

Positive handling and de-escalation policy

Document control table	
Title	Positive handling and de-escalation policy
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Date of next review	July 2023
Updates/revisions included:	• Removed COVID-19 refs • Explained that the training involves both practical and theory elements • Confirmed annual declaration required by staff • Added that restraints should only be used in open spaces where they can be suitably applied, unless there is an extreme risk • Added reference to Director of Academies where previously CEO • Explained that risk assessments are known as safety plans in OA • Emphasised that any incidents should be recorded in bound book and CPOMS • Review of complaints section • Added updated template for safety plans
This is an OA policy which sets out a trust-wide approach to positive handling, de-escalation and physical restraint – it should not be changed, but should be checked in context of local practice, and any comments fed to headteachers and executive leaders of OA.	

1. Introduction

At Olive Academies (OA), we aim to provide all pupils with the best possible standards of education. We want our academies to be places where our young people can thrive, learn and achieve their best. We offer flexible, personalised programmes and a wide range of positive experiences, so that young people can develop the confidence to believe in themselves and make positive choices for their futures.

We believe all of our students have the ability and the right to learn and achieve. We support success by encouraging our young people to 'dare to be Olive'.



To do this, we must improve learning outcomes for vulnerable pupils by removing barriers to learning. Within this policy, we demonstrate how we will ensure that, where pupils present the most challenging and potentially dangerous behaviour, we will treat them with dignity, compassion and humanity, protecting their rights and maintaining privacy and protection from the possible criticism of others. We will act professionally to keep individuals and groups safe from harm. This will apply to adults and students alike. Our training and our values mean that we will always consider the needs of the child and use the minimum intervention compatible with maintaining the safety of individuals and of the academy. Following any use of restraint, we will conduct a review of events and seek to learn lessons to improve our practice and our provision.

This document takes into account guidance from the DfE on behaviour and discipline, *Use of Reasonable Force Advice for headteachers, staff and governing bodies, July 2013* (reviewed July 2015):

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

The policy should not be treated as a complete and authoritative statement of law. The policy is intended to set out clear guidance taking account of legal guidelines and read in conjunction with the guidance referred to above.

At all times pupils in an OA academy should be treated with dignity, compassion, and humanity. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by *Section 548 of the Education Act 1996*.

2. Aims

The OA Board of Trustees and the academy's Academy Advisory Board (AAB) have a duty to ensure the health, safety and wellbeing of everyone in the academy.

Positive handling is deployed when all aspects of the behaviour policy have been exhausted.

Section 93 of the Education and Inspection Act 2006 established the responsibility of teachers and other authorised staff who have lawful control of charge of pupils with regard to the application of reasonable force in order to prevent:

- children committing an offence
- causing personal injury
- damage to property
- engaging in behaviour prejudicial to the maintenance of good order and discipline

3. Roles and responsibilities

The OA Board of Trustees, through the Chief Executive of OA is responsible for leadership of this policy and an ongoing trust wide review of the policy and the use of restraint. OA have taken the decision to work with BellsCroft Consultancy who provide behaviour management training courses, which will assist in positive behaviour strategies. The focus is on promoting reflective practise, de-escalation, early intervention, and risk assessment planning to reduce the need for physical interventions or higher-level restraints.

This training incorporates theory and practical elements and is intended to ensure wherever possible, de-escalation techniques are deployed before any physical intervention.

The **headteacher**, working with OA central, is responsible for:

- ensuring that all those working within the academy are familiar with and follow this policy – this policy will be shared with all staff when updated or at the beginning of each year, and staff will sign a declaration annually via U-Secure to confirm they will abide by this.
- ensuring that all staff working within the academy receive training in the safe use of restraint as part of their induction and that their training is regularly updated

- making sure a copy of this policy available to parents on request and that it is published on the website
- providing guidance and support to staff on dealing with difficult and dangerous behaviour
- ensuring risk assessments are regularly reviewed and updated
- overseeing reporting and recording systems
- monitoring and reviewing of incidents by the Trust Safeguarding Lead and Director of Academies
- regular reporting on incidents to the Education Performance and Standards committee and for AAB for each academy via the safeguarding report
- working with the Director of Academies and executive headteachers to review and advise on the effectiveness of this policy and procedures

Authorised staff

All staff are authorised to use reasonable force to control or restrain students providing they have completed their training in the safe use of restraint.

