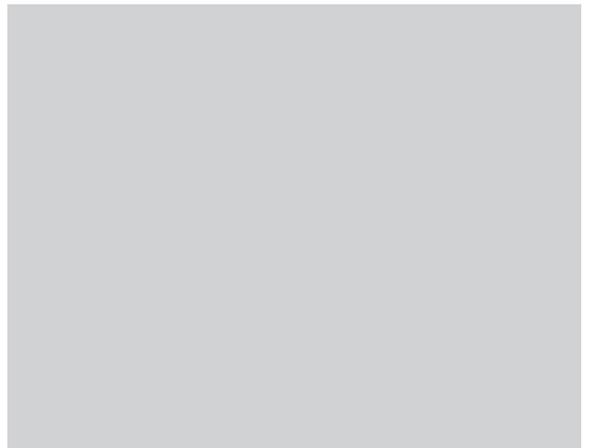


The Learning Trust Policy - Positive Handling



Purpose

The purpose of this policy is to describe The Learning Trust's approach to the management of relatively rare situations when children and young people present extremely challenging behaviour which may require some form of physical intervention from adults. This is sometimes referred to as restraint or care and control. The Learning Trust has adopted the term Positive Handling in line with many other authorities and organizations.

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Foreword

This guidance is for use by Learning Trust staff, schools and early years settings.

It is intended to provide:

1. An overview of the Learning Trust's position on the use of force to control or restrain pupils including the support and training made available
2. A brief resume of the legal position
3. Information which can be used to develop school based policies

Circular 10/98 has been the main reference source in terms of providing advice about the use of physical interventions. The Education and Inspections Act 2006, now supersedes Circular 10/98.

The main change in the new legislation which affects schools concerns non-teaching staff. Under Circular 10/98 teachers did not need specific authorisation from the headteacher to use reasonable force but non teaching staff did. The headteacher also had to keep a list of authorised staff. Under the new legislation all staff are entitled to use reasonable force and do not need specific authorisation.

Andrew Lee

June 2008

Introduction

The Learning Trust recognises that there is a need, reflected in common law, to physically intervene when there is an obvious risk to the safety of its children, staff and property. This applies both on and off setting sites. If used at all, the use of force to control or restrain pupils will be used in the context of a respectful, supportive relationship with the child in order to ensure minimal risk of injury to children and staff.

The Learning Trust believes everyone has a right to:

- recognition of their unique identity;
- be treated with respect and dignity;
- learn and work in a safe environment;
- be protected from harm, violence, assault and acts of verbal abuse.

Pupils and their parents attending schools and settings have a right to:

- individual consideration of pupil needs by the staff who have responsibility for their care and protection;
- expect staff to undertake their duties and responsibilities in accordance with the school's policies;
- be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school;
- be informed about complaints procedure.

The Learning Trust has adopted the term 'Positive Handling' to describe such interventions. This follows an approach taken by an organisation named Team-Teach.

The objectives of Team-Teach have been adopted by The Learning Trust, namely:

- to promote the least intrusive positive handling strategy and a continuum of gradual and graded techniques, with an emphasis and preference for the use of verbal, non-verbal de-escalation strategies being used and exhausted before positive handling strategies are utilised;
- to enable services to develop acceptable and authorised responses to disruptive, disturbing, angry and aggressive behaviours in a manner that maintains positive relationships and provides safety for all, by training in Team-Teach;
- to reduce the number of serious incidents involving physical controls in all settings and to emphasise the importance of exhausting behaviour management strategies in the first instance;
- to increase the awareness of staff concerning the importance of recording and reporting, monitoring and evaluating, all incidents involving positive handling;
- to provide a process of repair and reflection for both staff and children.

The Learning Trust is committed to ensuring that all staff and adults with responsibility for children's safety and welfare will deal professionally with all incidents involving challenging behaviour.

The Legal Position – Who Can Use Force To Control Or Restrain And When

Section 93 of the Education and Inspections Act 2006 *“enables school staff to use force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:*

- (a) committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil):*
- (b) causing personal injury to, or damage to the property of, any person (including the pupil himself), or*
- (c) prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.”*

The definition of ‘school staff’ applies to (as defined in section 95 of the Act):

- “1. any teacher who works at the school, and*
- 2. any other person whom the head has authorised to have control or charge of pupils. This*
 - a. includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors*
 - b. can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school-organised visits)*
 - c. does not include prefects”*

It is lawful for all teachers and other staff as described above to use ‘reasonable’ force. However, the definition of ‘reasonable’ is open to interpretation.

The DCFS Non-statutory guidance to schools (para 13) states

“There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. However, deciding whether behaviour is trivial also depends upon the circumstances. For example running in a corridor crowded with small children may be dangerous enough not to be regarded as trivial.”

This power to use reasonable force is in addition to the common law power of any citizen in an emergency to *“use reasonable force in self defence, to prevent another person from being injured or committing a criminal offence”*.

(The DCFS Non-statutory Guidance to schools para 15)

The guidance explains that staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

Staff may use reasonable force to search pupils without their consent for weapons using powers exercised under section 45 of the Violent Crime Reduction Act 2006. However, the DCFS Non-statutory Guidance to schools (para 16) strongly advises schools *“not to search a pupil where resistance is expected but rather to call the police”*.

Key Legal References

This Positive Handling guidance is written with reference to the following key legal concepts and documents:

- Offences Against the Persons Act 1861 (concepts of Assault and Assault and Battery);
- Common Law concepts of false imprisonment and common law defence;
- Duty of Care;
- DfEE Circular 10/98;
- The Children Act 1989;
- The Control of Children in Public Care (interpretation of the Children Act 1989);
- Taking Care, Taking Control DoH 11/96;
- DoH/DfES Joint Guidance on Physical Interventions 2002;
- The Education Act 1996;
- Education and Inspection Act 2006;
- Human Rights Act 1998;
- Disability Discrimination Act 1995;
- Health and Safety at Work Act 1974
- DCFS The use of Force to Control or restrain Pupils - Non-statutory guidance to schools 2007

The NUT also produce a guidance document called *“Education, The Law and You”*, which provides a helpful summative overview. It is available at www.teachers.org.uk/resources/pdf/Teachers_Law_Oct2005.pdf

The Learning Trust’s legal team will also be pleased to offer additional advice.

Tel: 020 8820 7537

The Learning Trust Approach to Best Practice - Using Positive Handling

Overview

All policies and practice regarding the supervision of children during the school day should be appropriate to the identified needs and behaviours of the child. This, combined with the whole school approach to behaviour, should minimize the likelihood of requiring positive handling.

The Learning Trust believes it is important for members of staff who may need to physically intervene to do so after other behaviour management techniques have been tried and preferably following training in such techniques.

All staff must be aware that they must not:

- use force as a punishment as this action would fall within the definition of corporal punishment which has been abolished;
- use pain to gain compliance;
- deprive the person of food or drink;
- require the person to wear inappropriate clothing;
- humiliate/degrade the child or young person.

In the following situations, staff must judge whether or not a physical intervention would be reasonable or appropriate:

- risk to the safety of staff, children or visitors;
- where there is a risk of serious damage to property;
- where a child's behaviour is seriously prejudicial to good order and discipline;
- where a child is committing a criminal offence.

This judgment will take into account the circumstances of the incident. All staff should be aware that the use of a physical intervention in response to a clear or developing danger of injury is intended to be used to manage behaviour positively to prevent a deterioration of the situation.

Staff should view physical intervention with a child as a "last resort" and for the purposes of maintaining a safe environment.

It is expected that schools will have in place a variety of measure which will reduce the likelihood of the need for positive handling to be used. For example:

- a. A calm and supportive school environment
- b. Positive relationships
- c. Whole school approach to developing social and emotional skills
- d. Structured approach to staff development

If a child is behaving disruptively or anti-socially, every non physical strategy will be used to manage the behaviour positively to prevent a deterioration of the situation.

Staff should understand the importance of listening to and respecting children to create an environment that is calm and supportive, especially when dealing with children who may have emotional and behavioural needs, which may increase their aggression.

All staff should understand the importance of responding to the feelings of the child, which lie beneath the behaviour, as well as the behaviour itself.

The physical action taken will take into consideration the age and competence of the child and will be the least detrimental alternative. In doing so the action must take proper account of any particular special educational need and/or disability that the pupil may have. The DCFS Non-statutory guidance to schools (para 14) states "Under the Disability Discrimination Act 1995 schools have two key duties

1. not to treat a disabled pupil less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification: and
2. to take reasonable steps to avoid putting disabled pupils at a substantial disadvantage to pupils who are not disabled (known as the reasonable adjustments duty)"

The Learning Trust expects all settings to develop their own positive handling policy, which should incorporate or have regard to, this best practice overview.

The school policy on the use of force should be consistent with the school's behaviour policy.

It is not expected that all schools will need detailed training. However, schools should ensure that staff are aware of the principles and practices associated with best practice initially through their induction training and, on an ongoing planned basis.

It would be good practice for schools to maintain a record of all permanently authorised staff and ensure that they know who they are.

Teachers and other staff are not contractually obliged to carry out restraint procedures and they are not contractually obliged to undertake training in any restraint procedures. However they would be wise to do so because they are expected to work within a duty of care. A breach of duty of care may involve either taking unreasonable action or failing to take reasonable action to prevent harm to another person.

Schools should review their policies on restraint regularly and ensure that staff, parents and pupils are aware of those policies. The guidance linked to this document gives support in carrying out a review. The Learning Trust will periodically monitor behaviour policies and associated policies on physical intervention as part of supporting schools in self review.

Schools/settings should ensure that appropriate training is provided for all staff. Staff should identify their training needs in this area. Schools/settings should approach The Learning Trust who has colleagues trained in the use of the Team Teach positive handling approach and techniques.

The Learning Trust is committed to providing training on positive handling to all staff but will prioritise training for those settings/schools deemed as higher risk settings, for example those settings supporting large numbers children or young people with special educational needs or disabilities.

Detailed Guidance

A member of staff recognizing that a situation is escalating to a point demanding positive handling yet feeling unable to carry this out must, as part of their duty of care, clearly tell the child(ren) to stop the behaviour and then seek help by any means available.

Staff intervening with children will seek assistance from other members of staff as early as possible, since single-handed intervention increases the risk of injury to both parties and does not provide a witness.

Staff who become aware that another member of staff is intervening physically with a child will have a responsibility to provide a presence and to offer support and assistance should this be required.

Where possible, staff who have not been involved in the initial confrontation leading up to an incident may be in a better position to intervene or restrain the child if this proves necessary.

A child's behaviour may be adversely affected by the presence of an audience. Wherever possible,

the audience will be removed, or if this is not possible, the child and member(s) of staff will withdraw to a quiet but not completely private, place (e.g. two members of staff should be present or a door left open so that others are aware of the situation).

Staff will tell the child being restrained, in a calm and gentle manner, that the reason for the intervention is to keep the child and others safe. Staff will explain that as soon as the child calms down, she/he will be released.

The force used will be commensurate with the risk presented.

All staff should be aware of the school's planned procedures to enable staff to call for help in emergencies (e.g. a member of staff will contact assistant headteacher/headteacher, either by phone or by sending a child).

