

DAY ONE TRUST

Positive Handling policy
Adapted for ELAM

EAST LONDON ARTS & MUSIC



THE INDUSTRY ACADEMY

POSITIVE HANDLING POLICY

Scope: Trust wide
Committee: Day One Trust board
Adapted for: ELAM
Principal: Matt Sheldon

Change record

	Date	Action
1	October 2021	MAT Approved

This document has been contextualized to meet the needs of ELAM.

Governance Team

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This policy is available online at www.dayonetrust.co.uk

We will consider any request for this policy to be made available in an alternative format or language. Please contact:

Introduction

The Academy aims to create positive relationships built on respect. To achieve this, high standards of positive behavior are essential. This will allow the Academy to be a place of high morale for students and staff; trainees pursuing academic progress in a calm and peaceful environment; staff and trainees interact in a safe, secure and caring environment; and building trainees' social and personal development in preparation for later life. Understanding that trainees are communicating through their behavior gives staff the opportunity to respond differently. When trainees feel valued, respected and have their needs met, there is no longer a reason to use challenging behaviour to communicate.

Punishing a trainee for a behaviour may stop the behaviour for the moment, but it does not give the trainee support or provide alternate ways to act in difficult situations. When adults help trainees find positive ways to communicate their needs to others, trainees learn important social and problem solving skills that will help them throughout their life.

At ELAM we are committed to a positive behaviour policy which encourages trainees 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 Principal as soon as possible;
- Parents/Carers will be informed on the day of the incident.

The purpose of this document

The ELAM 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.

ELAM have a right to:

- Individual consideration of trainee 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 the Academy rules, relevant policies and the expected conduct of all trainees and staff working in the Academy.

Managing challenging behaviour

ELAM also recognises that there is a need, reflected in common law, to physically intervene when there is an obvious risk to the safety of trainees, staff and property. This applies both on and off setting sites. If used at all, the use of force to control or restrain trainees will be used in the context of a respectful, supportive relationship with the trainee in order to ensure minimal risk of injury to trainees and staff. It should never be acceptable for a member of staff to restrain a trainee by themselves – restraint means to hold back physically or to bring a trainee 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 Principal who have control or charge of trainees to use such

force as is reasonable in all the circumstances to prevent a trainee 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 ELAM 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 Academy's policy on behaviour and discipline, particularly in dealing with disruptive behaviour.

Staff should be aware that when they are in charge of trainees during the school day, or during other supervised activities, they are acting in loco parentis and have a 'Duty of Care' to all trainees they are in Charge of. They must, therefore, take reasonable action to ensure all trainees' 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 trainees to create an environment that is calm and supportive, especially when dealing with trainees 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 trainee, which lie beneath the behaviour, as well as the behaviour itself.

If a trainee 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 trainee 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 trainee 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 trainee 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 trainee what you are doing and why;
- Use the minimum force necessary;
- Involve another member of staff if possible;
- Tell the trainee 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 trainee'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 trainee;
- Involve other trainees in the restraint;
- Touch or hold the trainee 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 trainee in a way which will restrict blood flow or breathing e.g. around the neck;
- Slap, punch, kick or trip up the trainee;

- Use physical restraint or intervention as a punishment.

Examples of situations where positive handling may be appropriate include:

- When a trainee/s attacks member of staff or another trainee;
- When a trainee/s is fighting;
- When a trainee/s is engaging in, or on the verge of, committing deliberate damage or vandalism to property;
- When a trainee/s is causing or at risk of causing injury or damage by accident, by rough play or by misuse of dangerous materials or objects;

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

- entail serious risks to the trainee's safety (taking into account age and understanding), to the safety of other trainees or staff, or of damage to property

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

- Give the trainee 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 trainee;
- 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 trainee. The Principal 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 trainee 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 trainee.

All incidents should be recorded immediately on the trainee Restraint Report Form (attached). 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 trainee'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 attached. 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 trainee 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 trainee will be given time to become calm while staff continue to supervise them. When the trainee regains complete composure, a senior member of staff (or their nominee) will discuss the incident with the trainee and try to ascertain the reason for its occurrence.

The trainee 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 trainee and the member(s) of staff involved in the incident. In cases where it is not possible to speak to the trainee on the same day as the incident occurred, the debrief will take place as soon as possible after the trainee 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 Principal will be informed at the earliest possible opportunity of any incidents where positive handling was used. The Principal (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 trainee. 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 trainees who have learning or physical disabilities (and who have Individual Education 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 trainee, 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 in Google Drive and should be submitted to the Mr. Marvin Simpson Assistant Principal Pastoral & Inclusion . The Principal 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 Trainee involved. The DSL will inform any necessary agencies/authorities (eg. LADO) of the physical intervention in accordance with DFE and LA guidance. The Principal will ensure that parents/carers are appropriately informed on the same day as the incident. It is also expected that the trainee's Social Worker be informed if they are Looked After. For the safeguarding of both staff and Trainee, 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 trainee(s) involved;
- When and where the incident took place;
- Names of staff and trainee(ren) who witnessed the incident
- The reason that force was necessary;
- Behaviour of the trainee(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 trainee's/trainees's response and the eventual outcome;
- Details of any injuries suffered by either staff or trainee(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 trainee(ren) involved;
- Details of follow up involvement of other agencies, police, social services.

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

A copy of this will be kept on the trainee's file and retained in line with guidance on keeping educational records. The Academy will report any injuries to trainees or staff and seek medical

intervention immediately if necessary.

Risk Assessments

If we become aware that a trainee 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, trainees, parents and governors about these procedures and the context in which they apply.

Searching trainees - Power to search trainees 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 Trainees without their consent. Searches will be conducted by two members of staff, at least one of whom will be the same sex as the Trainee. 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 Battery);
 - Common Law concepts of false imprisonment and 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.

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<div>Non Restrictive Touch Record Form:</div> <div>Please complete this quick record in cases where touch has been necessary but not to the extent of physical restraint/hold.</div> <div>Name of trainee:</div>		
Name of Adult:	Date: // Time:	Location:
Nature of Risk		

Injury to Person Yes/No Damage to Property Yes/No Absconding Yes/No		Circle level of risk: Low Medium High		
Behaviours		Staff		Other Trainee/Self
Attempted/ Succeeded	A	S	A	S
Kick				
Hair Pull				
Scratch				
Pinch				
Bite				
Grabbing clothes /Glasses				
Head Butt/Bang				
Throwing Objects				
Slap/Punch				
Others:				
Action Taken <i>please tick as appropriate</i>				

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Verbal Instruction	Friendly Escort	Confiscation	Other

Signature	Date
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ELAM Academy

Positive Handling/Restrictive Intervention Incident Record

Name of Trainee:		Year/Class:		
Location of incident:			Date:	
Full name/s of staff involved:				
Start time of incident:	Duration of any restraint:	Any Injuries:	Medical check:	Incident reviewed with young person:
AM/PM	Minutes	Trainee Y/N Adult Y/N	Offered Y/N Accepted Y/N	Offered Y/N Accepted Y/N
Nature of Risk	External agencies informed		Supporting Records completed	
Injury to person Y/N Damage to property Y/N Criminal Offence Y/N Absconding Y/N	Virtual Head LAC Y/N Medical Staff Y/N Social worker Y/N Police Y/N		Medical Book Y/N Accident Report Y/N RIDDOR report Y/N Formal Statement Y/N	

Environments and Triggers:

Describe what was happening and what led up to a dangerous situation:

Circle the level of potential risk:

Low Medium High

Describe exactly what the risk was:

Who was at risk?

Controlling risk – De-escalation and Distraction techniques used

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 Other:

Physical Intervention Strategies Attempted: Loose Guiding Hip Stabilise Double Arm Hold Extended Arm Hold Cupped Fist Hold Dynamic Hold Seated Holds Kneeling Holds Sit and leg block Seated Contain Other:
Response and view of the Trainee:
Parent/Carer informed By whom: Date: Y/N Time:
Any other relevant information:
Principals Comments: Signed : Date:

Positive Handling/Intervention Plan

Trainee's Name:

DOB:

Class/Year:

Assessor:

Date of assessment:

Review Date:

Planned use of positive physical interventions

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:

☐
☐
☐
☐

Positive physical intervention **will not** be used for the following behaviours:

☐
☐
☐
☐

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:

☐
☐
☐
☐

Emergency use of positive physical intervention

Emergency use of positive physical intervention may be required when a Trainee 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.

Any contra indications of positive physical intervention

Signed(Academy Staff) Signed
(Parent) Date Date

trainee BEHAVIOUR RISK ASSESSMENT

trainees Name:	
Year Group:	

Describe the severity of the risk.

Behaviour	Why/when	Most at Risk	Potential of Harm (No Harm, Harm, Serious)	W

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trainee BEHAVIOUR RISK ASSESSMENT

trainees Name:	
Year Group:	

What health and safety hazards arise or could arise from the behavior of this trainee? (Including trigger points and any pattern to behavior).

Hazard / Risk	Person/s Affected	Risk level			control measures
		L	M	H	

Assessment completed by: Signed:
Date of assessment: Review date:
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