In some circumstances staff members will have received training but will not be given the headteacher's authorisation to use reasonable force to control or restrain students. Examples of such staff might include office staff, premises staff or temporary staff. The headteacher will add these details to the training log. However, all individuals can use reasonable force under common law in cases of self defence or defence of another.

It is the duty of all staff to consider their own safety and that of others at all times.

4. Minimising the need to use force

Although preventative measures will not always work the academy should reduce the likelihood of situations where the need to use force is required.

These steps may include:

- creating a calm orderly supportive environment
- avoiding situations likely to cause challenging behaviour
- developing effective relationships between pupils and staff
- adopting personalised learning approach to develop social and emotional skills meeting the needs of individual pupils
- recognising that challenging behaviours are often foreseeable e.g. anticipate objects which may be thrown / used as weapon and remove.
- implementing risk assessments and safety plans based on the pupil's individual needs
- use of observations to establish if there are triggers for inappropriate behaviour
- have realistic expectations
- remove threat of failure for the pupil
- effectively managing individual incidents
- wherever practicable, warning a pupil that handling may be used before using it.
- a structured approach to staff development that supports staff in developing the skills of positive management behaviour, managing conflict and supporting each other during and after an incident

Strategies may include:

- communicating calmly with pupil
- using non-threatening verbal and body language
- ensuring the pupil can see a way out of the situation
- using distraction
- withdrawal techniques, e.g. going to quiet area, removing pupil from bystanders or other
- giving clear directions / show what behaviour is expected
- give early warning of change
- establish signal or visual sign to act as gentle prompt or reminder
- supported by a member of staff well known to pupil

5. Deciding the need to use force

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.

'Reasonable force, restraint or any restrictive practises are only to be used as a last resort when other approaches have been tried and exhausted'. (Education Act 2006)

Decisions on whether the precise circumstances of an incident justify the use of force will always depend on the individual case.

There are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the incident warrant it. Therefore, **physical force could not be justified to prevent a student committing a trivial misdemeanor 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 behavior or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result

Whether it is reasonable to use force and the degree of force that could reasonably be employed, will also depend on the age, understanding and sex of the pupil.

The Equality Act 2010 dictates that issues of race, culture and faith also need to be considered. Therefore, any restrictive physical interventions should be used in a way that is sensitive to and respects the cultural expectations of children and their parents/carers and their attitude towards physical contact as an example, it would be inappropriate for a male member of staff to restrain a Muslim girl.

Within the scope of our definitions of reasonable force we will endeavour to ensure that:

- Female students must normally only be restrained when at least one female member of staff is involved in the restraint.
- When a female student is restrained and one of the staff carrying out the restraint is a male, then the restraint is supervised by a senior staff member.

- In the unlikely event of a female student being restrained by two male staff members, this should be for the minimum time possible compatible with safety, the males should be replaced by females as soon as it is safe to do so, and the restraint will be supervised throughout by a senior staff member.

Reasonable force will only be used:

- when there is no other option or there is risk of harm
- to prevent a student leaving an area of the school or site, e.g. classroom or office where allowing them to leave would risk their safety or lead to behaviour that disrupts the behavior of others
- to prevent a student from attacking a member of staff or another student or to prevent a fight
- and to restrain a student at risk of harming themselves through physical outburst.
- As far as possible, restraint will only be used in an open space where there is space to apply the restraints in a suitable manner if needed – only if there is an extreme risk should restraints be used in a small space such as a narrow corridor or cubicle

There are situations where staff should not normally intervene without help, unless in an emergency. The academy adopts clear systems of communication (verbally) and support that enables a member of staff to summon rapid assistance when necessary. If a member of staff believes that he / she may be at risk of injury they should take steps to remove other pupils who might be at risk and summon assistance from other authorised members of staff.

