



Church Valley Schools Federation

Care and Control Policy : The Use of Positive Handling to Manage Challenging Behaviour

As a Church of England Federation of Schools, we nurture the Christian faith in our pupils as well as teaching them knowledge and understanding of other religions. All stakeholders of Church Valley Schools Federation value:

- Equality
- Forgiveness
- Generosity
- Perseverance
- Potential

And they are encouraged to reflect upon their learning and actions at all times.

Physical touch

The staff in Church Valley Schools Federation believe that physical touch is an essential part of human relationships. In our school adults may well use touch to prompt, to give reassurance or to provide support in PE.

To use touch/physical support successfully, staff will adhere to the following principles. It must:

- be non-abusive, with no intention to cause pain or injury
- be in the best interests of the child and others
- have a clear educational purpose (e.g. to access the curriculum or to improve social relationships)
- take account of gender issues

Staff need to be aware of sensitivities associated with any form of physical contact with students. More guidance and advice on physical contact other than the exercise of the power to use force is provided by the Education and Inspections Act 2006.

Introduction

This policy has been developed in response to The Education and Inspections Act 2006 section 93, which reinforces, supersedes and replaces previous guidance. It also takes cognisance of joint guidance issued by the DfE and Department of Health, and follows the guidance for "The Use of Reasonable Force to Control or Restrain Pupils". This is to be used in conjunction with Care and Control/Positive Handling appendices – see attached.

UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD

Article 12: Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account. Church Valley Schools Federation will provide opportunities for all pupils to have a voice in how they understand they contribute in a moral and socially accepting society. Children and adults are integral to our schools' vision in nurturing respect and understanding to all.

Article 36: Children should be protected from any activities that could harm their development.

Church Valley Schools Federation will ensure that every child is supported in times of challenge to their physical safety and the safety of others. Staff within the schools will uphold safeguarding as paramount, but also to ensure that dignity and positive outcomes are achieved safely and quickly

The policy should be read in conjunction with other school policies and guidance 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 schools and to explain the schools' arrangements for care and control. Its contents are available to parents and pupils.

Objectives

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

Every effort will be made to ensure that all staff in our schools:

- (i) Clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where use of force is necessary and
- (ii) Are provided with appropriate training to deal with these difficult situations.

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

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

As teaching and non-teaching staff work "in loco parentis" and have a "Duty of Care" towards their pupils, 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 inevitably carries an attached risk of unintended harm and this places staff and the schools at risk of potential litigation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow this policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention. Staff must be aware that they are responsible for:

- assessing risks related to individual circumstances which may arise in the course of their day-to-day duties and

- making judgements about when the use of force is necessary and the degree of force which may be regarded as necessary to manage a situation.

Staff need to be aware that they are required to justify their decisions in writing through the recording and reporting procedures outlined later in this document.

Underpinning Values

Everyone attending or working in our schools 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 our schools 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 schools' policies;
- be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in our schools;
- expect IEP's to be designed to achieve outcomes that reflect the best interests of the child whose behaviour is of immediate concern and others affected by the behaviour requiring intervention;
- be informed about the schools' complaints procedure.

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

USE OF PHYSICAL HANDLING

No legal definition of reasonable force exists however for the purpose of this policy and the implementation of it in the schools promotes that:

Positive Handling uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming himself, 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.
- Staff would be expected to follow the pupil's IEP / Risk Assessment in the first instance to manage an incident/challenging behaviour
- If this was unsuccessful and the situation continues to escalate staff would then be expected to employ other techniques that they have been trained in.
- Only if all of the above have been tried and are unsuccessful should staff even consider any other form of restraint. The overriding consideration should still be the reasonableness and proportionality of the force used.
- The schools do not require parent consent to use force on a pupil

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

- age

- gender
- level of physical, emotional and intellectual development
- special needs: it is the school's legal duty to make reasonable adjustments for pupil's with SEN or those who are disabled
- social context

They also provide a gradual, graded system of response.

Where behavioural records and/or risk assessment identifies a need for a planned approach, plans (IEP) are written for individual children and where possible, these will be designed through multi agency collaboration and, with parental consent, shared with other agencies/services supporting the child to facilitate consistency of approach so far as is possible.

MINIMISING THE NEED TO USE FORCE

At school we constantly strive to create a calm environment that minimises the risk of incidents arising that might require the use of force. In addition to this, pupils who present with persistent challenging behaviour are assigned a mentor who will work in partnership with the SENCO and class teacher, in supporting the IEP and associated behaviour targets.

