



OASIS COMMUNITY LEARNING BEHAVIOUR FOR LEARNING POLICY

Positive Handling Policy
November 2019



Changes History

| Version | Date | Amended by | Recipients | Purpose |
|---------|----------|-------------------|--------------------|----------------|
| 1.6 | | Chris Chamberlain | All OCL Principals | Updated policy |
| 1.7 | 03.04.19 | Chris Chamberlain | All OCL Principals | Updated policy |
| | | | | |
| | | | | |

Approvals

This document requires the following approvals.

| Name | Position | Date Approved | Version |
|-------------|----------|---------------|---------|
| John Murphy | CEO, OCL | Sept 2018 | 1.6 |
| John Murphy | CEO, OCL | Sept 2019 | 1.7 |
| | | | |

National/Local Policy

- This policy must be localised (see instructions on page 7)
 This policy must not be changed, it is a National Policy.

Position with the Unions

Does the policy require consultation with the National Unions under our recognition agreement?

- Yes
 No

If yes, the policy status is:

- Consulted and Approved
 Consulted and Not Approved
 Awaiting Consultation

Distribution

This document has been distributed to:

| Name | Position | Date | Version |
|---|--------------------|----------------|---------|
| All Executive, Lead Principals and the OCL National Education and Core Strategy Team/s. | OCL Senior Leaders | September 2018 | 1.6 |
| All Executive, Lead Principals and the OCL National Education and Core Strategy Team/s. | OCL Senior Leaders | April 2019 | 1.7 |
| | | | |

Context

1.1. Everyone has the right to be protected from harm within Oasis Academies. The Oasis Community Learning Executive seeks to protect all students and staff within the Academy against any form of physical intervention which is inappropriate, excessive or unlawful.

1.2. It is acknowledged that staff working on a day to day basis with students, may have to deal with challenging behaviour and will need assistance in preserving order, maintaining positive relationships and in promoting and maintaining an environment conducive to the education of students. At the same time, it is important that staff try to both protect themselves and minimise the risk of injury to staff or student in the use of any necessary control or physical intervention. These are a matter of professional judgement. The use of physical force as a last resort should be seen as only one element of the Academy's overarching behaviour for learning policy. Staff should be clear about the appropriateness of their actions and should notify a senior member of staff or the Principal of an intervention within twelve hours of the incident.

1.3. This policy has been drawn up with the aim of promoting good practice based on maintaining good relationships in a positive environment with appropriate support being provided. The aims of this policy are to: • Explain staff right to use physical intervention when necessary; • Explain the circumstances in which physical intervention may be justified; • Set out the recording and reporting system; and • Explain the various responsibilities.

2. Powers of members of staff to detain students by use of force

2.1. Section 550A Education Act 1996 and the Education and Inspections Act 2006 allows teachers, and other persons who are authorised by the Principal to have control or charge of students to use such force as is reasonable in all the circumstances to prevent a student from doing, or continuing to do, any of the following: • Committing a criminal offence (including behaving in a way that would be an offence if the student were not under the age of criminal responsibility); • Injuring themselves or others; • Causing damage to property (including the student's own property) that may lead to the injury of others; • Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its students, whether that behaviour occurs in a classroom during teaching sessions or elsewhere. The provision applies when a teacher, or other authorised person, is on the school premises, and when he/she has lawful control or charge of the student concerned elsewhere, e.g. on a field trip or other authorised off-site activity. 2 This document gives detailed guidance on alternatives to physical intervention. However, recognising that these may not always be successful in averting dangerous situations, it discusses acceptable forms of intervention. The objective must be clear: to prevent further risk or injury to any individual. Any physical response must be used only where essential and in proportion to an immediate and significant risk.

2.2. However, nothing in the law concerning the use of reasonable force legitimises corporal punishment.

2.3. Where an academy has a student with a known severe behaviour disorder, only trained staffs delegated with the authority by the Principal are allowed to use Intervention techniques. The

member of staff must be trained in the techniques that are used. No staff can physically restrain students exhibiting extremes of behaviour unless trained.

