

## 1. Introduction

- 1.1 The head teacher and governors have a responsibility to maintain the safety of pupils and staff. There is a responsibility to prevent serious breaches of school discipline and to prevent serious damage to property. We are committed to the principle that force and restraint should only be used in a reasonable way and when all other means of resolving issues are deemed inappropriate.
- 1.2 We recognise our responsibility both to provide curriculum access for children with disabilities and to ensure the health, safety and welfare of our employees and pupils as far as is reasonably practicable. This positive handling policy has been designed to comply with the requirements of the Manual Handling Operations Regulations, 1992 (revised 1998 edition), and the Health and Safety at Work Act, 1974. It takes full account of the Equality Act 2010, the SEN and Disability Act, 2001, the European Convention for the Protection of Human Rights and Fundamental Freedoms and the EU Charter of Fundamental Rights. It also complies with and supplements the provisions of section 550A of the Education Act 1996<sup>1</sup> and the Government's directives to reduce school exclusions.
- 1.3 At The Rise School we aim to create and maintain a calm and orderly environment that minimises the risk of incidents arising that might require the use of force. This is done in a number of ways:
- Using an array of techniques to support pupils' behavioural and psychological needs.
  - Inclusion of Social and Emotional Aspects of Learning to teach pupils how to manage conflicts and strong feelings.
  - Train staff in the functions of behaviour and how to respond in a way which increases appropriate behaviour.
  - Ensuring staff prioritises the use of de-escalation techniques to manage conflict if it does arise.
  - Only using force when the risks involved in doing so are outweighed by the risks involved in not using force.
  - Having up to date and regularly reviewed risk assessments and positive handling plans and doing so only for pupils who need them.
- 1.4 Pupils who attend The Rise School will engage in the daily routines and comply with appropriate boundaries, proactive strategies will be put in place to help them do so. However, there are times when the behaviour of a child becomes challenging and requires staff intervention to ensure the pupil's own safety, the safety of others and/or ensure that property is not damaged.
- 1.5 The Rise School utilises a School-Wide Positive Behaviour Support framework to provide a predictable, consistent, positive and safe learning environment in which pupils can achieve academic, social and behavioural outcomes.
- 1.6 In this policy we adopt this definition of challenging behaviour:  
... behaviour of such intensity, frequency or duration that the physical safety of the person or others is likely to be placed in serious jeopardy, or behaviour which is likely to seriously limit or delay access to and use of ordinary community facilities<sup>2</sup>
- 1.7 Challenging behaviour may require physical intervention. This policy aims to set out clear guidelines for the use of various forms of physical intervention. The policy is one aspect of behavioural management at The Rise School and should be read in conjunction with the Behaviour and Discipline Policy.

<sup>1</sup> See also DfEE Circular 10/98. DfE (2011). *The Education Act*.

<http://www.education.gov.uk/aboutdfe/departamentalinformation/educationbill/a0073748/education-bill>

<sup>2</sup> Emerson, E., Barrett, S., Bell, C., Cummings, R., McCool, C., Toogood, A., & Mansell J, (1987). *Developing services for people with severe learning difficulties and challenging behaviour*: Report of the early work of the Special Development Team in Kent.

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- 1.8 The need for the use of physical intervention must also be assessed on an individual basis and monitored and reviewed frequently in order for other, less restrictive strategies to be used if possible.
- 1.9 We recognise that different types of physical intervention can be used for different purposes:
- To control: control can be achieved by intervention that does include physical contact, for example standing between pupils or blocking a pupil's path, or by physical contact without the use of force, for example leading a pupil by the hand or arm, or ushering a pupil
  - Restraint: when members of staff prevent a pupil from continuing unacceptable behaviour by physically restricting or limiting the pupil's movement.

Restraint techniques should only be used in more serious circumstances when there is need to prevent harm – that is, in self-defence, to protect a pupil or where significant damage to property is involved.