In the event of circumstances arising that might result in an incident, staff should:

- begin early de-escalation using preventative, non-confrontational methods
- consider all options available to them, including withdrawal of themselves or others
- seek support where possible
- consider the use of reasonable force to make the situation safe
- report, record and review – recording should be done in both the bound book and on CPOMS

Should an incident occur, a member of staff will:

- employ preventive, non-confrontational strategies
- determine whether the criteria for the use of reasonable force applies
- as a last resort, use a form of restraint employing a recognized and agreed BehaviourSafe physical intervention

Proactive use of physical intervention

In most circumstances physical interventions will be used reactively. Occasionally, it may be considered in the best interests of the student to accept the possible use of physical intervention as part of an educational strategy. For example, this may be considered as a way of helping a young person exit a potentially difficult situation rapidly and thereby prevent a greater harm. **Where this type of intervention might be useful it must have been discussed by staff in advance and be incorporated into a student's individual safety plan. Parents/carers must have agreed this.** Planning for this type of intervention will be the **exception** and must always be approved by the headteacher and reviewed on a regular basis.

Emergency use of physical intervention

This may be required when pupils behave in ways that have not been foreseen by a risk assessment or prevented by defusing techniques. Evidence shows that injuries to staff and students are more likely to occur when unforeseen events are managed by the use of physical interventions. For this reason, great care will be taken to avoid situations where unplanned restraints might be needed.

Effective risk assessment procedures together with well-planned preventive strategies will help to keep the emergency use of physical intervention to an absolute minimum. Daily briefing meetings for staff are particularly valuable in this process. Staff should be aware that, in an emergency, the use of force can be justified if it is reasonable to use it to prevent injury or serious damage to property and to prevent students engaging in behaviour prejudicial to the maintenance of good order and discipline.

Even in an emergency the use of force must be reasonable. It should be commensurate with the desired outcome and the specific circumstances in terms of intensity and duration. In using a physical intervention in an emergency, the member of staff concerned should be confident that the possible adverse outcomes will be less severe than those which might have occurred without the use of restraint.

Medication (see our policy on administration of medicines)

In certain circumstances, the use of medication will be indicated as a method of managing extreme behaviour. Medication will only be administered as prescribed by a qualified medical practitioner and with the express written consent and permission of the parents/carers. This will be stated in the pupil's medical care plan. Under their duty of care staff should not be given medication to young people without the knowledge and agreement of the headteacher who will ensure the agreed procedures have been put in place. All medicines administered to students must be stored in the academy office according to their storage instructions and recorded on the recording sheet which goes with the education – this should then be uploaded onto CPOMS/Arbor as relevant.

Olive Academies does not authorise the use of any techniques that involve downward facing positions or techniques that may restrict breathing.

As always, OA staff will use de-escalation strategies as outlined in this policy to attempt to address any behavioural concerns rather than use physical intervention.

6. Risk Management

Risk management is a proactive approach to minimising difficult and dangerous behaviour and is set in the context of a variety of policies and procedures within the academy which safeguard and promote well-being of our students. This includes the academy's general risk assessment of the environment and individual risk assessment of pupil support needs (see below).

Risk management strategies, including the use of physical intervention, must prohibit:

- any intervention which impedes the process of breathing
- entails the deliberate use of pain for control purposes

- involves contact with vulnerable parts of the body, e.g. neck and sexual areas
- hypertension, hyperflexion and pressure on or across joints
- any other potential dangerous position

Potential risks to children and young people are that physical restraint could:

- be used unnecessarily when other less intrusive methods could have achieved the desired outcome
- cause injury, pain, distress or trauma
- become routine, rather than an exceptional method of management
- increase the risk of abuse
- undermine the dignity of staff or students or otherwise degrade or humiliate those involved
- create distrust and undermine personal relationships

The main risks to staff include:

- As a result of applying physical intervention they may suffer injury.
- They may experience distress or psychological trauma.
- The legal justification for the use of physical intervention is challenged in the courts and/or
- disciplinary action

The main risks of not intervening include:

- Staff may be in breach of their duty of care
- Children and young people, staff or other persons may be injured or abused
- Serious damage to property will occur and/or
- The possibility of litigation in respect of these matters

7. Individual Risk Assessments (known as Safety Plans in OA)

A safety plan process should commence prior to admission and be part of the referral process to determine:

- appropriateness of placement
- level of support to promote successful inclusion
- level of support to maintain the safety of all members of the alternative provision community

When behaviour exhibited presents foreseeable risk a risk assessment should be completed – at OA this is known as a safety plan. This is a proactive response to minimising challenging behaviour. It is set against observed behaviours.