Pupils who have issues relating to sensory dysfunction or other conditions that may result in increased anxiety levels, and therefore an increase in the likelihood of challenging behaviour, may have individualised support or programmes to help them to manage this.

Through the PSHE curriculum pupils learn about feelings and managing conflict, where this is appropriate to their level of development. The ethos further promotes independence, choice and inclusion; pupils are given maximum opportunity for personal growth and emotional wellbeing.

All staff are trained in skills to help them to defuse situations before behaviour becomes challenging and how to de-escalate incidents should they arise. Reasonable force will only be used when the risks involved in doing so, are outweighed by the risks involved in not using force.

Prevention of unsafe behaviour will be enabled through:

- The deployment of appropriate staffing numbers;
- The deployment of appropriately trained and competent staff;
- Avoiding situations and triggers known to provoke challenging behaviour;
- Creating opportunities for choice and achievement;
- Developing staff expertise through a programme of Continuous Professional Development;
- Exploring pupils' preferences relating to the way/s in which they are managed
- Staff employ defusing techniques to avert escalation of behaviour into violence or aggression

DEFINITIONS OF POSITIVE HANDLING

Positive Handling describes a broad spectrum of risk reduction strategies. Positive handling is a holistic approach involving policy, guidance, management of the environment, and deployment of staff. It also

involves personal behaviour, diversion, diffusion, and de-escalation. Risk assessment identifies positive prevention strategies and how a pupil may need to be supported in a crisis.

1. Physical Contact

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

2. Physical Intervention

This may be used to divert a pupil from a destructive or disruptive action, for example guiding or leading a pupil by the arm or shoulder where the pupil is compliant.

This technique cannot be emphasised enough and in the hands of a skilful practitioner, many pupils can be deflected from a potentially volatile situation into a less confrontational situation i.e. it may be possible to “defuse” a situation by a timely intervention.

3. Physical Control / Restraint / Restrictive Physical Intervention

This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. All such incidents must be recorded on the Positive Handling Form. If anyone is injured an accident/incident report must also be completed. Records of incidents must be given to the Head of School as soon as possible, and by the end of the school day at the latest.

The level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint/RPI. Restraint is defined as the positive application of force by staff, in order to overcome rigorous resistance, completely directing, deciding and controlling a person’s free movement.

Types of Incident

The incidents described in The Education and Inspections Act 2006 The Use of Reasonable Force to Control and Restrain Pupils 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, by rough play, or by misuse of dangerous materials or objects;
- A pupil is running in a corridor or on a stairway in a way which 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.

The Violent Crime Reduction Act 2006 effective from September 2007, gives schools powers to screen or search pupils for weapons. At the school it is extremely unlikely that pupils would conceal weapons and therefore staff have not received training in weapons disarmament. However under the Equality Act (2010) staff are given the power to undertake searches for weapons, knives, alcohol, illegal drugs and stolen items without consent. Reference to the following; „Screening, Searching and Confiscation – guidance for School Leaders, Staff and Governing Bodies. In this event staff should refer to the Health and Safety Coordinator.

STRATEGIES: TIME-OUT / WITHDRAWAL / PLANNED AND EMERGENCY PHYSICAL INTERVENTIONS / RECOVERY

Time out

This involves restricting the child's access to positive reinforcements in a room or area which they may freely leave. It is a specific behaviour management technique and does not necessarily mean time spent out of the class/group, but rather refers to a withdrawal of attention and/or things they find rewarding. It could be as simple as turning away from a child who is attention-seeking, or positioning a child away from the class/group. This withdrawal of attention could also be achieved by sending a pupil to another class/group or a quiet area.

Withdrawal

Which involves removing the child from a situation that causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities. This can mean removing a child from the class/group, to allow them time to calm down or to prevent a situation from escalating. They may need time away from staff and pupils (either on their own or in another class/group) in order to break the cycle/pattern of their behaviour or to reduce their level of anxiety/distress. The arrangement of “quiet time” shall be negotiated between the child and staff involved.

Planned Physical Intervention

Is described/outlined in the pupil's IEP/Risk Assessment. This should cover most interventions, as possible scenarios will be identified and planned for when the IEP is drawn up.

Emergency Physical Intervention

Necessary if a situation arises that was not foreseen or is uncharacteristic of the pupil. Members of staff retain their duty of care to pupils and any response, even in an emergency, must be proportionate to the circumstances. Staff should use the minimum force necessary to prevent injury and maintain safety, consistent with the training that they have received. Following any such incident, a risk assessment will be devised (or the existing one updated) to support effective responses to any such situations which may arise in the future.

