



POSITIVE BEHAVIOUR POLICY (ACADEMIES)

The OHC&AT Board of Directors has agreed this Policy and as such, it applies across all OHCAT Academies – 14th December 2018.

Jay Mercer
Chair of OHCAT Board

A handwritten signature in black ink, appearing to read "Jay Mercer", is positioned below the printed name and title.

Positive Behaviour Policy

INTRODUCTION

Orchard Hill College and Academy Trust (OHC&AT) is committed to providing outstanding educational opportunities for all our pupils and students. Encouraging and supporting positive behaviour in all OHC&AT settings is a crucial part of supporting our pupils and students to learn effectively.

This policy applies to all OHCAT Academies across both day and residential provision and mirrors the Positive Behaviour Policy for Orchard Hill College in terms of the principles from which it is drawn: mutual respect, trust between students and staff and the fostering of a positive learning environment. All OHCAT staff, pupils/students, families and stakeholders should have ownership of and a commitment to the policy.

This policy is written with reference to 'Behaviour and discipline in schools: advice for headteachers and school staff' (DfE, 2016), 'Use of reasonable force: advice for headteachers, staff and governing bodies' (DfE, 2013) and Section 93 of the Education and Inspections Act 2006.

RATIONALE

The behaviour and social/emotional development of the children and young people at OHCAT Academies is an essential factor in facilitating positive access to their learning, the wider community and the overall quality of their lives. We recognise that successful support for pupils via the management of challenging behaviour is wholly dependent upon the school ethos. It is incumbent on the whole school community, including governors, families and volunteers, to promote positive behaviour and to maintain a positive regard towards all pupils and colleagues, offering pupils appropriate role models at all times and proactively supporting pupils to develop the necessary skills for self-management of positive behaviour. All those who are part of the school community should demonstrate an unflinching commitment to good values and principles, such as:

- Teaching right from wrong
- Honesty and fairness
- Respect for others
- The importance of getting on with people and establishing positive relationships
- Self-discipline, self-management of behaviour and a sense of responsibility for oneself

Pupil behaviour, both appropriate and inappropriate, should be managed with sensitivity and professionalism. **Staff and other adults within the school's community need to constantly re-examine and reflect upon their own values, attitudes and behaviours**

in order to appreciate the messages that they are giving pupils. They also need to be familiar with clear guidelines and strategies e.g. Pupil Support Information (behaviour management plans), to help maintain positive behaviour and discourage negative behaviours when they occur. Regular, high quality in-service training can do much to help staff achieve better understanding of pupil behaviour and OHCAT is committed to providing responsive and well informed CPD across the whole organisation, including links with Orchard Hill College.

School staff should be aware of recent legislation, relevant literature or research, local and national guidelines and successful practices elsewhere related to the field of positive behaviour support. We recognise that challenging behaviour, however it manifests itself, is usually an impediment to accessing the curriculum effectively, and thus quality learning experiences, and that positive behaviour – which encompasses high quality learning behaviour – is a necessary prerequisite to effective teaching and learning.

OHCAT recognises the importance of a **whole school approach** to behaviour management within each Academy and across the organisation as a whole.

AIMS

The principles of high quality learning behaviour are paramount. This is behaviour that most ably supports young people to engage most purposefully with their learning. This will include social communication skills, such as turn taking, active listening, responsiveness to adults and peers and high levels of engagement. In many cases, such behaviours will need to be actively taught, promoted and modelled by key adults within the overall framework of good and outstanding teaching.

At every OHCAT Academy, we will:

- Understand that positive behaviour promotes high quality learning experiences
- Maintain a culture and ethos that has respect for the child or young person at its centre
- Provide an environment of calm and good order
- Have positive expectations that pupils will behave well, with courtesy and with self-discipline, and that staff uphold strong professional and personal values towards each other
- Embed effective systems and procedures to encourage and maintain positive behaviour, with a set of strategies to help staff prevent and respond to challenging behaviour
- Recognise that challenging behaviour is a form of communication and always treat it as such
- Provide relevant training, structures and support for all, including parents
- Work in close partnership with parents, carers and other agency colleagues

UNDERSTANDING CHALLENGING BEHAVIOUR

OHCAT understands challenging behaviour to be behaviour which:

- Prevents pupils' participation in appropriate educational activities
- Often isolates them from their peers
- Affects the learning and functioning of others
- Drastically reduces their opportunities for involvement in ordinary community activities
- Places the child and/or others in physical danger
- Makes excessive demands on staff and resources
- Makes the possibilities for future placement difficult

(adapted from Emerson et al 1987)

We are aware that different people may interpret the appropriateness and severity of challenging behaviour in different ways. We acknowledge that it is the behaviour which challenges us and not the person.

STRATEGIES FOR PROMOTING POSITIVE BEHAVIOUR

Positive behaviour can be facilitated in many ways, for example by:

- Establishing a learning community in which the general environment is calm, well ordered and disciplined.
- Setting a good example by behaving in the way it is desirable for pupils to behave; promoting high quality attitudes to learning.
- Being proactive by highlighting and praising positive behaviour.
- Preventing challenging behaviour - avoiding confrontation, avoiding 'triggers' or background factors known to present difficulties to the pupil.
- Ensuring that everyone is clear about which behaviours are appropriate and which are inappropriate, i.e. ensuring a clear distinction between behaviour which is to be reinforced and that which is to be discouraged or ignored.
- Introducing planned activities that are matched to pupils' strengths and weaknesses, with high expectations and a belief in their learning potential in order to develop the very best attitudes to learning.
- Focusing upon teaching positive communication in the most suitable format for each pupil (this may help pupils influence others without having to display challenging behaviour).
- Helping the child or young person to anticipate the sequence of daily events and activities to maximise understanding and minimise anxiety.
- Providing consistent positive feedback.
- Ensuring that adults respond to pupil behaviour in a consistent and fair manner.
- Ensuring that individual Risk Assessments, Support Plans and other written support strategies for pupils are familiar to the relevant staff and kept up to date.

- Encouraging adult tolerance and understanding of children's or young people's specific difficulties.
- Paying attention to antecedents and consequences associated with behaviour.
- Providing structured, predictable environments and routines for pupils who benefit from them.
- Monitoring pupil stress levels and offering 'escape' mechanisms.
- Teaching pupils appropriate self-management strategies and supporting them to develop the skills of empathy, tolerance, respect for individual differences and conflict resolution.
- Incorporating an expectation of positive behaviour across the curriculum.

OBSERVATION, ANALYSIS AND ASSESSMENT

Staff will be familiar with looking at ways of understanding pupil behaviour, in particular trying to find out the functions that the challenging behaviour may serve for the individual and the contexts in which it is likely to happen. Observation of the pupil plays an important part in providing base lines of pupil behaviour.

Familiarity with any behaviour management plans in place is also crucial for staff; however, behaviour management plans are not required for every pupil, as for many the consistently applied best practice principles of positive behaviour support will be sufficient. Pupils will require a plan to address specific behaviours that cause a particular challenge, concern and/or barrier to learning at any given time. If a pupil has a plan, it does not mean that they will always have one, as successful interventions for specific behaviours may negate the need for highly personalised, documented support.

REWARDS

Any system of rewards should recognise that the long-term aim must always be to encourage children and young people towards positive behaviour because of their sense of right or wrong and/or because of their self-esteem and self-satisfaction.

OHCAT Academies may choose to operate behaviour reward schemes as appropriate and relevant to their specific cohort and in accordance with this policy. Please refer to individual Academies for details.

