undertaken by a member of staff other than the one applying the physical intervention.

A contemporaneous record (i.e. written as soon as appropriate and possible) should be made by the staff member involved in the incident and a copy given to a senior member of staff and parent/carer. Similarly, contemporaneous notes will also be made by all other members of staff involved (i.e. as witnesses or additional providers of support). The notes will be signed and dated.

### **The record will contain the following information:**

- The name(s) and the job title(s) of the member(s) of staff who used reasonable force;



- The name(s) of the child(ren) involved;
- When and where the incident took place;
- Names of staff and child(ren) who witnessed the incident
- The reason that force was necessary;
- Behaviour of the child(ren) which led up to the incident including any triggers;
- Any attempts to resolve the situation;
- The degree of force used;
- How it was applied;
- How long it was used for;
- The child's/children's response and the eventual outcome;
- Details of any injuries suffered by either staff or child(ren);
- Details of any damage to property;
- Details of any medical treatment required (an accident form will be completed where medical treatment is needed);
- Details of follow-up including contact with the parents/carers of the child(ren) involved;
- Details of follow up involvement of other agencies, police, social services.

Child witnesses may also be asked to provide a written account if appropriate.

A copy of this will be kept on the child's file and retained in line with guidance on keeping educational records.

The school will report any injuries to child or staff and seek medical intervention immediately if necessary.

## **Risk Assessments**

If we become aware that a pupil is likely to behave in a disruptive and/or challenging way that may require the use of reasonable force, we will plan how to respond if the situation arises. Such planning will address:

- Strategies to be used prior to intervention;
- Ways of avoiding 'triggers' if these are known;
- Involvement of parents/carers to ensure that they are clear about the specific action the school might need to take;
- Briefing of staff to ensure they know exactly what action they should be taking;
- Identification of additional support that can be summoned if appropriate.



## Complaints and Allegations

A clear restraint policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation, either under the complaints disciplinary or allegation management procedures. It is our intention to inform all staff, pupils, parents and governors about these procedures and the context in which they apply.

## Searching pupils - Power to search pupils without consent

In addition to the general power to use reasonable force described above, Headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force cannot be used to search for items banned under the school rules. Under these circumstances The Education Act 2011 extends the power of staff to search students without their consent. Searches will be conducted by two members of staff, at least one of whom will be the same sex as the student. Students will be offered the opportunity to have their parents/carers present.

For further information the DfE have provided guidance on Searching, Screening and Confiscation. A member of the leadership team will contact parents as soon as possible after an incident, normally on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.



## Key Legal References

This Positive Handling guidance is written with reference to the following key legal concepts and documents:

- DfE Use of Reasonable Force Guidance;
- Offences Against the Persons Act 1861 (concepts of Assault and Assault and Battery);
- Common Law concepts of false imprisonment and common law defence;
- Duty of Care;
- DfE Circular 10/98;
- The Children Act 1989;
- DoH/DfES Joint Guidance on Physical Interventions 2002;
- The Education Act 1996;
- Education and Inspection Act 2006;
- Screening, searching and confiscation – advice for Headteachers, staff and governing bodies.
- Human Rights Act 1998;
- Disability Discrimination Act 1995;
- Health and Safety at Work Act 1974.



## Appendix A

### Positive Handling/ Restrictive Intervention Incident Record

Name of student:						Year/ Class:			
Location of incident:						Date:			
Full names and roles of staff involved:									
Start time of incident:		Duration of any restraint		Any injuries:		Medical check:		Incident reviewed with young person:	
	AM	Minutes	Student	Y / N	Offered	Y / N	Offered	Y / N	
	PM		Adult	Y / N	Accepted	Y / N	Accepted	Y / N	
Nature of Risk			External agencies informed			Supporting Records completed			
Injury to person		Y / N	Virtual Head		Y / N	Medical book		Y / N	
Damage to property		Y / N	Medical staff		Y / N	Accident report		Y / N	
Criminal offence		Y / N	Social worker		Y / N	RIDDOR report		Y / N	
Absconding		Y / N	Police		Y / N	Formal statement		Y / N	
<b>Environmental triggers:</b> (Describe what was happening and what led up to a dangerous situation:          									
<b>Circle the level of potential risk:</b>									
Low			Medium			High			
<b>Describe exactly what the risk was:</b>          									
<b>Who was at risk?</b>          									
<b>Controlling risk - De-escalation and Distraction techniques used</b>          									