- 1.10 The school has adopted the Team-Teach Approach, to exercise the minimum necessary degree of control and the minimum force (when force is necessary) for the minimum amount of time to ensure the maximum care of the young person. The primary consideration must always be the welfare and best interests of the child or young person. Physical intervention should be used only after all other behavioural management strategies have been tried without success.
- 1.11 Physical techniques should be used in a way that provides a gradual, graded system of response, commensurate with the risk and appropriate to the circumstances, the type of behaviour and the child or young person involved. We recognise that individuals will respond in different ways to different forms of control and (when necessary) physical restraint. The School will not rely on pain or 'locks' for control. Neither will we use any form of physical intervention for punishment.
- 1.12 Team-Teach training is affiliated to The General Services Association. It is currently accredited by The Institute of Conflict Management (2015). The Department for Education (DfE), Department of Health (DH) and the National Union of Teachers (NUT), and others, support the use of Team-Teach as providers of training in the acceptable use of physical intervention.
- 1.13 Team-Teach techniques seek to avoid injury to the pupil and reduce risk, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of technique or professional approach, but a regrettable and infrequent side effect of ensuring that the pupil remains safe. Any outcome of this nature resulting from physical intervention will be recorded in the accident/serious incident book.
- 1.14 Team teach at the Rise School is led by a member of the Behaviour and Welfare team who provides training and monitors interventions, and is when possible supported by another member of staff. Members of staff in charge of overseeing the use of physical interventions in the school are trained by Team Teach and supervised by the SLT.

## 2. Defining restraint, restrictive physical intervention

- 2.1 Various forms of physical intervention can be used to control or contain a person's behaviour. Team-Teach suggest that physical intervention, including escort, holding and restraint should account for less than 5% of all physical intervention; at least 95% of situations should be managed using non-physical strategies. Where non-physical strategies are ineffective, physical intervention may become necessary and one or more forms of physical intervention ('techniques') may be used.
- 2.2 It is important to bear in mind that the various techniques are not set in a fixed, progressive scale of restrictiveness. Whichever methods are used to control and contain behaviour, any intervention that restricts a child's liberty must be proportionate to the risks it is designed to prevent or reduce.
- 2.3 **Personal Safety Techniques** are used to disengage from challenging behaviour. These techniques are designed to disengage without causing pain or injury to the pupil, however when responding to some particularly risky behaviours (biting and pulling hair) the pupil may experience minimal discomfort.

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- 2.4 **Escorting** is accompanying for protection or guidance. The level of compliance from the pupil being escorted and the degree of physical intervention being used by member(s) of staff will determine whether this act should be considered as a restraint (i.e. was the pupil's movement being controlled for their and others safety).
- 2.5 **Holding** is used to maintain control and calm the situation, avoiding harm to self or others. It is the degree of force used in relation to the risk of harm and level of co-operation and compliance being displayed by the pupil that determines when holding becomes restraining.
- 2.6 **Restraint** involves physical control and is defined by the positive application of force by staff, in order to control rigorous resistance; completely directing, deciding and controlling a person's free movement. The Mental Capacity Act 2005 defines restraint as the threat or uses of force to secure the doing of an act which the person resists or which restricts his liberty of movement, whether or not he resists. These two definitions are not incompatible, and the School takes due regard of both. The purpose of restraint should be to safeguard the person, other people or prevent significant damage to property. The proper use of restraint requires knowledge, understanding, skill and judgement. As a minimum standard, all instances of restraint should be reported, recorded and reviewed.
- 2.7 **Withdrawal, Time-Out, Seclusion.** It is important to differentiate between these types of restrictive physical intervention:
- *withdrawal* involves removing the person from a situation which is causing anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities
  - *time-out* involves restricting the individual's access to positive reinforcement as part of a behaviour plan
  - *seclusion* involves the young person being forced to spend time on their own against their will and will only be considered in exceptional circumstances.
- 2.8 Withdrawal will only be used as part of an agreed behaviour plan or on rare occasions where an unforeseen incident occurs; withdrawal would be used when all other attempts at de-escalation and other forms of escort or restraint have been exhausted. If such intervention involves the use of a separate room then the individual involved must be continually monitored by a member of staff to ensure their safety and well-being. On occasion it may be necessary to ensure that the pupil is unable to leave the room for the safety of themselves or others and this would be done by holding the door closed. The doors are not lockable with a key to ensure that no pupil will ever be left unsupervised during withdrawal in a support room. Use of withdrawal is continually reviewed and monitored in the same way as any other restrictive physical intervention through the Positive Handling Plans. *Seclusion* is not used in any planned interventions and there are always opportunities for the young person to be supported by or communicate with staff members during either a *withdrawal* or *time-out*.

### 3. Defining the use of reasonable force

- 3.1 There is no pre-determined level of 'reasonable force'; whether the amount of force used is reasonable will depend on the circumstances of the particular incident and the risks arising from it. The use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it. Any force used should always be the minimum needed to achieve the desired result. The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent.
- 3.2 Physical interventions should be guided by the principles of minimum force for the minimum time. Although in high risk situations, minimum force might be dependable on judgement, Staff should only use approved physical interventions that are reasonable, proportionate and absolutely necessary. Physical interventions should stop as soon as it is safe to do so.
- 3.3 Staff should be aware of Positive Handling Plans for the pupils commonly under their care. Unless it is thought to further escalate the pupils, all physical interventions should be accompanied by verbal

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and/or visual de-escalation strategies and pupils should be reassured with calm voice on the course that staff will be taking. Staff will take the pupil's preferences into account during physical interventions whenever possible (i.e. seated or standing hold, preferred member of staff). However, the key priority is the safety of everyone in the school community and considerations about levels of disruption would also be taken into account.

3.4 In some situations staff should not intervene in an incident without help (unless it is an emergency), for example, when dealing with an older pupil, a physically large pupil, more than one pupil, or if the member of staff believes he or she may be at risk of injury. In those situations the staff should remove other pupils who might be at risk, and summon assistance from a colleague or colleagues. The member of staff should inform the pupil(s) (when appropriate) that he or she has sent for help. Until assistance arrives the staff member should continue to attempt to de-escalate the situation. All members of staff who may have to intervene physically with pupils must clearly understand the options and strategies open to them. They must know what is acceptable and what is not.

3.5 A number of key principles underpin the use of 'reasonable force' through physical intervention or the use of a different room. However, in all cases the use of Restrictive Physical Intervention can only be justified if there is:

- a likelihood of injury to the child or young person (including self-harm)
- a likelihood of injury to others
- a likelihood of serious damage to property
- a likelihood of the pupil committing a criminal offence (including behaving in a way that would be an offence if the pupil were not under the age of criminal responsibility).

3.6 The use of restrictive physical intervention is also governed by the principles of legal and ethical practise. Section 550A of the Education Act 1996 and Section 93 of the Education and Inspections Act 2006 enables staff who are authorised by the Head Teacher who are responsible for the safety and wellbeing of pupils to use such force as is reasonable. Any intervention should:

- be in the best interests (The Children Act 1989) of the child or young person
- be reasonable and proportionate to the circumstances (DFE 2010 Guidance)
- use minimum force necessary for the minimum time necessary
- be based on a comprehensive risk assessment (1974 Health and Safety Act)
- have regard for young people and adults present
- respect the safety and dignity of all concerned
- implement procedures to reduce and eliminate the use of restraint and seclusion
- ensure that systems to review critical incidents and the use of restrictive practices, including physical interventions are 'fit for purpose'

#### 4. Physical intervention & positive handling plans

4.1 **Physical intervention** and restraint will only be sanctioned if they are part of an initial, short-term strategy used within the context of a comprehensive, data-based, positive handling plan. They are only to be used to ensure the immediate physical safety of the pupil or others. Reasons must also be provided to support the continuation of any plan. An important part of the positive handling plan is a comprehensive risk assessment. We aim to put positive handling plans in place within 2 weeks of any of the following:

1. A restrictive physical intervention being used with the pupil.
2. The pupil displays aggressive behaviour towards another person that causes injury requiring first aid treatment.
3. The pupil causes extensive property destruction that could pose a risk to self or others health and safety.
4. A 'personal safety response' that involves minimal discomfort is used with the pupil.
5. The pupil engages in self injurious behaviour that poses a significant risk to their health and safety.

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4.2 **Unplanned physical intervention** may become necessary when a child or young person behaves in an unexpected way, the child or young person may not have a behaviour plan and trained staff may not be on hand. **The duty of care still remains if appropriately trained staff are not on hand to assist the child or young person.** The response (by untrained staff who must act out of necessity) must be reasonable, proportionate, and necessary and use the minimum force necessary to prevent injury and maintain safety, consistent with the circumstances and with any training the staff may have received. However, to take no action where the outcome is that a child injures himself or another, including staff, could be seen as negligent in legal terms.

## 5. Elevated risks

5.1 Some procedures are known to carry elevated levels of risk. The DfE's document "Guidance on the use of Restrictive Physical Interventions for staff working with Children and Adults who display extreme behaviour in association with learning disability and or Autistic spectrum disorders" (LEA/2042/200) identifies associated elevated risks with techniques which:

- use clothing or belts to restrict movement
- hold someone who is lying on the floor or forcing them to the floor
- place someone in seclusion.

5.2 Under no circumstances does The Rise School use any procedure which restricts breathing or puts pressure on the joints, neck, chest, groin or abdomen. Holds while child is in prone position must not be used at any time.

5.3 All interventions are supported by a thorough assessment of risk and evaluation of the child's or young person's needs, implemented by appropriately trained and skilled staff and with the approval of a senior member of staff. This is done when, despite a high adult to pupil ratio, it is not possible to avoid injury to individuals and/or others, and only used as a remedy in the best interest of the child or young person, when the team of highly trained staff can no longer maintain a safe environment.

## 6. Recording incidents

6.1 All interventions should be in accordance with Positive Handling Plans. Physical interventions will aim to be systematically faded out as determined by data, review and monitoring. If an intervention occurs that is not in the Positive Handling Plan, staff should inform the Team Teach trainers who will update the Positive Handling Plans accordingly.

6.2 Restrictive physical interventions are recorded in accordance with Team Teach suggestions and the incident is also entered in SIMS with 'physical intervention' selected as the type of incident. Records are filed centrally and they are reported to Board of Trustees- pupil welfare committee on a termly basis.

6.3 Following any restrictive physical intervention where a pupil or staff member is injured the incident will also be recorded on the incident/accident system and also recorded as a physical intervention on SIMS and on the paper system.

6.4 Incidents of physical aggression which result in injuries to staff or pupils are responded to by the leadership team who informs parents/carers and ensures follow up actions are implemented as needed. Each term a report is compiled and presented to the Board of Trustees. All incidents of injuries to staff or pupils as a result of challenging behaviour and also all incidents of restrictive physical intervention.

6.5 Parents will be informed of the occurrence restrictive physical interventions in writing, by phone or in person. The incident will be recorded in accordance with Team Teach suggestions. Any single episode of a restrictive physical intervention lasting longer than 15 minutes is also recorded in the incident book which is kept by the Head Teacher.

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6.6 All data related as physical intervention will be retained by the school for at least 25 years following the date of the incident.

## **7. Corporal punishment**

7.1 Any physical intervention or act which deliberately intends to punish a pupil, or which is primarily intended to cause pain, injury or humiliation is strictly forbidden. Examples of this include hitting, pushing, slapping, kicking, poking or prodding a pupil. Staff who engage in any such act would render themselves liable for dismissal.

## **8. Staff training**

8.1 The Rise School aims to train all staff in Team-Teach strategies and techniques and aims to employ in-house intermediate tutors to ensure the safety of pupils and staff at all times. There will be on-going refresher courses provided by these tutors to ensure that staff are adequately trained and supported in managing challenging behaviour. Where necessary, each pupil has a positive handling plan tailored to meet their individual needs. In house tutors provide input to these plans and ensure their effective dissemination to members of the wider school team.

8.2 As well as the formal Team-Teach training courses, in-house training will cover staff attitudes to physical intervention, the importance of de-escalation and the school culture in the positive handling of pupils. All new members of staff receive induction training which includes physical intervention and behavioural management. Staff will also receive in-house supervision and on-going training regarding management of behaviour. The trainers receive refresher courses regularly in accordance with Team-Teach required re-certification periods, and additionally provide training and support with specific pupils.

## **9. Support for staff & pupils**

9.1 Debriefing after an incident is essential in supporting staff and pupils. Staff are provided with opportunities to debrief with appropriate members of staff, the support team or utilising employee assistance and therapy. Debriefs with staff occur after any incident, and this may be formal or informal debriefs, individually or as a part of a team, to review the incident and may inform decisions on changes to existing Positive Handling Plans, recommendations in behaviour support, behaviour plans or identify training/support for staff where needed. All staff should have the opportunity for a break out of class and the opportunity to debrief following an incident.

9.2 Pupils are also given appropriate debriefs after an incident. This may be talking through the incident with a trusted member of staff, or less able pupils, may take the form of reduced demand, rapport building and on-going monitoring and support from a staff member before returning back to regular classroom routines.

9.3 Working in an environment where physical restraint is being used with some frequency can be very stressful for staff. Part of the function of monitoring and reviewing record forms by the Head Teacher is to identify where there are particular areas of difficulty and what particular support should be offered.

## **10. Communicating with parents**

10.1 Partnership with parents is crucial. All parents are asked to sign their child's home school agreement and parental views are taken into account for the individual young person's behaviour plan which specifies the techniques that may be used with their child. In this regard, parental consent to use physical intervention is secured as part of admission and the on-going partnership working with parents. The use of alternative rooms must be permitted by parents. Parents have a right to know when physical restraint is carried out in relation to their child and accordingly they will be notified when any unplanned restrictive intervention occurs or if the pupil is injured during an intervention. The school will continue to assure parents of the on-going training, monitoring, evaluation, recording and reporting of physical intervention and the use of alternative rooms. Parents will also be offered an opportunity to discuss with the class staff, support team or Head Teacher physical intervention and any on-going behaviour management strategies that are being adopted.

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## 11. Communicating with local authorities (LAs)

- 11.1 We welcome joined up working with local authorities and the involvement of other external professionals. All LAs have a right to know why physical restraint is carried out. Some LAs may require each record of physical restraint to be forwarded to them, while others may prefer an arrangement whereby these records are made available in summary form at regular intervals (e.g. at termly or annual reviews). Progress with behaviour intervention will typically be discussed with LAs in the annual review meeting.
- 11.2 Where the use of physical intervention, including physical detention/seclusion is considered to be, or alleged to be, unlawful or disproportionate, the Local Authority Designated Officer must be consulted without delay.

## 12. Complaints

- 12.1 We all have a duty of care to the young people in our school and cannot escape our legal responsibilities by avoiding taking appropriate and necessary action. A clear policy adhered to by staff, should help to avoid complaints from parents. It will not prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation.
- 12.2 Staff, subjected to physical violence or assault, have the right to be supported in making a formal complaint to the police and, if necessary, taking private action against an assailant. It is our intention to inform all staff, pupils, parents and governors about these procedures and the context in which they apply. Adhering to the principles and procedures referred to in this policy statement is part of effective practice and should minimise risk to young people in our care and enhance our own self-protection.

This policy should be read in conjunction with the following school policies:

- Behaviour & discipline
- Confidentiality
- Data protection
- External communications
- Healthcare
- Child Safeguarding

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## Positive handling

### Appendix 1: Legislation & guidance for positive handling

The following legislation and guidance has been taken into account in the production of the Positive handling policy:

- The Association of Directors of Children’s Services (ADCS)
- The Health and Safety at Work Act 1974
- The Education and Inspections Act 2006 (11/07)
- Circular 10/95 “Protecting Children from Abuse: The Role of the Education Service.”
- Disability Discrimination Act, 1995
- The SEN and Disability Act, 2001
- The European Convention for the Protection of Human Rights and Fundamental Freedoms
- EU Charter of Fundamental Rights (Nice 2000).
- Commission for Social Care Inspection (CSCI) “Children’s Views on Restraint” (2004)
- The Manual Handling Operations Regulations, 1992 (revised 1998 edition)
- Department of Education “Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders.” July 2002 Ref: LEA/0242/2002
- Department of Education “Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties.” September 2003 Ref: LEA/0264/2003
- Circular 10/98 “Section 550A of The Education Act 1996: The Use of Force to Control or Restrain Pupils”
- Department of Health (DOH) / DFES Joint Guidance on Restrictive Physical Intervention (2002 & 2003)
- DFEE Circular 14/96 “Supporting Pupils with Medical Needs in Schools”
- Camden LEA Draft Policy for Physical Intervention Final Version – March 2003
- Harris, J, Cornick, M, Jefferson, A and Mills, R (2008) Physical Interventions: A Policy Framework. Second edition. Kidderminster: BILD.
- Letter from Chris Wells to Chief Education Officers on the Use of Positive Handling Strategies, sent 24<sup>th</sup> April 2001
- Section 93 of the Education and Inspections Act 2006
- Apprenticeship, Skills, Children and Learning act 2009
- DOE Use of Reasonable Force July 2013
- The Institute of Conflict Management 2015

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