Examples of situations where positive handling may be appropriate include:

1. child or young person attacks member of staff or another child;
2. child or young person is fighting;
3. child or young person is engaging in, or on the verge of, committing deliberate damage or vandalism to property;
4. child or young person is causing or at risk of causing injury or damage by accident, by rough play or by misuse of dangerous materials or objects;
5. child or young person absconds from school other than at an authorised time. Refusal of a pupil to remain in a particular place is not enough on its own to justify force. It would be justifiable where allowing a pupil to leave would
 - a. entail serious risks to the pupil's safety (taking into account age and understanding), to the safety of other pupils or staff, or of damage to property or
 - b. lead to behaviour that prejudices good order and discipline, such as disrupting other lessons
6. child or young person persistently refuses to follow an instruction to leave a classroom;
7. child or young person behaves in such a way that seriously disrupts a lesson, or
8. a pupil is behaving in a way that seriously disrupts a school sporting event or school visit

The following approaches are regarded as reasonable in appropriate circumstances:

1. holding for security and to reduce anxiety where there is potential risk, even if the child is not yet out of control. This is best used when the child is anxious or confused. Its purpose is to defuse or prevent escalation. Staff should take care that their actions should in no way be capable of being interpreted by the child as aggression.
2. physically interposing between children
3. blocking a child's path
4. pushing if restricted to situations where reasonable force is used to resist a child's movement, rather than a forceful push that might cause the child to fall over
5. escorting a child by the hand or arm.

Holds to be avoided

1. holding a child around the neck or by the collar, or in any other way that might restrict a child's ability to breathe;
2. slapping, punching or kicking a child;
3. twisting or forcing limbs against a joint;
4. tripping a child;

5. holding a child by the hair or ear;
6. holding a child face down on the ground

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

1. give the child clear warning. Offer an escape route from the situation, for example, through calming or following instructions;
2. once the physical intervention is judged necessary it should happen quickly, smoothly and confidently;
3. always remain calm and talk in a conciliatory tone. Ignore any abuse and let the high emotional state it run its course;
4. once things begin to calm, it can be coupled with significant changes in restraint; this should be on staff terms, not when demanded by the child;
5. the aim is to talk through the situation and discuss the behaviour that caused the whole episode;
6. the extent of force used should be no more than necessary to control the situation;
7. an incident report should be completed.

There may be circumstances or settings (for example those settings supporting large numbers of children or young people with special educational needs or disabilities where the use of force/positive handling is undertaken on a planned basis, or is likely to be required, given historical patterns of behaviour. In such circumstances the school should

1. Undertake a risk assessment
2. Maintain records as part of a positive behaviour plan
3. Clearly specify the type of intervention to be used and when
4. Secure parental agreement to the plan
5. Review on a regular basis

Recording an incident

A contemporaneous record (i.e. written as soon as possible and no longer than 2 hours after the incident's occurrence) should be made by the staff member involved in the incident and a copy given to a senior member of staff and parent/carer.

Similarly, contemporaneous notes will also be made by all other members of staff involved (i.e. as witnesses or additional providers of support). The notes will be sealed and dated.

The record will contain the following information:

1. the name(s) and the job title(s) of the member(s) of staff who used reasonable force;
2. the name(s) of the child(ren) involved;
3. when and where the incident took place;
4. names of staff and child(ren) who witnessed the incident
5. the reason that force was necessary;
6. behaviour of the child(ren) which led up to the incident;
7. any attempts to resolve the situation;

8. the degree of force used;
9. how it was applied;
10. how long it was used for;
11. the child's/children's response and the eventual outcome;
12. details of any injuries suffered by either staff or child(ren);
13. details of any damage to property;
14. details of any medical treatment required (an accident form will be completed where medical treatment is needed);
15. details of follow-up including contact with the parents/carers of the child(ren) involved;
16. details of follow up involvement of other agencies, police, social services.

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

A copy of this entry will be kept on the child's file and retained in line with The Learning Trust Guidance on keeping educational records.

School will report any injuries to child or staff.

Debriefing arrangements

The child/young person and the member of staff will be checked for any sign of injury after an incident. First aid will be administered to anyone who requires it, or medical treatment obtained.

The child or young person will be given time to become calm while staff continue to supervise him/her. When the child regains complete composure, a senior member of staff (or his/her nominee) will discuss the incident with the child and try to ascertain the reason for its occurrence. The child will be given the opportunity to explain things from his/her point of view. All necessary steps will be taken to re-establish the relationship between the child and the member(s) of staff involved in the incident.

In cases where it is not possible to speak to the pupil on the same day as the incident occurred, the debrief will take place as soon as possible after the child returns to school.

All members of staff involved should be allowed a period of debrief and recovery from the incident. A senior member of staff (or his/her nominee) will provide support to member(s) of staff involved.

The headteacher will be informed at the earliest possible opportunity of any incidents where positive handling was used. The head teacher (or his/her nominee) will initiate the recording process if not already under way and review each incident to ensure that any necessary lessons are learned.

All parents will be informed after an incident where positive handling is used with a child. Parents will need to be notified sensitively and to be made aware of the full circumstances.

Arrangements for informing parents

Parents should be informed of the school's policy regarding positive handling.

At the drafting of the positive handling policy, all parents/carers should be sent a letter outlining its introduction, with information about obtaining a copy for their own information.

Thereafter, a section about the school's legal obligations to maintain a safe environment and the possible use of positive handling (as a very last resort) with pupils will be included in the school brochure.

Staff who work with particular children who have learning or physical disabilities (and who have Individual Education Plans, Individual Behaviour Plans and/or Pastoral Support Plans), may need to use specific techniques routinely to manage challenging behaviour. Such arrangements must be discussed with parents/carers in advance on an individual basis using positive handling plans. All interventions will be routinely recorded.