The personalised safety plan should identify the known behaviours and de-escalation strategies to match the individual needs of the pupil to minimise the risk of challenging behaviour and in turn minimise the use of force. When all strategies have been exhausted the plan also identifies an appropriate technique(s) if positive handling is required. The plan needs to identify any special educational need, disability, impairment or condition that may be exacerbated by positive handling and take into account any equalities issues which need to be considered.

Safety plans are working documents which should be updated and reviewed on a regular basis. All members of staff supporting a pupil should be involved in the process. This information and strategies to be deployed should be shared with all members of staff that are likely to come into contact with the pupil. Please find attached Appendix A.

Leadership teams should assess the frequency and severity of incidents requiring use of force that are likely to occur in their academy. Analysis of data relating to positive handling incidences will help inform decisions regarding staff training, supporting pupils and future practice.

8. Staff training

All staff based in OA academies are briefed on our approach to physical restraint through their induction and are provided training through by BellsCroft consultancy as soon as is practicably possible. OA sessions are generally arranged prior to the start of the academic year and in second half of the spring term. This training is then updated every two years.

Until staff have been trained they should not engage in physical restraint – a trained member of staff should employ such methods in the unlikely event they are needed.

9. Reporting and recording

A detailed, contemporaneous written report will always be made in respect of any incidents where force is used by the member of staff concerned.

An incident form will be completed in the bound book following an occasion when any use of physical intervention to control or restrain a pupil has been deployed by the member of staff concerned. This form, which is in the bound book details the nature, date and time of incident – it is also recorded on CPOMS. The incident should be brought to the attention of the Designated Safeguarding Lead, or in their absence another member of the senior leadership team enabling them to maintain systematic records of every incident in which physical intervention was required in accordance with child protection requirements. Differing accounts of the same incident should all be recorded. The behaviour/context that led to the intervention should also be recorded on Arbor.

The headteacher or DSL will ensure that all incidences requiring any use of physical intervention to control or restrain a pupil are reported to parents / carers. Parents should be told when and where the incident took place, which members of staff were directly involved (anonymised where necessary), why they decided physical intervention had to be used, what force was used, whether there was any injury and what follow up action (support and/or disciplinary) was being taken in relation to their child. It is good practice for parents to be involved in agreeing appropriate support arrangements. Parents are entitled to see a record of the incident if requested.

Where a student has special education needs or behavioural difficulties and an agreed method of restraint has been included in a behaviour plan, the use of restraint will be reviewed regularly but only reported to parents where the restraint applied is outside that set out in the plan.

The purpose of recording is to ensure policy guidelines are followed, to inform parents / carers, to inform future practice and to provide a record for any future enquiry.

10. Post incident support

Serious incidences that require positive handling can be upsetting to all concerned and may result in injuries to the pupil or staff. Immediate action should be taken to provide first aid and to access medical help for injuries that go beyond first aid.

It is also important that staff and pupils are given emotional support for as long as is necessary in respect of:

- physical consequences
- support to deal with any emotional stress or loss of confidence
- opportunity to analyse, reflect, strategies to avoid such crisis points in the future.

To support the pupil following an incident, the academy will consider whether multiagency partners need to be involved and which partners. Where a pupil is responsible, opportunities for the pupil to develop their social and emotional skills and repair any harm done also requires consideration and follow up.

Daily debriefing sessions for staff offer support and supervision, provide opportunities for events to be shared with colleagues where this is appropriate and allow for the creation of a log of incidents. This log does not preclude the need for staff involved to write a personal account of the events they have participated in or witnessed.

Students will normally be required to discuss events with the headteacher the next day or as soon as they return to the academy if a suspension has been given and there is an agreed timetable for reintegration (a Phased Integration Plan). A record will be made of their discussion. The discussion will cover the events and the possibility of other options that are available to students. Parent/carers may be invited to some or all of the meeting.

11. Complaints and allegations

The academy is committed to involving parents / carers when an incident occurs involving their child. This policy sets out clear guidelines regarding physical intervention that all members of staff adhere to. Following guidelines may not prevent concerns / complaints from parents /carers. A clear complaints policy is made available on the academy website. If there is a dispute in relation to the use of force by a member of staff, it may lead to an allegation made to OA or the police.