3. Circumstances where physical intervention may be justified

3.1. Physical intervention should only be used as a last resort; other non-physical strategies for diffusing the situation must be tried first. Some forms of physical intervention may constitute an offence under either criminal or civil law if inappropriately handled. However, such action will be permissible if it is reasonable and commensurate with the circumstances. Each case can only be considered on its individual circumstances. Critical features can include: • Was there a clear perceived risk of injury to self or others or of serious damage to property; • Were alternatives and the students' understanding considered before action was taken; • Was the force used commensurate with the risk presented; • Was the student restrained for the shortest possible time until calm; • Was the physical intervention only used to prevent further injury or harm; • Was the incident recorded. An assessment of the risk at the workplace using these guidelines will also provide valuable evidence of consideration by staff of steps which will help minimise the use of physical intervention and planned steps to be taken in future incidents should physical intervention become unavoidable. This will demonstrate the reasonableness of action taken by staff. Support to Staff: Where a member of staff follows the guidance, acting appropriately to the circumstances, and either has been assaulted (either before or while restraining a person) or the person has raised a complaint about the physical intervention, whether to an academy or perhaps to the police, the Academy will provide appropriate support to that staff member. This will include gathering information, reviewing the future provision of services to the student, assisting with the provision of legal advice and providing continued management support.

3.2. Whenever possible, the age, level of understanding and gender of the student should be considered. In addition staff should be mindful of any student who is on the Child Protection Register.

3.3. Oasis Community Learning and the Academy Council appreciate that in some instances (such as stopping a student who is running down a corridor) staff may have to act quickly, and without having the time to consider all the circumstances. In these circumstances Oasis Community Learning and the Academy will support the member of staff's actions, provided that they are in accordance with the principles set out in section 2.

4. Permissible forms of control

4.1. Use of physical force should be rare. Behaviour for Learning policies should be designed to ensure that early and preventive intervention is the norm, so reducing the incidents of extreme behaviour requiring the use of physical force. Physical intervention should only be used when required by the particular circumstances prevailing, never as part of a general regime and always as a last resort. It must never be used in anger.

4.2. When force is necessary, it must be used in ways that maintain the safety and dignity of all concerned.

4.3. The method of intervention used must always be appropriate to the circumstances taking into account the age, competence and nature of the student and the potential risks involved. Staff should only use techniques for using physical force on students with which they are familiar and confident and which are consistent with these guidelines.

4.4. 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. These judgements have to be made at the time, taking due account of all the circumstances, including any known history of other events involving the individual to be controlled. The minimum necessary force must be used and good practice should always be concerned with assessing and minimising risk to students and staff.

4.5. Any intervention should always be preceded by clear verbal instructions and statements relating to the consequences of ignoring them and then accompanied throughout by attempts to “talk down” and calm the incident until any risk has passed.

4.6. Failure to secure compliance with one form of intervention should not automatically signal more forceful intervention. The understanding of the student should always be taken into account.

5. Restriction to a particular site

5.1. In general terms, where a person is unwilling to accept or unable to comprehend reasonable control, restriction to a particular site may be acceptable, depending on the situation, the particular needs of the individual and the risks involved, as follows:

5.2. In cases of young student or students for whom the potential dangers of leaving the site are “real and obvious”, action should be taken to prevent this by means of (in order of preferred use):
a) Clear verbal instructions and warning of consequences; or b) Close supervision until the danger is judged to have receded; or c) A permitted form of physical action (obstructing, holding or physical intervention) in accordance with methods detailed below in Section 5.

5.3. In the case of students whose departure from the site is judged unlikely to lead to injury or serious damage, physical intervention is inappropriate. Clear verbal instructions, statements referring to consequences and close supervision should however be given.