Appendix 1

About Team-Teach and their approach

The approach taken by Team-Teach is:

'distinct from most of the behaviour management strategies currently available to schools in that it includes both training in de-escalation skills and physical interventions, known as 'positive handling strategies'. Further, Team-Teach provides course members with reporting and recording skills; and equips them to rebuild relationships and manage their feelings. Policies and other documentation are part of the supportive framework provided by this approach. The emphasis of the approach is 'about the way people relate to each other' (Team-Teach, 2003, p.11). Team-Teach views 'positive handling' as a concept confirming a commitment by organisations, and individuals within an organisation, to a framework of risk reduction strategies (non-verbal, verbal and where absolutely necessary physical).'

Portsmouth University 2005

Team-Teach training is accredited by the British Institute of Learning Disabilities and is affiliated to and moderated by The National Control & Restraint (General Services) Association (NCRGSA).

Team-Teach is the recommended preferred training strategy for over 98 Local Authorities and is supported by the Severe Emotional & Behavioural Difficulties Association & National Association of Head Teachers websites.

Team-Teach provides a wide range of risk reduction positive handling techniques. They have been endorsed via the Risk Assessment Panel and the U.K Steering Group (see News Section on the website for details of compositions).

All members of these groups have an in depth knowledge of the techniques, many being tutors themselves. Modifications and developments to techniques are passed through the Risk Assessment Panel.

No single technique is foolproof or can be guaranteed to be 100% effective. The physical techniques of Team-Teach will reduce risk, their effectiveness being linked to the confidence and competence of the individuals concerned.

Basic tutor courses are quality controlled and assured by the NCRGSA Association, with potential new tutors having to pass both a theoretical test and a number of practical assessments.

There is a fixed format for the training courses and tutors are required to forward plans for each course to Team-Teach for approval and to produce a summary evaluation report that addresses critical questions concerning issues around safety and the holistic, whole setting approach to behaviour management. This summary evaluation report is returned to the Director of Team-Teach for monitoring and quality control.

All tutors are required to update annually and are only permitted to train within the boundaries of their licence.

Courses held by tutors are liable to non-notified quality control monitoring from Team-Teach.

The Team-Teach approach has received letters of support from the Teaching Unions: National Association of Head Teachers, National Union of Teachers, National Association of

Schoolteachers, Union of Women Teachers and Professional Association of Teachers.

The OCFS and the DOH. are fully aware of the Team-Teach approach, having been actively consulted concerning recent guidance on the use of reasonable force and helping service settings select positive handling strategies.

Ofsted and the Health & Safety Executive have also commented favourably in their reports on the positive impact that the Team-Teach training framework has had when adopted by leadership, management and a whole setting holistic approach.

Only an accredited instructor can train others using the Team-Teach approach.

For further information, please visit the Team-Teach website:

www.team-teach.co.uk

Appendix 2

The Learning Trust Support Arrangements

All school/settings are expected to contact Team Teach to secure such training

The named contact for Team-Teach is:

Alastair Reid (Principal Tutor for Team Teach)

Tel: 07946 539 936

E mail: alastairreid@blueyonder.co.uk

Schools/settings may wish to discuss what is involved in the training prior to contacting Team-Team

The lead officer/named contact for The Learning Trust is:

Marie McAlinden (Educational Psychologist)

Educational Psychology Service

Tel: 020 8820 7518/9

E mail: marie.mcalinden@learningtrust.co.uk

In every instance accredited Positive Handling tutors will undertake an initial visit to the setting prior to any training being undertaken. On this initial visit the lead tutor will wish to meet the head and/or senior members of staff as it is expected that all senior managers including the head will undertake the training. The aim of this visit is to undertake a risk assessment using the Team-Teach format to:

- ensure the school/setting knows what it is asking for;
- ensure the school/setting knows what to expect;
- be clear about the numbers of staff to be trained;
- agree dates
- agree an appropriate training location
- agree roles and responsibilities in organising the training
- agree a charge

The aim is to train the whole school staff to ensure consistency of approach within the setting.

There must be a minimum of 1 trainer to 12 participants. So, for some larger schools, the training may need to be repeated over successive days to complete the training for the whole staff group.

All training will be led by Team-Teach staff. Some tutors may be accredited Learning Trust staff trainers or accredited trainers based in Learning Trust schools/settings.

All local staff trained in positive handling techniques update their training on a regular basis and ensure that their training record is kept up to date.

Team-Teach will offer three levels of training:

Level 1: will be for mainstream schools/settings;

Level 2: will be for special provision;

Level 3 will be for identified or core staff from special schools/settings where some children or young people may present extremely challenging management. These customized courses will be delivered by Team-Teach advanced tutors.

All teaching staff are, after they have completed at least Level 1 training, authorised to use positive handling as appropriate. However, only Team-Teach accredited trainers are qualified to train and model positive handling techniques. Completion of Levels 1 or 2 or 3 training does not qualify any member of staff to act as a trainer in any sense of the word.

Level 1 – a 6 hour (1 day) foundation course for low risk schools/settings

The practical elements will account for no more than 40% of the programme. Only Level 1 holds (standing & sitting, plus least intrusive personal safety responses will be taught) the emphasis should be on the avoiding, deflecting and the diffusing of challenging behaviours. Theory modules will account for the remaining 60% of the programme.

Level 2 – a 12 hour (2 day) course for medium risk schools/settings

No more than 60% of the complete programme will be devoted to the practical elements. Practical content will be decided by the school/settings need. Holds specific to the needs of the setting will be covered. All theory modules will be covered. Emphasis is on course members acquiring the confidence and competence to use verbal and non-verbal de-escalation techniques where and when possible. The legal context as well as safeguards for services through policies, procedures and protocols will be looked at in depth.