Where a complaint about the use of restraint is made by a student or parent/carer, this will be dealt with in accordance with agreed policies and policies for handling allegations against staff as outlined in the Safeguarding policy and the DfE document 'Keeping Children Safe in Education'. It will be reported to the local authority designated officer (LADO) in line with safeguarding procedures and expectations of each LA. In the event of such a complaint being made it is important that no investigation of the circumstances in which restraint was used is undertaken by the academy unless the LADO determines that this is the most appropriate course of action.

The possibility that a complaint might result in a disciplinary hearing, a criminal injury prosecution, civil action brought by a parent or pupil cannot be ruled out. When recording incidents, staff should bear in mind, that if this information is later passed to the police, it may be included in Criminal Records Bureau disclosure. The academy retains records of such incidents until the member of staff involved has reached normal retirement age or for ten years from the date of the allegation if that is longer.

In cases of allegations it would be for the disciplinary panel or court to decide whether the use and degree of force was reasonable in the circumstances. It would consider, in drawing a conclusion, whether the academy's policy on positive handling and staff training, had been adhered to in order to prevent injury, damage or disruption in the particular circumstances of the case.

12. Monitoring and reviewing

The senior leadership team assess the frequency and severity of incidents requiring use of force that occur in the academy. Analysis of data relating to physical restraint incidents identifies patterns / triggers that will help inform decisions regarding staff training, supporting pupils and informing future practice. Data is also reviewed as part of central and external safeguarding audit visits.

The headteacher has an important role in reporting incidences to OA central. OA central is responsible for formally reviewing the application and effectiveness of the policy every year and reporting on incidents to the OA Board of Trustees as necessary. Reporting and reviewing are also informed by the findings of the annual safeguarding audits.

Appendix A – Example individual safety plan

Safety Plan

Student information

Name		Year group	
Name of staff member/s completing the safety plan		Date	

Historical context and current concerns

CPOMS categories	•	Key risks identified from CPOMS	•
Does the pupil have a Phased Integration Plan?		Attendance %	
Summary of concerns			
Please list any documents that may be held for the child in relation to assessing risk.	•		

Supportive interventions

Type	Date and Duration	Comments

Identified Risks and Hazards

Likelihood									
1	May only occur in exceptional circumstances	2	It is unlikely to, but could occur at some time	3	Fairly likely to occur at some time, or in some circumstances	4	Will probably occur at some time, or in most circumstances	5	It is expected to happen in most circumstances
Severity									
1	Trivial injury. Minor bumps and bruises.	2	Minor injury. Cuts, first aid required.	3	Moderate injury. Sprains, strains, hospital referral	4	Major injury. Broken bones, unconsciousness	5	Death, debilitating injury including psychological

Likelihood	5	5	10	15	20	25
	4	4	8	12	16	20
	3	3	6	9	12	15
	2	2	4	6	8	10
	1	1	2	3	4	5
		1	2	3	4	5
Severity						

Risk rating	Action required	Next steps
Unacceptable	Stop	Stop the activity and take immediate action
High	Urgent action	Take immediate action, stop the activity if necessary, maintain existing controls rigorously
Medium	Action required	Improve within a specified timescale
Low	Monitor	Seek to improve at the next review or if there is a significant change
Trivial	No action	No further action but ensure controls are maintained and reviewed

Identified Risk/Hazard	Who may be harmed? Who is at risk?	Risk (LxS)			Control Measure/s	Who is key to the control measure/s?	Do controls reduce risk to an acceptable level?
		Likelihood	Severity	Risk rating			
<i>Anything with the potential to cause harm – building, item, person, situation, event/trigger, behaviour</i>	<i>This could be the student, a visitor, a peer, a member of staff</i>				<i>What will be done to reduce the risk? The control measures may include interventions from external agencies as well as those implemented by the academy. Some of the control measures may be repeated against another identified risk</i>		

Date and signature of agreement

Name and signature of parent/carer:

Date:

Student signature:

Date:

Safety plan lead signature:

Date:

Academy lead sign off:

Date: