



# Positive Handling & Searching policy

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<b>Approved by</b>	Trustees
<b>Date approved</b>	July 2023
<b>Review date</b>	July 2024, or sooner if necessary.
<b>Related Trust policies</b>	<ul style="list-style-type: none"><li>• Attendance</li><li>• Behaviour</li><li>• Child Protection</li><li>• Complaints</li><li>• First Aid</li><li>• Health &amp; Safety</li><li>• Staff Code of Conduct</li><li>• Special Educational Needs &amp; Disability</li><li>• Supporting Children with Medical Needs</li><li>• Whistleblowing</li></ul>
<b>Related national guidance</b>	<ul style="list-style-type: none"><li>• DfE: Keeping Children Safe in Education</li><li>• DfE: Behaviour in Schools</li><li>• DfE: Sreening, Searching &amp; Confiscation</li></ul>
<b>Availability</b>	On request

## **HCAT Ethos**

HCAT's strapline is 'Children First'. This is central to the organisation's vision, ethos and culture and informs every decision we make. We are fully committed to ensuring pupils within the trust receive the highest quality education and acquire the necessary skills and characteristics to enable them to be happy and successful in life.

At HCAT we do not discriminate against any child or adult on the grounds of race, disability, gender, age, gender reassignment, pregnancy, maternity, religion or belief, sex, or sexual orientation. We embrace the individuality of all our community members and comply fully with the Equality Act 2010.

## **Aims**

This policy has been written to support all teaching and support staff who come into contact with pupils who may need positive handling. Staff recognise that the use of reasonable force is only one of the last in a range of strategies available to secure pupil safety/well-being and also to maintain good order and discipline. The Trust follows the non-statutory guidance; Use of reasonable force; Advice for Headteachers, staff and governing bodies July 2013.

## **Objectives**

Good personal and professional relationships between staff and pupils are vital to ensure good order in our schools. It is recognised that the majority of pupils in our school respond positively to the discipline by staff, which ensures the well-being and safety of all pupils. It is acknowledged however, that in exceptional circumstances, staff may need to take action in situations where the use of reasonable, proportionate and necessary force may be required. Our Trust understands that physical interventions are only a small part of the whole approach to behaviour management.

## **Minimising the need to use Positive Handling**

As a school, we are committed to creating a calm and safe environment that minimises the risk of incidents arising that might require the use of positive handling or reasonable force.

The school will:

- Create and maintain a calm, orderly and supportive school environment that minimises the risk of incidents that might require force arising
- Develop effective relationships between staff and pupils
- Teach pupils how to manage conflict and strong feelings
- De-escalate incidents if they do arise
- Only use force when the risks involved in doing so are outweighed by the risk involved in not using force

## **Staff authorised to use**

All members of school staff have a duty of care and legal power to use reasonable force.

- This power applies to any member of staff at the school.
- It can also apply to people whom the Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit. (Section 93, Education and Inspections Act 2006)

The Headteacher will make every effort to ensure that staff:

- clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where reasonable force is necessary and

- are provided with appropriate specialist training to deal with difficult situations

However, everyone has the right to defend themselves against attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency situation, for example if a pupil was at immediate risk of serious injury or at the point of inflicting injury on someone else, any member of staff would be entitled to intervene.

### **Pupils with additional needs/vulnerabilities**

When managing situations involving pupils with SEN and disabilities, medical conditions or mental health problems, the staff must recognise these additional vulnerabilities and consider carefully any associated risks when using physical interventions.

All staff will be kept informed and advised how to deal with particular pupils who present particular risk to themselves or others. If it is deemed there is a likelihood that force will need to be used a positive handling plan (PHP) will be created for the individual pupil. Reasonable adjustments will be made for children with special educational needs and disabilities (SEND). PHPs will be reviewed following any use of physical intervention and necessary alternations made, if required.

### **Using Positive Handling**

There is no legal definition of when it is reasonable to use positive handling/physical interventions and each case must be judged on its circumstance.

Positive Handling describes a broad spectrum of risk reduction strategies. Positive Handling is a holistic approach involving policy, guidance, management of the environment and deployment of staff. It also involves personal behaviour, diversion, diffusion, and de-escalation. Risk assessments identifies positive prevention strategies and how pupils may need to be supported in a crisis.