Level 3 – a minimum total of 12 hours plus advance modular teaching for schools/settings perceived as being high risk

The content of this course will be decided by the needs of the school/settings. The practical curriculum will include holds specific to the needs of the setting. In addition, issues around transport situations can be covered, the legal context, as well as safeguards for services through policies, procedures and protocols will be looked at in depth.

Costs

Team-Teach will charge for the training. Team-Teach will directly invoice the school/setting for the full costs of the training

The Learning Trust will invoice Team-Teach for the costs of any Learning Trust staff involved in the training.

Monitoring

The Learning Trust will liaise with Team-Teach and monitor positive handling training.

The Team-Teach tutors will:

- inform the Learning Trust contact of all requests for training
- inform the Learning Trust contact of all confirmed training
- forward to the Learning Trust all evaluation summaries
- feedback to the Learning Trust contact any concerns or issues arising from specific training

The Learning Trust contact will:

- be available to discuss initial approaches with schools/settings
- maintain a log of all training requests
- maintain a log detailing all training and reaccreditation dates
- review all training evaluations
- forward any concerns following specific training to the relevant person/organisation
- maintain direct contact with Team-Teach
- maintain a log of Learning Trust trainers and ensure their training is up to date
- coordinate meetings between Team-Teach and local trainers to share practice updates
- coordinate meetings with representatives of trained schools to ascertain impact and changes to practice
- report annually on the training undertaken and impact
- continually review the status of Team-Teach as the preferred provider, by researching other providers

Appendix 3

Checklist for Headteachers

What schools need to have in place:

- a policy that reflects the latest guidance which is applicable both on and off the school site e.g. during school trips
- arrangements for training and updating training for staff
- arrangements for risk assessment where it is necessary (including having due regard for the implications of any assessment on individual pupils and, where relevant, the stage they are at on the Code of Practice, their Individual Education Plan, Individual Behaviour Plan and the review of their Statement of Special Educational Need).
- recording and monitoring procedures;
- review procedures, both for individual incidents and for the policy as a whole;
- arrangements for staff to be supported both in situations where they have had to physically intervene with a pupil and where they have prevented confrontation but need to be de-briefed, including a “breathing space” where this is requested;
- a complaints procedure which is consistent with child protection procedures and which builds in early discussion with other agencies.

Model statement for inclusion in school information leaflets etc. on the use of positive handling

If staff become aware of, or have a need to become involved in, situations where a child may be at risk of hurting themselves or others, or if the behaviour of a child seriously disrupts good order in the school or causes damage to property, staff may need to take steps to intervene physically. In such circumstances staff will follow the school's policy for dealing with such situations. Any parent wishing to view this policy may do so on request.

Appendix 4

A Simple Auditing Tool

Setting/Service: _____

Name of Headteacher/Manager: _____ Tel: _____

1. Behaviour Management

Does the provision have a Behaviour Management Policy? Yes/ No

When was it last reviewed? _____

Date of next review: _____

Does the provision have any concerns regarding the management of behaviour and areas where specific advice would be useful?

Does the provision have a 'stand alone' positive handling-type policy? Yes/ No

Has it been ratified by Governors/Management Committee? Yes/ No

Date: _____

Does the provision have a Serious Incident book? Yes/ No

Does the provision formally record incidents of physical intervention? Yes/ No

Is there a named person to support the Headteacher/Manager in monitoring incidents? Yes/ No

Who is authorised to use reasonable force in your provision?

Headteacher/Manager

Deputy Headteacher

Teachers: All Some

Support Assistants: All Some

Welfare Assistants: All Some

Caretaker/Site Manager

Other(s) (please specify): _____

Have staff at the provision been trained in physical intervention techniques? Yes/ No

If **yes**, please name the training package(s): _____

Degree of reasonable force required within your setting/service:

- Low, less than 1 per term
- Medium, between 1 and 5 per term
- High, over 5 per term

Would you/your staff welcome training in the use of positive handling? Yes/ No

If **yes**, in what areas?

- Personal safety for staff
- Low level intervention, ie. escorting pupils
- High level intervention, ie. the above and in addition:
 - holding pupils in standing position
 - de-escalating pupils into chairs
 - Other(s) (Please specify): _____

Does the setting/service need a refresher course?

- Because it is 2/3 years since the last course
- Because there have been a significant turnover of staff

Other issues: _____

Appendix 5

Staff Self Review

Staff should use this list to review their own training.

If any of the questions lead to a concern, they should be raised with the manager.

Is there anything about your health which may prevent you from carrying out a physical intervention, or do you have concerns which you need to share with your employer?

Does your training emphasise the rights of children as most important?

Have you received induction and further training appropriate to the work you need to do?

Are you trained in emergency first aid and CPR and is this current?

Is your training part of a programme that includes promoting positive behaviour and the importance of de-escalation, with physical intervention as only one aspect of action taken and only used as a last resort?

Does your training allow you to make decisions about when you should restrain a child and when that physical intervention should end?

Does your training emphasise that physically intervening with children is about their safety and not about discipline or punishment?

Does your training include guidance about learning from, and reflecting on practice?

Are you given regular opportunities to update and practise your skills through coaching and reinforcement?

Does your training emphasise the need to work with others?

Does your training allow you to examine and appreciate the effects of a physical intervention on children?

Does the training you receive help you to do your job well?

Have you had support to obtain relevant further training?

Appendix 6

Model School Positive Handling Policy

Positive Handling Policy

Introduction

The policy has been prepared after staff discussion(s) on (date)..... and was adopted by the governing body on (date).....

The responsible person for the implementation of the policy is (name).....

The policy will be reviewed on (date)..... by the headteacher and the governing body.

The policy has been developed in response to the following statutory guidance (please list)

.....

It also follows the guidance in The Learning Trust Positive Handling Policy issued by The Learning Trust.

The policy should be read in conjunction with other school policies relating to interaction between adults and pupils.