SANCTIONS

Sanctions must be employed with due regard to the purpose, short-term and long-term implications. It is important that sanctions do not undermine a pupil's sense of worth. **We firmly believe that it is the behaviour that must be subject to censure and not the person.** We can insist that an appropriate sanction is levied, whilst at the same time reassuring the pupil that he/she is safe and valued. Sanctions should be explained fully

and sensitively to the pupil and be relevant to the age, understanding and general aims for the person. They should also be realistic, sensitive and applied as soon as possible after the behaviour they are designed to address. Wherever practicable, sanctions should not be disruptive to the other pupils.

Approved sanctions

- 'Being told off' - a pupil can be told off and/or taken to another member of staff for further words. It is generally not appropriate, unless exceptional circumstances warrant it (for example to ensure a safe environment) for staff to shout at pupils; however, a firm voice and tone is entirely appropriate when used proportionately and where the situation warrants it. It might be appropriate for a message to be sent home about a pupil's behaviour and OHCAT Academies will work closely with home to establish a consistency of approach and understanding both for the benefit of the adults and the young person.
- Reparation - a pupil might be asked to undertake a task to compensate for the poor behaviour (for example, cleaning up an area that has been deliberately disrupted). The task should be relevant to the situation and appropriate to the pupil. Tasks should not be demeaning or futile.
- Restriction - a pupil may be 'kept in' (e.g. from playtime) for a reasonable period, or he/she may experience temporary removal of privileges. Again, the emphasis here is on 'temporary' and appropriate to the circumstances.
- Separation - a pupil may be separated with discreet supervision within the room or within a separate area for an appropriate period of time in order to receive no rewards or feedback.

Please refer to the Exclusions Policy for details of how OHCAT Academies manage internal and external exclusions.

In certain situations, for example where there is an immediate safeguarding risk to pupils or staff as a result of a behavioural incident or where safeguarding issues come to light as a result of a behavioural incident, it may be necessary to involve the police. OHCAT staff will work with police, families and pupils to ensure the safety of everyone within the school community.

Forbidden sanctions

The following sanctions towards school pupils are **always** prohibited, either on or off the school premises:

- Corporal (i.e. physical) punishment in any form, including rough handling.
- Excessive shouting.
- Deprivation of food or drink.
- Restriction or refusal of contact with friends or familiar adults, except where it is an agreed plan or for protection.
- Wearing of distinctive or inappropriate clothing as a punishment.

- Use or withholding medication or medical treatment.
- The locking of a pupil in a room at any time even when accompanied by an adult.

RESTRICTIVE PHYSICAL INTERVENTION

Where restrictive physical interventions are concerned, there are clear guidelines from central government regarding the use of reasonable force (see Appendix 1). All members of school staff have a legal power to use reasonable force, as well as 'people whom the Principal has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit'. 'Force' is divided into two categories – control and restraint. Control refers to either passive or physical contact, for example, blocking a pupil's path to a busy road (passive) or leading a pupil by the hand away from a situation (active). 'Restraint' refers to physically engaging with a pupil as part of any necessary measures in order to bring a situation under control.

The starting point for any approach to supporting pupils who are engaging in challenging behaviour is for a resolution to be obtained without the need for restrictive physical interventions, be they related to control or restraint; **interventions that do not require physical interventions are desirable because they are ultimately more sustainable and dignified**. However, there may be occasions when the use of reasonable force may be necessary. These fall into two categories:

a. **Control:** *if it is anticipated that, as part of a considered and agreed approach to the management of a pupil's behaviour, elements of reasonable force (passive or active) may be required to support the pupil towards more positive behaviour, then such physical interventions must be detailed as part of a regularly reviewed written protocol. Any physical intervention outside of this written protocol must be recorded separately.*

b. **Restraint:** *this refers to physical interventions that are not pre-planned and are a proportionate and appropriate response to an unforeseen circumstance. As such, they should be treated as emergency physical interventions, as they refer to the use of any **reasonable** force necessary to bring a situation under control.*

Physical restraint should ONLY be used:

- Rarely and as a last resort
- When all other possible alternatives have been considered
- As part of a 'total response' to the pupil's behaviour (i.e. not in isolation)
- When the purpose of physical restraint is to restore safety
- When it can be justified as being in the paramount interests of the child and/or when the child is considered to be in immediate danger of harming self or others
- By staff who have been fully trained in positive behaviour management and who are conforming to the guidance set in the school's positive behaviour management policy

- When it can be justified as a reasonable and responsible way of responding to a child's severe challenging behaviour.