#### **Physical Contact**

Situations in which proper physical contact occurs between staff and pupils e.g. in the care of pupils and in order to support their access to a broad and balanced curriculum. It would be reasonable that young children do require opportunities for close contact, as long as this is within public view, sensitively carried out and age appropriate.

#### **Positive Handling**

This may be used to divert a pupil from a destructive or disruptive action, for example guiding or leading a pupil by the arm or shoulder where the pupil is compliant. This technique can help deflect from a potentially volatile situation into a less confrontational situation i.e it may be possible to 'defuse' a situation by a timely intervention.

#### **Physical Intervention**

This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. Force must not be used to prevent trivial misbehaviour. Circumstances when Physical Intervention may be necessary included:

- If a pupil is at risk of harming themselves through physical outbursts.
- To remove disruptive pupil from the classroom where they have refused to follow an instruction to do so
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit.
- prevent a pupil leaving the classroom were allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground.

Before using any form of positive handling or physical intervention, staff should:

- Tell the pupil to stop misbehaving
- Communicate in a calm and measured manner
- Never act out of anger or frustration or to punish a pupil

- Make it clear to the pupil that physical contact or restraint will stop as soon as it ceases to be necessary.

**Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.**

**Staff are advised that, as far as possible, they should not use force unless or until another responsible adult is present to support, observe or call for assistance.**

### **Injuries to staff or pupil**

Whilst the physical techniques are intended to reduce risk, there is always a possibility that injuries may occur to either the child or adult. Techniques deployed seek to avoid injuries to the child, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of the technique, but a regrettable infrequent side effect of ensuring that the child remains safe.

Any injuries sustained by either party will be reported and recorded on the Physical Intervention record and school Accident/incident log.

### **Health and Safety**

Under the Health and Safety Act 1974, employees have a responsibility to report any circumstances which give rise to an increased risk to their Health & Safety. Staff who have, or acquire, permanent or temporary medical conditions which may impact on their ability to carry out positive handling must report them to their line manager, SENCo or Headteacher, as there may be an impact on their own safety, or the safety of the pupil.

### **Staff Training**

Reminders of the behaviour policy will be given regularly through staff meetings and briefings. Staff will be offered the opportunity to take part in specialist training in dealing with challenging behaviour. If a pupil is displaying challenging behaviour and it is thought they may need physical intervention, a positive handling plan will be written, discussed and disseminated to any member of staff who will be supporting the pupil.

### **Recording incidents**

Any incident of positive handling/physical intervention **must** be recorded on the Positive Handling Record Form in Appendix 2 by the main adult/s involved. This completed incident form should then be passed to a senior member of staff responsible for recording and monitoring who, after giving the incident a log number, will upload the incident on to CPOMS. A record of the log number and child's name will be kept securely.

If a Deescalation Plan is in place, it is imperative that the Plan is reviewed, to ensure it remains fit for purpose. Staff monitoring the use of Positive Handling must also examine that the necessary diversion, distraction and de-escalation strategies have been used.

### **Reporting incidents**

After any incident in which force has been used parents should be informed as soon as possible. The Headteacher should also be informed.

### **Post – incident support**

Positive Handling and/or Physical Intervention can be distressing for both staff and pupils it is important both staff and children are given the time and support needed to help them regain their composure.

- The school will decide, and involve, as appropriate any multi-agency partner e.g. early help, social care, CAMHS.
- Wherever possible, the views of the child, post incident, must be sought understood and recorded.
- Opportunities to repair relationships between staff and pupils affected by the incident will be offered
- In some cases, the incident may lead to the fixed term or permanent exclusion of the pupil in line with the behaviour policy

### **Monitoring**

Monitoring of incidents will take place on a regular basis help to ensure that staff are following the correct procedures. Senior Leaders will examine all reported incident to review that the intervention was reasonable, proportionate and necessary, plus consider alternative strategies to help reduce or ceased the need for physical management.

### **Physical Contact with pupils in other circumstance**

There may be occasions when physical contact with a pupil may be proper or necessary e.g., sports coaching or giving first aid. Touching may also be appropriate where a pupil is being congratulated or praised, or where a pupil is in distress and needs comforting. Teachers must use their own professional judgement when they feel a pupil needs this kind of support. For some pupils touching is particularly unwelcome. Staff must bear in mind that even innocent and well-intentional physical contact can sometimes be misconstrued.

### **Powers to search pupils without consent**

In addition to general power to use reasonable force, Headteachers and staff they authorise have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item listed below or any other item that the school rules identify as an item which may be searched for.