5.4. “Gating” (i.e. not allowing an individual to leave the relevant site) is acceptable but not if it involves locking in or physical intervention or is for any unreasonable length of time or amounts to a restriction on visits or contact as prohibited in paragraph 9.2 below.

6. Holding and guiding (to discourage unwanted behaviours)

6.1. For the purpose of this document “holding and guiding” is distinguished from “physical intervention” by the former being seen as a strategy for discouraging unwanted behaviour and the latter as a means of preventing such behaviour. Holding may also be seen in the context of caring for certain groups providing a sense of security and offering comfort in distress. For some groups, physical contact offers therapeutic benefits. In all cases, the utmost care must always be taken to avoid giving cultural offence or apprehension of harm or arousing sexual expectations or feelings.

6.2. Holding and guiding would generally involve no more than a hand being placed on an arm or shoulder, gentle holding of hand or arm, the placing of an arm around the student’s shoulder or the flat of a hand being placed against a student’s back in order to guide him/her to some other place or activity.

6.3. Holding and guiding would be used as a means of: a) Avoiding external danger (e.g. holding a hand while crossing the road); b) Diverting a student from potentially destructive or disruptive behaviour.

7. Physical contact with vulnerable/ behavioural difficult students.

7.0 It is recommended that, in addition to this guidance, special schools catering for students with severe behavioural difficulties also refer to the DfE SEN “Guidance on the Use of Restrictive Physical Interventions for Staff Working with Student and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders”. Academies which have students with severe behavioural difficulties should take special care in preparing the physical force element of their behavioural policies. The use of physical force should be considered within the wider context of other measures, for example, strategies for using diversion, defusing situations, negotiation and establishing and maintaining good relationships. Students with behavioural difficulties sometimes present particularly challenging behaviour that may necessitate the use of reasonable force to prevent injury, or damage to property, or the breakdown of discipline. Normally all staff should avoid physical contact with students. It is accepted that some more vulnerable students, and particularly those with special educational needs, require more physical contact than other students in order to assist their everyday learning. This is entirely appropriate and proper for staff, but it is crucial that they only do so in ways appropriate to their professional role and in accordance with an academy's policies on the intervention techniques which may be used and by whom.

7.1. Specific arrangements should be

- : • Understood and agreed by all concerned;
 - Justified in terms of the student's needs;
 - Consistently applied;
 - Open to scrutiny;
- and Reviewed regularly.

7.2 When physical contact is made with students this should be:

- In response to their needs at the time;
- Of limited duration;
- And appropriate given their age, stage of development, gender, ethnicity and background.

7.3 If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be recorded as soon as possible on an academy's incident sheets and, if appropriate, a copy placed on the student's file.

8 Permissible forms of physical intervention

8.1. Physical intervention

- 8.1.1 “Physical intervention” is here defined as the positive application of force with the intention of preventing a student from harming himself/herself or others, or from causing serious damage to property.
- 8.1.2. Intervention must always be reasonable and proportionate and as a last resort. It requires skill and judgement plus the knowledge of non-harmful methods of physical intervention that avoid hypertension, hyperflexion. The onus is on the member of staff to determine the degree of physical intervention appropriate and when it should be used. The techniques should be appropriate to be used with adults and students with learning difficulties and autism. The techniques should not impede breathing, inflict pain and avoid vulnerable parts of the body. They should also avoid hypertension, hyperflexion, and pressure across the joints.
- 8.1.3. Care must be taken not to over-react.
- 8.1.4. It is important that staff who may be called upon to use this form of intervention have received guidance in non-harmful methods of physical intervention which should only be

used in appropriate circumstances, when other forms of control have been tried and have failed.