The policy has been prepared for the support of all teaching and support staff who come into contact with pupils and for volunteers working within the school to explain the school's arrangements for the care and control of pupils presenting very challenging behaviour. Its contents are available to parents and pupils. A statement about the school's Discipline and Behaviour policy is made to parents in the school prospectus.

This statement includes information on the use of reasonable force to control or restrain pupils.

Purpose of policy

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school. It is recognised that the majority of pupils in our school/provision respond positively to the discipline and control practised by staff. This ensures the well-being and safety of all pupils and staff in (name of school/provision). It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required. (Name of school/provision) acknowledges that physical techniques are only part of a whole setting approach to behaviour management.

Every effort will be made to ensure that all staff in this school/provision:

- clearly understand this policy and their responsibilities in the context of their duty of care for taking appropriate measures where reasonable force is necessary and
- are provided with appropriate training to deal with these difficult situations.

Implications of the policy

The Education and Inspection Act 2006 stipulates that reasonable force may be used to prevent a pupil from doing, or continuing to do, any of the following:

- engaging in any behaviour prejudicial to maintaining good order and discipline at the school among any of its pupils, whether the behaviour occurs in a classroom during a teaching session or elsewhere within the school (this includes authorised out-of-school activities);
- self-injuring;
- causing injury to others;
- committing an offence;

Individual members of staff cannot be required to use physical restraint. However, teaching and non-teaching staff work in loco parentis and should always operate with an appropriate 'Duty of Care'; they could be liable for a claim of negligence if they fail to follow the guidance within this policy.

The application of any form of physical control places staff in a vulnerable situation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow the policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

Reasonable force will only be used as a last resort when all other behaviour management strategies have failed or when pupils, staff or property are at risk.

Definitions

Reasonable force

No legal definition of reasonable force exists. However, for the purpose of this policy and the implementation of it in (name of school/provision):

- positive handling uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming him/herself, others or property.
- 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.

Physical contact

Situations in which proper physical contact occurs between staff and pupils, e.g. in the care of pupils with learning disabilities; in games/PE; to comfort pupils.

Physical intervention

This may be used to divert a pupil from a destructive or disruptive action, e.g. guiding or leading a pupil by the hand, arm or shoulder with little or no force.

Physical control/restraint

This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. It is important to note that the use of 'reasonable force' should be seen as a "last resort".

The level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint.

Underpinning values

Everyone attending or working in this school/provision has a right to:

- recognition of their unique identity;
- be treated with respect and dignity;
- learn and work in a safe environment;
- be protected from harm, violence, assault and acts of verbal abuse.

Pupils attending this school/provision and their parents have a right to:

- individual consideration of pupil needs by the staff who have responsibility for their care and protection;
- expect staff to undertake their duties and responsibilities in accordance with the school's policies;
- be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school;
- be informed about the school's complaints procedure.

The school will ensure that pupils are given support to understand the need for and respond to clearly defined limits, which govern behaviour in the school.

Authorised staff

In this school/provision: all staff are authorised to use reasonable force within the context of The Education and Inspection Act 2006 – 'The use of reasonable force to control and restrain pupils'.

The school provides training for all staff and the headteacher retains a list of all those staff trained. The list is reviewed on an annual basis (or more frequently if the context requires it).

The headteacher is responsible for making clear to whom such authorisation has been given (in what circumstances and settings they may use force and for what duration of time this authorisation will last). The headteacher will ensure that those authorised are aware of, and understand, what the authorisation entails. Those whom the headteacher has not authorised will be told what steps to take in the case of an incident where control or restraint is needed.

Staff from the LEA working within the school

Support services will have their own policies for care and control of pupils. When working within the school, it is the headteacher's responsibility to ensure that colleagues from support services are aware of school policy and practice.

Training

It will be the responsibility of the headteacher to arrange suitable training. Training for all staff will be made available. No member of staff will be expected to undertake the use of reasonable force without appropriate training. Prior to the provision of training, guidance will be given on action to be taken. Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development.

Following a review of existing school practice(s), in consultation with governors/staff and the Learning Trust, the school/provision is committed to using (insert name of provider), providing this approach continues to adopt the British Institute for Learning Difficulties (BILD) Code of Practice on physical intervention, and has been or is working towards being accredited through the BILD Physical Interventions Accreditation Scheme. (Name of) School acknowledges that physical techniques are only a part of a whole setting approach to behaviour management. The governors of the school are committed to working within the Learning Trust's framework for accessing training in that:

1. It will review its behaviour policy on a two-year cycle at least;
2. Training will be delivered on a needs-based approach and procedures are in place to monitor incidents, following a behavioural audit and implementation of appropriate risk management procedures;
3. All training will include theory on at least the following:
 - causes of challenging behaviour;
 - prevention strategies;
 - positive behaviour management;
 - de-escalation;
 - risk assessment;
 - behaviour support planning;
 - de-brief following incidents.
4. Physical techniques are not treated in isolation and the school is committed to ensuring that, as a result of incidents, learning opportunities are created for children that allow them to 'own' and take responsibility for their behaviour.

In addition, procedures are also in place to ensure that appropriate support is provided for staff and that following an incident pupil/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

All the techniques used take account of a young person's:

- age;
- gender;
- level of physical, emotional and intellectual development;
- special needs;
- social context.

Also, they provide a gradual, graded system of responses.

Where appropriate, Positive Handling Plans are written for individual children and, where applicable, these will be designed through multi-professional collaboration. These should be included in any Pastoral Support Plans/IEPs.

Risk assessments need to be completed against each child when physical restraint may need to be used, in the context of identified target behaviour(s) and environments in which they occur. The assessment should identify the benefits and the risks associated with the strategies being proposed.

Strategies for dealing with challenging behaviour

As endorsed in the school's Behaviour Policy, staff consistently use positive strategies to encourage acceptable behaviour and good order.

Every effort will be made to resolve conflicts positively and without harm to pupils or staff, property, buildings or the environment. Where unacceptable behaviour threatens good order and discipline and provokes intervention, some or all of the following approaches should be taken according to the circumstances of the incident.

- verbal acknowledgment of unacceptable behaviour with request for the pupil to refrain (this includes negotiation, care and concern);
- further verbal reprimand stating:
 - that this is the second request for compliance;
 - an explanation of why observed behaviour is unacceptable;
 - an explanation of what will happen if the unacceptable behaviour continues.
- warning of intention to intervene physically and that this will cease when the pupil complies. If possible summon assistance from (cite school support structures).
- physical intervention. Reasonable force being used to prevent a child harming him or herself, others or property.

Types of incident

The incidents fall into three broad categories:

- Where action is necessary in self-defence or because there is an imminent risk of injury;
- Where there is a developing risk of injury or significant damage to property;.
- Where a pupil is behaving in a way that is compromising good order or discipline.

Examples of situations, which fall within one of the first two categories are:

- a pupil attacks a member of staff, or another pupil;
- pupils are fighting;
- a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- a pupil is causing, or at risk of causing, injury or damage by accident, rough play, or by misuse of dangerous materials or objects;
- a pupil is running in a corridor or on a stairway such that he or she might have or cause an accident likely to injure him or herself or others;
- a pupil absconds from a class or tries to leave school (NB: this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations which fall into the third category are:

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

Acceptable measures of physical intervention

The school will put in place systems for managing and reviewing the following:

- strategies for preventing the occurrence of behaviours which precipitate the use of a physical intervention;

- strategies for 'de-escalation' or 'de-fusion' which can avert the need for a physical intervention;
- procedures for post-incident support and de-briefing for staff, children, service users and their families.
- The concept of reasonable force where 'reasonableness' is determined with reference to all the circumstances, including:
 - the seriousness of the incident;
 - the relative risks arising from using a physical intervention compared with using other strategies;
 - the age, cultural background, gender, stature and medical history of the child or service user concerned;
 - the application of gradually increasing or decreasing levels of force in response to the person's behaviour;
 - the approach to risk assessment and risk management employed;
- the distinction between:
 - **seclusion** where an adult or child is forced to spend time alone against their will in a locked room or room which they cannot leave (NB: this is not a permissible form of control).
 - **time out** which involves restricting the service user's access to all positive reinforcements as part of the behavioural programme;
 - **withdrawal** which involves removing the person from a situation which causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities;
- the distinction between planned physical interventions (where incidents are foreseeable in that they have occurred previously and a response planned following a risk assessment) and the use of force in emergency situations (which cannot reasonably be anticipated);
- first aid procedures to be employed and those responsible for implementation in the event of an injury or physical distress arising as a result of a physical intervention;
- **unacceptable** practices that might expose service users or staff to foreseeable risk of injury or psychological distress.

Wherever possible, assistance will be sought from another member of staff.

Positive handling at (name of school/provision) is seen as a proactive response to meet individual pupil needs.

Recording

Where physical control or restraint has been used, a record of the incident will be kept. This record should be made in the school Serious Incident Book, statutory for all special school provisions. This is a hard-backed book, with numbered pages, retained by the headteacher and containing a brief reference to the detailed Restraint Form and Health & Safety/Incident Form as appropriate.

The Restraint Form will be completed as soon as possible after the incident, normally prior to staff going off duty and be signed by all staff involved and the headteacher. After the review of the incident, copies of the Restraint Form will be placed on the pupil's file. A Health and Safety Accident/Incident Form will be completed and returned to the Learning Trust in situations where injury has occurred to either members of staff or pupils. Where staff have been involved in an incident involving reasonable force, they should have access to support as appropriate.

Monitoring incidents

Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documented following agreed procedures. Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Headteacher to the needs of any pupil(s) whose behaviour may require the use of reasonable force. Monitoring of incidents will take place on a regular basis and the results used to inform planning to meet individual pupil and school needs.

Action after an incident

The Headteacher will ensure that each incident is reviewed and investigated further as required. If further action is required in relation to a member of staff or a pupil, this will be pursued through the appropriate procedure:

- review of behaviour programme;
- child protection procedure (this may involve investigations by police and/or social services);
- staff or pupil disciplinary procedure;
- school behaviour policy;
- exclusions procedure in the case of violence or assault against a member of staff.

The member of staff will be kept informed of any action taken.

In the case of any action concerning a member of staff, he/she will be advised to seek advice from his/her professional association/union.

Complaints

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them.

Any complaints about staff will be investigated through the school's Complaints Policy. If necessary, the complaint will be dealt with by the Staff Disciplinary Procedures and/or Child Protection Procedures.

Other relevant policies

Other relevant policies that cross reference with this one are:

(School to draw up list of relevant policies eg: Behaviour Policy, Exclusion Policy, Health & Safety Policy, Child Protection Policy).

Incident recording sheet

Positive handling significant incident log

Log number: _____

Report date: _____

Name of pupil: _____

Age year group: _____ Form tutor: _____

Date of incident: _____ Time of day: _____

Location: _____ Activity or lesson: _____

Length of intervention: _____

Report compiled by: _____

Role and position of compiler: _____

Name(s) of staff involved: _____

Name of anyone who witnessed the event (staff): _____

Name of anyone who witnessed the event (pupils): _____

Has record been logged in incident book? Yes/No

Reason for intervention:

- Danger of personal injury to pupil(s) or member(s) of staff
- Damage to property anticipated/actual
- To prevent absconding/to retrieve from running away
- Prevent criminal act/interrupt current criminal act
- Prevent/interrupt disruption

Antecedents (What is known about state of agitation and triggers for the incident? Please record behaviours rather than perceived emotions).

Behaviour observed:

- Persistent refusal to follow instructions
- Verbal abuse
- Property damage
- Persistent disruption of group activity or lesson
- Pushing Hitting Biting Kicking Head butting Spitting
- Self-harm

Response:

How did the pupil respond to the intervention? Describe what actually happened.

De-escalation techniques used:

- Reminder of previous success/contingent touch/step away/take-up time
- Praise for appropriate response/verbal support reassurance
- Calming and offer to listen/planned ignoring
- Persuasion distraction/appropriate humour/choices offered
- Limits and consequences set
- Time out offered/time out/directed negotiation
- Change of staff

Holding or guiding techniques used in the intervention:

(Add descriptor of Team-Teach techniques where appropriate training has taken place)

Total duration of the physical intervention:

Who was involved in holding the pupil throughout? _____

Post-incident intervention:

What did the pupil say about the event?

What did the staff member say about the event?

What steps were taken to repair and rebuild relationships?

For the pupil?

For staff involved?

Was there an opportunity to reflect and learn from the incident? Yes/No

What was the outcome of such a discussion?

Medical intervention

Breathing and circulation checked throughout the event? Yes/No

Did the pupil sustain any bruises? Yes/No

Details: _____

Known physical injury to the child? Yes/No

Details: _____

Referral to GP or Hospital Yes/No

Injury to others: _____

Injury to staff: _____

To whom was the incident reported

Contemporaneous record made in Incident Log Book? Yes/No

Reported to: _____

Time of Report: _____

What were the consequences of the incident (resolution)

Please describe: _____

Response and view of the pupil:

This report has been read to and discussed with the pupil? Yes/No

The pupil agrees with the content Yes/No

If no, what views does pupil hold?

Staff debriefing of the event

Debriefing carried out by (line manager)? Yes/No

Comments for record: _____

Signed (line manager): _____

Date parent informed: _____

Parental comments: _____

Further action or consequence: _____

Name of other professionals involved with pupil (e.g. EWO/ social worker/psychologist):

Child Protection informed? Yes/No

Date: _____

Signed (responsible manager): _____

FULLY COMPLETED FORM MUST BE SUBMITTED TO THE HEADTEACHER NO LATER THAN 24 HOURS FOLLOWING THE INCIDENT.

Headteacher's monitoring, action and comments

Was sufficient/appropriate de-escalation undertaken?

Were the grounds for the use of physical intervention secure?

Were approved methods used?

Was sufficient appropriate action taken after the incident?

Is record keeping complete?

Were all relevant people informed?

Were there any complaints which still need action?

Other comments:

Appendix 7

Model Risk Assessment

Risk Assessment

Name of pupil: _____

D.O.B.: _____

Age: _____

Year group: _____

Risk assessment completed by: _____

Date: _____

1. Types of behaviour causing concern

	Frequency	Intention	Probability of harm	Likely location of behaviour
	Hourly Daily Weekly	Deliberate Accidental Involuntary	Improbable Possible Probable Likely	
Disruption				
Vandalism				
Bullying				
Fighting				
Violent and aggressive				
Absconding/ absence				
Substance/ alcohol abuse				
Impulsive dangerous behaviour				
Self harm				
Discriminatory behaviour				
Inappropriate sexual behaviour				
Medically related behaviour				
Other (please specify)				

Likely triggers/reasons for behaviour

Please tick behaviour and list the source

Reason	✓	Source (eg. teacher/parent/ support teacher/LSA/CA)
Frustration		
Conflict		
Pressure		
Ego defensive		
Inappropriate response to challenge		
Failure to anticipate/accept consequentiality		
Poor response to structured environment		
Peer dynamics		
Alcohol abuse		
Drugs/substance abuse		
Control issues		
Learned behaviour		
Sexual perpetrator		
Educational difficulty		
Racial attack		
Gender issues		
Psychological/psychiatric		
Other		

Flash points

(locations, times, and people at greatest risk)

At risk behaviour	Location	Persons to whom behaviour may be directed

5. Rewards/motivators

List motivators and rewards which the pupil may respond to:

Management plan

Strategies to manage behaviour

Description of high risk behaviour			
Proactive intervention to prevent risk	Early interventions to manage risk	Reactive interventions to respond to adverse outcomes	Possible impact of interventions

Description of high risk behaviour			
Proactive intervention to prevent risk	Early interventions to manage risk	Reactive interventions to respond to adverse outcomes	Possible impact of interventions

Plan evaluated: _____

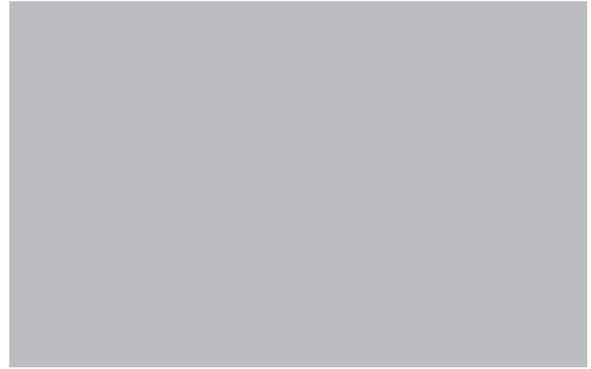
Acknowledgements

The following are acknowledged as sources for parts of the above document

1. Team-Teach website and materials
2. Nugent House Special School – sample Incident Report Form
3. Birmingham LEA – model policy
4. Durham LEA - Incident Log
5. West Midlands SEN Regional Partnership Care and Control – auditing tool and model policy
6. Windlestone Hall School – source for adapted Risk Assessment

Notes





Supplying education services on behalf of
The London Borough of Hackney