The list of prohibited items is:

- knives or weapons
- alcohol
- tobacco and cigarette papers
- fireworks
- illegal drugs
- stolen items
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be used
  - i) to commit an offence,
  - ii) to cause personal injury to, or damage to the property of, any person (including the pupil)

**School staff can confiscate any prohibited items found as a result of a search.**

The headteacher should oversee the school's practice of searching to ensure that a culture of safe, proportionate and appropriate searching is maintained, which safeguards the welfare of all pupils and staff with support from the designated safeguarding lead (or deputy).

The Headteacher must ensure the person carrying out the search is of the same sex as the pupil, and the search must be carried out in the presence of another adult also of the same sex as the pupil. Pupils cannot be required to remove any clothing other than outer garments. If pupil's possessions are searched this must also be done in the presence of another adult. The person

carrying out the search is able to use such force as is reasonable in the circumstance for exercising that power. Furthermore, the Education Act 2011 allows staff to lawfully search electronic devices, without consent or parental permission, if there is a suspicion that the pupil has a device prohibited by school rules, or the staff member has good reason to suspect the device may be used to:

- cause harm,
- disrupt teaching,
- break school rules,
- commit an offence,
- cause personal injury, or
- damage property.

The headteacher should ensure that a sufficient number of staff are appropriately trained in how to lawfully and safely search a pupil who is not co-operating, so that these trained staff can support and advise other members of staff if this situation arises. However, it is vital that all staff understand their rights and the rights of the pupil who is being searched.

The designated safeguarding lead (or deputy) should be informed of any searching incidents where the member of staff had reasonable grounds to suspect a pupil was in possession of a prohibited item as listed above. The staff member should also involve the designated safeguarding lead (or deputy) without delay if they believe that a search has revealed a safeguarding risk.

If the designated safeguarding lead (or deputy) finds evidence that any child is at risk of harm, they should make a referral to children's social care services immediately (as set out in part 1 of Keeping children safe in education). The designated safeguarding lead (or deputy) should then consider the circumstances of the pupil who has been searched to assess the incident against potential wider safeguarding concerns.

### **Recording Searches**

Any search by a member of staff for a prohibited item listed above, searches for items banned by school rules and all searches conducted by police officers should be recorded in the school's safeguarding reporting system (CPOMS) including whether or not an item is found.

Schools should include in the record of each search:

- the date, time and location of the search;
- which pupil was searched;
- who conducted the search and any other adults or pupils present;
- what was being searched for;
- the reason for searching;
- what items, if any, were found; and
- what follow-up action was taken as a consequence of the search.

Analysis of school searches should be carried out considering whether the searches fall disproportionately on any particular groups of pupils by analysing the recorded data. In such cases where searching is falling disproportionately on any group or groups, they should consider whether any actions should be taken to prevent this.

### **Informing Parents**

Parents should always be informed of any search for a prohibited item listed above that has taken place, and the outcome of the search as soon as is practicable. A member of staff should inform the parents of what, if anything, has been confiscated and the resulting action the school has taken, including any sanctions applied.

### **Confiscation**

An authorised staff member carrying out a search can confiscate any item that they have reasonable grounds for suspecting:

- poses a risk to staff or pupils;
- is prohibited, or identified in the school rules for which a search can be made
- is evidence in relation to an offence.

The searching, screening and confiscation advice for schools (July 2022) outlines what to do with specific items that are confiscated.

### **Complaints or allegations**

Complaints will be dealt with under the school's complaints procedures however, if an allegation of abuse is made against a member of staff, the school will follow the procedures outlined in the child protection policy, and advice sought from the Local Authority Designated Officer, as per Keeping Children Safe in Education – Part 4.

Do	Don't
<ul style="list-style-type: none"> <li>◆ Appear calm and relaxed</li> </ul>	<ul style="list-style-type: none"> <li>◆ Appear afraid and unsure of yourself,</li> <li>◆ Bossy or arrogant</li> <li>◆ Assume an “I don’t give a damn about you” attitude</li> </ul>
<ul style="list-style-type: none"> <li>◆ Keep the pitch and volume of your voice down</li> </ul>	<ul style="list-style-type: none"> <li>◆ Raise your voice</li> </ul>
<ul style="list-style-type: none"> <li>◆ Feel comfortable with the fact you are in control</li> <li>◆ Project a calm assured feeling that you will see the situation through to a peaceful end no matter what happens</li> </ul>	<ul style="list-style-type: none"> <li>◆ Appear to expect an attack</li> </ul>
<ul style="list-style-type: none"> <li>◆ Talk with the pupil</li> </ul>	<ul style="list-style-type: none"> <li>◆ Give demands</li> <li>◆ Make demands</li> </ul>
<ul style="list-style-type: none"> <li>◆ Be matter of fact if the pupil becomes agitated</li> <li>◆ Be sensitive and flexible</li> <li>◆ Be flexible but consistent</li> <li>◆ Be aware of body language</li> </ul>	<ul style="list-style-type: none"> <li>◆ Make threats</li> <li>◆ Maintain continuous eye contact</li> <li>◆ Gesticulate</li> </ul>
<ul style="list-style-type: none"> <li>◆ Stay close to the pupil and attend to him/her</li> </ul>	<ul style="list-style-type: none"> <li>◆ Turn your back or leave</li> <li>◆ Invade their personal space</li> </ul>
<ul style="list-style-type: none"> <li>◆ Be patient</li> </ul>	<ul style="list-style-type: none"> <li>◆ Display emotion</li> <li>◆ Argue</li> </ul>
<ul style="list-style-type: none"> <li>◆ Acknowledge his/her feelings</li> <li>◆ Leave the pupil an avenue of escape</li> </ul>	<ul style="list-style-type: none"> <li>◆ Corner the pupil physically or psychologically</li> </ul>
<ul style="list-style-type: none"> <li>◆ Where possible, remain seated as long as the pupil does;</li> <li>◆ Avoid crowding</li> </ul>	<ul style="list-style-type: none"> <li>◆ Get up and move towards the pupil</li> </ul>



**Physical Intervention Record**

**Log no:**

Child's Name:		Date:	
Location of Incident:			
Staff Involved:		Witnesses:	
Start Time:	Duration of Restraint:	Injuries to Staff:	Injuries to Child:

<b>Nature of Risk</b> (tick)					
Criminal Offence	Injury	Absconding	Serious Disruption	Damage	Other
<b>Level of Risk</b>		Low	Medium	High	

The Incident – Describe the incident briefly, include what led up to it:

Who or what was at risk?	
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<b>Diversion, distraction and de-escalation attempted</b> (tick)							
Verbal advice & support		Firm clear directions		Negotiation		Limited choices	
Reassurance		Tactical ignoring		Distraction		Diversion/diffusion	
Humour		Withdrawal offered		Withdrawal directed		Transfer adult	
Consequence reminders		Success reminders		CALM stance and talk		Take-up time	

<b>Physical strategies attempted</b>					
Help hug	Cradle hug	<del>Wrap</del>	<del>Sitting-wrap</del>	Double elbow	Half shield
Single elbow (2 person)	Sitting single elbow (2 person)	Small child escort	Fight response	Punch/kick response	

PHP amended?	Yes	No	Reason:
Positive debrief	Yes	No	
Child's view	Yes	No	Comments:

**Positive debrief repair, reflection and rebuilding of relationships is an essential element in positive handling response.**

<b>Signature</b>	<b>Date</b>	<b>Signature</b>	<b>Date</b>
<b>Monitor Signature</b>			



**HCAT DE-ESCALATION Plan  
XXXXXXXXXX Primary School**

Name

DOB

**ENVIRONMENTS AND TRIGGERS**

Describe the situations which have led to a dangerous incident in the past.

**RISK**

Circle (or make **bold**) the level of potential risk.

<b>Frequency</b>	Low	Medium	High
<b>Severity</b>	Low	Medium	High

Circle, highlight and/or describe precisely what might happen

Slap	Punch	Pinch	Spit	Kick	Hair Grab	Neck Grab
Clothing Grab	Body Holds	Arm Grab	Weapons	Misiles	Absconds	

**DESCRIPTION**

**PREVENTION**

Describe any strategies, changes to routines, personnel or environment which might reduce the risk of this happening.

**DIVERSION AND DISTRACTIONS**

Describe interests, words, objects etc which may divert attention from an escalating crisis.