- 8.1.5. It is not, and never should be, a punitive measure and never used simply to secure compliance with staff instructions. Staff should be aware that for some students, physical intervention may act as a positive reinforcement of their inappropriate behaviour and be used to justify their own physical escalation of a situation.
- 8.1.6. Staff may be perceived as powerful figures because they are adults, because of their position etc. Staff have to be aware of and sensitive to the effects of actions which may be interpreted quite differently as they affect race, age, gender, disability, etc. Actions such as straddling may be open to misinterpretation and abuse and such action must be justifiable as the most effective way to reduce risk and bring the situation under control.
- 8.1.7. Whenever possible, call for assistance before engaging in physical intervention. Having a second person present is a safeguard both as a witness and to assist if it is obvious that two people will effectively restrain better than one.
- 8.1.8. If other students are present when physical intervention may become necessary, consider what action may be appropriate both to lessen their anxiety and to reduce the likelihood of others exacerbating the situation.
- 8.1.9. Physical intervention must not involve deliberately painful or dangerous procedures. In exerting physical intervention staff must: a) Avoid interference with breathing, blood supply, breasts or genital areas (especially when the person applying the physical intervention is of a different gender); b) Avoid holding neck, throat or fingers; if limbs have to be grasped avoid twisting or pulling movements. Hold firmly and do not dig fingers in. Avoid the areas around the joints which are vulnerable to forceful pressure for certain client groups, e.g. pre-teen student and the elderly.
- 8.1.10. Whenever possible the student should not be lowered to the floor as this increases the possibility of the student and staff being injured. Do not use your body weight inappropriately, e.g. by sitting or kneeling on the person. Approach from behind if possible.
- 8.1.11. Staff should also take care to avoid injury to themselves. Where possible, articles of clothing/jewellery which increase the likelihood of such injury such as necklaces, ties or earrings should not be worn and it is wise to remove spectacles, if circumstances permit.
- 8.1.12. After an incident when physical intervention has become necessary, it is beneficial to offer an opportunity to the student to reflect and understand what happened in context. However, the timing of this needs to be carefully judged.
- 8.1.13. If physical intervention becomes a significant feature of control in a particular class, the Principal or other senior member of staff responsible should examine the operational reasons for this and take appropriate steps to remedy the situation. It is essential to prevent the development of a culture where physical response becomes routine.

8.2. Types of incidents requiring control/Physical intervention

8.2.1. There are a wide variety of situations in which control/physical intervention exercised with reasonable force might be appropriate or necessary, these fall into three broad categories: a) Where action is necessary in self-defence or because there is an imminent risk of injury; b) Where there is a developing risk of injury, or significant damage to property; c) Where a student is behaving in a way that is compromising good order and discipline if all other strategies have been exhausted.

8.2.2. Examples of situations that fall within one of the first two categories are:

- A student attacks a member of staff, or another student;
- Students are fighting;
- A student is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;

- A student is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;

- A student is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure him or herself or others;

- A student absconds from a class or tries to leave school (NB this will only apply if a student could be at risk if not kept in the classroom or at school).

8.2.3.Examples of situations that fall into the third category are:

- A student persistently refuses to obey an order to leave a classroom;
- A student is behaving in a way that is seriously disrupting a lesson.

8.3. Reasonable force

8.3.1. There is no legal definition of “reasonable force”. So it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

8.3.2. There are two relevant considerations: • The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it (see paragraph 2.1). The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore physical force could not be justified to prevent a student from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force. • The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

8.3.3. Whether it is reasonable to use force, and the degree of force that could reasonably be employed is likely to depend on the age, understanding, and sex of the student.

8.4. Practical considerations

8.4.1. Before intervening physically a teacher should, wherever practicable, tell the student who is misbehaving to stop, and what will happen if he or she does not. The teacher should continue attempting to communicate with the student throughout the incident, and should make it clear that physical contact or physical intervention will stop as soon as it ceases to be necessary. A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the student.

8.4.2. Sometimes a teacher should not intervene in an incident without help (unless it is an emergency). For example, when dealing with an older student, or a physically large student, or more than one student, or if the teacher believes he or she may be at risk of injury. In those circumstances the teacher should remove other students who might be at risk, and summon assistance from a colleague or colleagues, or where necessary telephone the Police. The teacher should inform the student(s) that he or she has sent for help. Until assistance arrives the teacher should continue to attempt to defuse the situation orally and try to prevent the incident from escalating.