The use of force is reasonable if it is **appropriate to the consequences it is intended to prevent**. This means that the degree of force used should be no more than is needed to achieve the desired results. Incident report forms must be completed and submitted to a member of the Senior Leadership Team, and must be accurately logged.

Sometimes the general structure and ethos of the school will not be enough to maintain an individual pupil's behaviour within acceptable and agreed limits. Some pupils will need an even more structured, systematic and intensive approach. Individual behaviour management programmes focus on a pupil's specific difficulties and help staff respond to challenging behaviour with understanding and consistency. They should be written succinctly and in clear language. They should be drawn up ideally in consultation with parents/carers and other agencies if necessary, e.g., the school's attached Educational Psychologist.

Individual programmes are intended to have positive outcomes, which need to be carefully evaluated. **It is essential that all staff coming into contact with a child who has such a plan can demonstrate familiarity with its content**. It is also important that staff are regularly and properly supervised when involved in support programmes. It is desirable for the young person him/herself to be involved in agreeing support programmes, at a level appropriate to their understanding.

OHCAT has regard to Deprivation of Liberty, which is a safeguard for people who lack capacity to make decisions regarding their own safety. OHCAT will provide a safe environment for the diverse needs of all its pupils, ensuring the safety and due liberty of them all as individuals. OHCAT will ensure that pupil choice and best interest is considered at all times and that decisions being made suit the needs of the pupil to which they pertain.

RESPONSIBILITIES

OHCAT Directors will:

- Review updated policies on a regular basis and receive termly behavioural data reports

The OHC&AT Executive Senior Leadership Team will:

- Monitor behaviour support across the organisation
- Regularly review this policy and any attendant procedures
- Ensure that a suitable training programme is available to staff, drawing on the breadth of expertise across the OHC&AT family to ensure that CPD is informed by best practice in both general and specific terms

Academy Senior Leadership Teams will:

- Promote a culture of mutual respect, trust between pupils and staff and the fostering of a positive learning environment
- Ensure that all staff have regular training in relevant positive behaviour support and safe handling techniques e.g. Team Teach
- Ensure that incidents of challenging behaviour are rigorously reported and recorded
- Support staff involved in incidents of challenging behaviour through immediate debriefs
- Regularly report on behaviour data to the OHCAT Executive Senior Leadership Team
- Produce and maintain a Physical Intervention Procedure detailing any named physical intervention technique(s) used at the Academy, including staff training and authority levels with regard to the deployment of physical intervention

All staff will:

- Ensure they are familiar with and adhere to all relevant behaviour programmes and risk assessments
- Promote a culture of positive behaviour within their Academy
- Report any incidents promptly via the correct channels

POLICY REVIEW DETAILS

<i>Version:</i>	1.2
<i>Reviewer:</i>	John Prior
<i>Approval body:</i>	Family Board
<i>Date this version approved:</i>	14 th December 2018
<i>Due for review:</i>	Autumn 2021

RELATED POLICIES AND PROCEDURES

Anti-Bullying Policy
Attendance Policy (Academies)
Child Protection Adult Protection & Safeguarding Policy
E-Safety Policy
Exclusions Policy
Health & Safety Policy
Positive Behaviour Policy (OHC)
Risk Assessment Policy
Substance Misuse Policy

APPENDIX 1: Use of Reasonable Force - Advice for Principals, Staff and Governing Bodies

About this guidance

This is non-statutory advice from the Department for Education. It is intended to provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of head teachers and governing bodies in respect of this power.