**DEESCALATION**

Describe any strategies which have worked in the past or should be avoided

	Try	Avoid
Verbal advice and support		
Firm clear directions		
Negotiation		
Limited Choices		
Distraction		
Diversion		
Reassurance		
Planned Ignoring		
C.A.L.M talking / Stance (Communication, awareness + assessment, Listening, make safe)		
Take up Time		
Withdrawal Offered		
Withdrawal Directed		
Transfer Adult		
Reminders about Consequences		
Humour		
Success Reminders		

**PHYSICAL INTERVENTION**

Describe any strategies which have worked in the past or should be avoided.

	Try	Avoid
Help Hug		
Cradle Hug		
Standing Wrap		
Sitting Wrap		
Standing Double Elbow		
Standing Single Elbow		
Standing Single Elbow (2 person)		
Planned Ignoring		
Sitting Single Elbow (Two person)		
Take up Time		
Other Time out (removed to less stimulating environment but supervised and supported)		
Other (describe below)		

**RECORDING AND NOTIFICATIONS REQUIRED**

Placing Authority	
Parents/Guardians	
Social Worker	

Educational Psychologist	
Doctor / Nurse	
Others:	

Name	Status	Signed	Date

**RISK ASSESSMENT**

Hazard Identified P=Probability I=Impact  Area of Risk	Before Control Measure			Academy Trust Control Measures	School and Child Specific Measures	After Control Measure		
	P	I	Risk Rating P x I			P	I	Risk Rating P x I

**Identification of risks**

The Risk Management Standard states that risk identification should be approached in a methodical way to ensure that all significant activities have been identified and all the risks flowing from these activities have been defined.

**Evaluation of risks**

The Risk Management Standard states that risks should be evaluated against agreed criteria to make decisions about the significance of risks. The Trust uses a 5 x 5 Matrix to assess impact and probability as high to low, as illustrated in the diagram below: With 5 x 5 having High Impact and High Probability (see appendix section 2 and 3)

<b>Score</b>	<b>Probability</b>	<b>Impact</b>
<b>1</b>	<b>Remote</b>	<b>Insignificant</b>
<b>2</b>	<b>Unlikely</b>	<b>Minor</b>
<b>3</b>	<b>Possible</b>	<b>Moderate</b>
<b>4</b>	<b>Likely</b>	<b>Serious</b>
<b>5</b>	<b>Certainty</b>	<b>Catastrophic</b>

*For example - A hazard such as an insecure school entrance would be judged as Likely (4) this would result in undesirable visitors entering the site with potentially Catastrophic consequence (5) thus resulting in a score before measures have been introduced of 4x5 = 20. Following measures being implemented this is reduced to Remote (1) probability. The impact however still remains Catastrophic (5) and so the overall score reduces to 1x5= 5.*

**Risk appetite**

The term risk appetite describes the Trust’s readiness to accept risks and those risks it would seek to reduce. The Trust’s risk threshold is the boundary delineated by the red shaded area (represented by scores of 5 and above with scores 15 and above requiring immediate attention) in the risk matrix in paragraph 3.3. Above this threshold, the Trust will actively seek to manage risks and will prioritise time and resources to reducing, avoiding or mitigating these risks.

**Addressing risks**

When responding to risks, the Trust will seek to ensure that it is managed and does not develop into an issue where the potential threat materialises.

The Trust will adopt one of the 3 risk responses outlined below:

Assume Treated     Counter measures are put in place that will either stop a problem or

- (or Mitigate) threat occurring or prevent it from having an impact on the business Or the response actions either reduce the likelihood of a risk developing, or limit the impact on the Trust to acceptable levels.
- Treat (Transfer) The risk is transferred to a third party, for example through an insurance policy.
- Tolerate We accept the possibility that the event might occur, for example because the cost of the counter measures will outweigh the possible downside, or we believe there is only a remote probability of the event occurring.

Catastrophic	5	10	15	20	25
Serious	4	8	12	16	20
Moderate	3	6	9	12	15
Minor	2	4	6	8	10
Insignificant	1	2	3	4	5
	Remote	Unlikely	Possible	Likely	Certainty

**External Source**

DfE: Behaviour & Discipline in Schools. Advice for Headteachers and school staff – Updated January 2016

DfE: Supporting pupils at school with medical conditions. Statutory guidance – December 2015

DfE Use of reasonable force Advice for Headteachers, staff and governing bodies July 2013

Guidance for safer working practice for those working with children & young people in education settings – May 2019

Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002)

DfE Screening, searching and confiscation – advice for Headteachers, staff and governing bodies.

DfE Keeping Children Safe in Education. Statutory guidance for schools and colleges, January 2021