8.5. Action in self-defence or in an emergency Section 550A does not cover all the situations in which it might be reasonable for someone to use a degree of force. For example, everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a student was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to

intervene. The purpose of Section 550A is to make it clear that teachers, and other authorised staff, are also entitled to intervene in other, less extreme situations.

8.6. Application of force

8.6.1. Physical intervention can take several forms. It might involve staff:

- Physically interposing between students;
- Blocking a student's path;
- Leading a student by the hand or the arm;
- Shepherding a student away by placing a hand in the centre of the back; or, • (In extreme circumstances) using more restrictive hold.

8.6.2. In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of "reasonable force": for example, to prevent a young student running off a pavement onto a busy road, or to prevent a student hitting someone, or throwing something.

8.6.3. In all other circumstances staff should not act in a way that might reasonably be expected to cause injury, for example by:

- Holding a student around the neck, or by the collar, or in any other way that might restrict the student's ability to breathe;
 - Slapping, punching or kicking a student;
 - Twisting or forcing limbs against a joint;
 - Tripping up a student;
 - Holding or pulling a student by the hair or ear;
 - Holding a student face down on the ground.
- 8.6.4. Staff should always avoid touching or holding a student in a way that might be considered indecent or inappropriate.

8.6.5. Where the risk is not so urgent, the teacher should consider carefully whether, and if so when, physical intervention is right. Teachers should always try to deal with a situation through other strategies before using force. All teachers need developed strategies and techniques for dealing with difficult students and situations which they should use to defuse and calm a situation. In a non-urgent situation force should only be used when other methods have failed.

8.6.6. The same consideration is particularly appropriate in situations where the aim is to maintain good order and discipline, and there is no direct risk to people or property. As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated.

8.6.7. The age and level of understanding of the students is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly inappropriate with older students. It should never be used as a substitute for good behavioural management.

9. Prohibited forms of physical intervention

9.1. Corporal punishment (or threat of it) The law forbids a teacher to use any degree of physical contact which is deliberately intended to punish a student, or which is primarily intended to cause pain or injury or humiliation (Sections 548 to 550 of the 1996 Act). Any act, or threat of an act, such as hitting, kicking, slapping, punching, poking, prodding, biting, throwing an object, rough handling

etc. which causes or threatens harm or the expectation of harm to a student is strictly forbidden and constitutes gross misconduct. Staff indulging in such behaviour render themselves liable to dismissal and the possibility of prosecution.

9.2. Restriction of liberty by confinement: No person is to be locked in a room at any time.

9.2.2. Where there is an immediate risk of danger, either to the individual concerned, or to others or danger of serious damage to property, an individual may be restricted to a building or part of a building until the immediate difficulty has passed. This must not involve locking in or prolonged, physical intervention.

9.2.3. Where it is anticipated that such an exceptional situation may arise at some stage in the future, there should be prior discussion and agreement wherever possible with the relevant parties (e.g. the student, parents, relatives and carers) on the principles and steps to be taken. These steps must be documented and include: • The staff authorised to decide on such actions; • The areas where such confinement might take place; • The frequency of physical checks; • The normal maximum period of such confinement. In normal circumstances this should not exceed 45 minutes; however, there may be exceptional circumstances for extending this, e.g. danger of a suicide attempt.

9.2.4. For consideration of acceptable forms of restriction to a particular site, including "gating", see 5.4 above.

10. Staff Code of Conduct

10.1. Academy Staff are expected to:

- Be aware that even well intentioned physical contact may be misconstrued by the student, an observer or by anyone to whom this action is described;
- Always be prepared to explain actions and accept that all physical contact be open to scrutiny;
- Be aware of the government guidance in respect of physical contact with students and meeting medical needs of students;
- Ensure that all incidents are reported and logged in an academy's Incident Log.

10.2. Staff may legitimately intervene using physical intervention to prevent: • A student from committing a criminal offence; • Injury to themselves or others; • Damage to property; • Any behaviour which might be prejudicial to good order; and • To maintain good order and discipline.

10.3. Staff should have regard to the health and safety of themselves and others.

10.4. In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported.

10.5. Under no circumstances should physical force be used as a form of punishment.

10.6. The use of unwarranted physical force is likely to constitute a criminal offence.

10.7. Staff must:

- Adhere to this physical intervention policy
- Always seek to defuse situations
- Always use minimum force for the shortest period necessary.

11. Training and support

- Appropriate training is provided for key staff annually and for all staff at least every two years.
- The Principal will ensure that the system enables account to be taken of the records in the Incident log and elsewhere.

12. Equal Opportunities In implementing this policy all staff must take account of an academy's equal opportunities policies. In particular, the Principal and staff will take account of any disabilities or special educational needs of students before using physical intervention. Only trained staff are permitted to use permitted intervention techniques on students with disabilities who may exhibit behavioural difficulties.

13. Responsibilities

13.1. Oasis Community Learning is responsible for making and reviewing the policy.

13.2. The Principal is responsible for:

- The implementation of the policy in the Academy;
- Organising an appropriate reporting and recording system;
- Arranging appropriate training;
- Making the policy known to staff.

13.3. All staff have a duty to know the policy and to ensure that it is implemented.

14. Monitoring and Review

14.1. The Principal will:

- Ensure that a recording and reporting system is in place and is maintained;
- Ensure that a senior member of staff is in charge of the Incident Log (see Appendix 1) and reports regularly to the Academy Leadership Team.
- Report incidents and the outcome to the Academy Council.

14.2. Oasis Community Learning will review the policy every two years.

14.3. Complaints will be dealt with in accordance with the Academy Complaint policy.

staff may use reasonable force to intervene with a student to prevent them:

- Causing disorder that disrupts learning
- Hurting themselves or others
- Damaging property that leads to the injury of others

Incidents of physical intervention must:

- **Always be used as a last resort**
- Be applied using the minimum amount of force and for the minimum amount of time possible
- Be used in a way that maintains the safety and dignity of all concerned
- Never be used as a form of punishment

Be recorded and reported to parents

Individual support and behaviour plans

- **Individual plans:** The complexity and range of need and consequent support for some children and young people with specific needs may be such that physical intervention is the norm and not the exception. Such planned physical intervention should be recorded and monitored through the young person's individual plan. In order to link to the Oasis Ethos and 9 habits each plan should link to the habits and involve the student identifying at least one or more of the habits they need to embed as part of their character.
- **Training:** If there is a need in the Academy for physical intervention staff should have regularly updated training in physical restraint. Principals should consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the students when doing so. Training should be undertaken by a recognised provider. Local Authorities often provide advice and guidance to help schools to develop an appropriate training program. All training should be accredited by BILD <http://www.bild.org.uk/our-services/workplace-training/>

Recording of incidents

The following should be included in a record of intervention. This can be completed using CPOMS:

- The date, time and place of the incident
- The name of the student involved, date of birth and their year group
- What triggered the behaviour
- What diffusing techniques were used prior to physical intervention
- Why the physical intervention was deemed necessary
- Place where the incident happened
- Time and date parents were informed
- Injuries sustained – if any

Reference/ links to other policies

See DfE guidance:

- [Use of reasonable force in schools](#)
- [Behaviour and discipline in schools](#)
- [Searching, screening and confiscation at school](#)
- [The Equality Act 2010](#)
- [Use of reasonable force in schools](#)
- [Supporting students with medical conditions at school](#)
- [special educational needs and disability \(SEND\) code of practice.](#)
- [Education \(Independent School Standards\) Regulations 2014](#)



Physical Handling Plan

Behaviour Plan











• “