What legislation does this guidance relate to?

Education and Inspections Act 2006.

Who is this advice for?

This advice is aimed at governing bodies, Principals and school staff in **all schools**

Key points

- School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
- Senior school leaders should support their staff when they use this power.

“All schools” include Academies, Free Schools, independent schools and all types of maintained schools.

What is reasonable force?

- i. The term ‘reasonable force’ covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
- ii. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
- iii. ‘Reasonable in the circumstances’ means using no more force than is needed.
- iv. As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
- v. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

- vi. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

Who can use reasonable force?

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

When can reasonable force be used?

- i. Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- ii. In a school, force is used for two main purposes – to control pupils or to restrain them.
- iii. The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- Remove disruptive children 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 where 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; and
- Restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- Use force as a punishment – **it is always unlawful to use force as a punishment.**

Communicating the school's approach to the use of force

- i. Every school is required by law to have a behaviour policy and to make this policy known to staff, parents and pupils. The governing body should notify the Principal that it expects the school behaviour policy to include the power to use reasonable force.
- ii. There is no legal requirement to have a policy on the use of force but it is good practice to set out, in the behaviour policy, the circumstances in which force might

be used. For example, it could say that teachers will physically separate pupils found fighting or that if a pupil refuses to leave a room when instructed to do so, they will be physically removed.

- iii. Any policy on the use of reasonable force should acknowledge their legal duty to make reasonable adjustments for disabled children and children with SEN.
- iv. Schools do not require parental consent to use force on a student.
- v. Schools should **not** have a 'no contact' policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm.
- vi. By taking steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

Using force

A panel of experts identified that certain restraint techniques presented an **unacceptable risk** when used on children and young people. The techniques in question are:

- The 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;
- The 'double basket-hold' which involves holding a person's arms across their chest; and
- The 'nose distraction technique' which involves a sharp upward jab under the nose.

Staff training

Schools need to take their own decisions about staff training. The Principal 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 pupils when doing so. Some local authorities provide advice and guidance to help schools to develop an appropriate training programme.

Telling parents when force has been used on their child

It is good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools to decide whether it is appropriate to report the use of force to parents. In deciding what a serious incident is, teachers should use their professional judgement and also consider the following:

- The pupil's behaviour and level of risk presented at the time of the incident
- The degree of force used
- The effect on the pupil or member of staff
- The child's age

What happens if a pupil complains when force is used on them?

- i. All complaints about the use of force should be thoroughly, speedily and appropriately investigated.
- ii. Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- iii. When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is **not** for the member of staff to show that he/she has acted reasonably.
- iv. Suspension should not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- v. Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.
- vi. If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.
- vii. Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.
- viii. As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

What about other physical contact with pupils?

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. Examples of where touching a pupil might be proper or necessary:

- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.

Frequently Asked Questions

I'm worried that if I use force a pupil or parent could make a complaint against me. Am I protected?

Yes, if you have acted lawfully. If the force used is reasonable all staff will have a robust defence against any accusations.

How do I know whether using a physical intervention is 'reasonable'?

The decision on whether to physically intervene is down to the professional judgement of the teacher concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result.

What about school trips?

The power may be used where the member of staff is lawfully in charge of the pupils, and this includes while on school trips.

Can force be used on pupils with SEN or disabilities?

Yes, but the judgement on whether to use force should not only depend on the circumstances of the case but also on information and understanding of the needs of the pupil concerned.

I'm a female teacher with a Year 10 class - there's no way I'd want to restrain or try to control my pupils. Am I expected to do so?

There is a power, not a duty, to use reasonable force so members of staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their pupils and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

Are there any circumstances in which a teacher can use physical force to punish a pupil?

No. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.

Associated Resources

The latest DfE guidance can be found here:

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