*Tick and/ or describe any changes you made to routines, personnel or the environment in an attempt to reduce the risk of this happening:*

Verbal advice and support		Firm clear directions		Negotiation	
Humour		Limited choices		Distraction	
Diversion		Reassurance		Planned ignoring	
Contingent touch		C.A.L.M Talking/ Stance		Take up time	
Withdrawal offered		Withdrawal directed		Transfer adult	
Reminders about consequences		Success reminders		Others:	

**Description:**

**Physical Intervention Strategies Attempted:**

Loose guiding		His stabilise		Double arm hold	
Extended arm hold		Cupped fist hold		Dynamic hold	
Seated hold		Kneeling holds		Sit and leg block	
Seated contain		Others:			

**Response and view of the student:**

Parent/ Carer informed	Y / N	By whom:		Date:	
				Time	

**Any other relevant information:**

**Headteacher's Comments:**

Signed:		Date:	
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## Appendix B

### Non-Restrictive Touch Record Form

Please complete this quick record in cases where touch has been necessary but not to the extent of physical restraint/hold.

<b>Name of student:</b>				<b>Year/ Class:</b>				
<b>Location of incident:</b>				<b>Date:</b>				
<b>Full names and roles of staff involved:</b>								
<b>Nature of Risk</b>			<b>Level of risk (please tick)</b>					
Injury to person	<b>Y / N</b>		<b>Low</b>					
Damage to property	<b>Y / N</b>		<b>Medium</b>					
Criminal offence	<b>Y / N</b>		<b>High</b>					
Absconding	<b>Y / N</b>							
<b>Behaviours</b>	<b>Staff</b>			<b>Other children/ Staff</b>				
<b>Attempted/ succeeded</b>	<b>A</b>		<b>S</b>		<b>A</b>		<b>S</b>	
Kick								
Hair Pull								
Scratch								
Pinch								
Bite								
Grabbing								
Head butt								
Throwing objects								
Slap/ punch								
Others:								
<b>Action taken (please tick as appropriate)</b>								
Verbal instruction		Friendly escort		Confiscation		Other:		
<b>Signed:</b>					<b>Date:</b>			



### Positive Handling / Intervention Plan

<b>Name of student:</b>		<b>DOB:</b>		<b>Class/ Year</b>	
<b>Assessor:</b>		<b>Date of assessment:</b>		<b>Review date:</b>	
<p><b><u>Planned use of positive physical interventions</u></b></p> <p>Positive physical interventions will be used as an option of last resort when staff perceive that they have no alternative course of action. The following behaviours are those where the use of positive physical intervention could be considered, after a range of other de-escalation options have been tried or considered and thought to be unsafe</p>					
•					
<p>Positive physical intervention <b>will not</b> be used for the following behaviours:</p>					
•					
<p>The following positive physical interventions have been agreed for use in appropriate circumstances. Minimal appropriate force applied for the shortest possible period of time will always be the first option</p>					
•					
<p><b><u>Emergency use of positive physical intervention</u></b></p> <p>Emergency use of positive physical intervention may be required when a student behaves in a way that has not been foreseen by risk assessment. Ideally the use of positive physical interventions in this situation will be agreed by two members of staff.</p>					
<p><b><u>Any contra indications of positive physical intervention</u></b></p>					
<b>Signed:</b> <b>(Academy)</b>				<b>Date:</b>	
<b>Signed:</b> <b>(Parent)</b>				<b>Date:</b>	