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

Positive Handling at the school (defined as the full range of strategies used to manage behaviour including where necessary physical intervention) is seen as a proactive response to meet individual pupil needs and any such measures will be most effective in the context of the overall ethos of the schools, the way that staff exercise their responsibilities and the range of behaviour management strategies used.

Recovery

Pupils who may be distressed by events can be offered the following support:

- Quiet time taking part in a calming activity
- Quiet time away from the incident/trigger
- Resuming their usual routine/previous activity as soon as possible, especially for pupils with special needs
- Time with a member of staff to debrief the incident

INJURY TO THE CHILD

Whilst the physical techniques are intended to reduce risk, there is always risk when two or more people engage to use force to protect, release or restrain. Techniques seek to avoid injury to the child, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the child remains safe. Any such injury will be reported using the "Positive Handling Form". Any injuries to pupils as a result of incidents involving restraint will be reported to the Heads of School and parents / carer.

Staff trained in First Aid may be called upon to implement First Aid or seek further guidance in the event of an injury or physical distress arising as a result of a physical intervention.

STAFF: AUTHORISED STAFF / HEALTH AND SAFETY / TRAINING / SUPPORT

Authorised Staff

All teachers, staff and the Heads of School are authorised to have control or charge of pupils automatically, they have the statutory power to use reasonable force within the context of The Education and Inspections Act 2006 and the subsequent guidance "The Use of Reasonable Force to Control and Restrain Pupils".

Supply staff must ensure that they are familiar with this schools' policy. Appropriate guidance will be given if they have not undertaken training.

Authorisation is not given to volunteers, students on placement, visitors or parents as they will not have control of pupils who may present with challenging behaviour, but will be supervised at all times.

Health and Safety of Staff

Under the Health and Safety at Work Act, employees have a responsibility to report any circumstances which give rise to an increased risk to their Health and Safety.

Staff who have, or acquire, permanently or temporarily, any medical condition that may impact on their ability to carry out pupils' plans have a duty to report these to the Heads of School immediately, as there may be an impact on their own safety and that of colleagues and/or pupils. This information will be shared on the staff notice board.

Through the provision of training, the risk of harm towards staff is reduced but it is possible for some injury to be received. All such occurrences should be treated and subsequently recorded, on the Positive Handling Form/Accident Form.

Staff Training

Regular, appropriate training will be provided for staff: should the school receive a pupil who is known to have highlighted issues that may result in an increased risk of needing to be handled positively, further and more in depth training will be provided., usually prior to, or immediately the pupil joins us.

Staff Support Following Incidents

Any member of staff or pupil at the schools involved in or witnessing a serious incident involving the use of physical hold, may require additional support following the incident. Staff should ensure that they are fully recovered from an incident before resuming their duties and colleagues are encouraged to seek and offer support where it is deemed necessary.

At the schools we have a debrief procedure which should be utilised as soon as possible after the incident. Where staff have been involved in an incident involving reasonable force, they should have access to support; this will be made available/supported through the Head. Staff may also contact the Counselling Line.

Staff - Key Points

1. The schools' 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
2. Senior leaders will support the staff when they use this power
3. Suspension will not be an automatic response when a member of staff has been accused of using excessive force

RECORDING AND MONITORING INCIDENTS

Recording

Where physical control or restraint has been used, a record of the incident will be kept in the pupil's file.

Appropriate documentation will be completed as soon as possible after the incident, prior to staff going off duty and be signed by all staff involved and the Head of School or senior member of staff.

Monitoring

Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Head of School 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 (at least termly) and the results used to inform planning to meet individual pupil and school needs. The Head of School will present an annual summary of incidents that have involved the use of force to the Governing body

The Head 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 IEP/Risk Assessment

VISITS OUT OF SCHOOL

Our equal opportunities policy states that all pupils should be included in all curriculum activities. However, Health and Safety remains a priority and staff should carry out risk assessments for pupils that may be a possible danger prior to each visit into the community. Due consideration should be given to the following:

- Is the pupil able to cope with the demands of the proposed visit?
- Are there sufficient, suitably trained staff - particularly if there should be an incident?
- How will you contact school to get extra help if necessary and how will you get back?

WHISTLE BLOWING

Whilst the training provided to staff, encourages the use of help protocols and reflective practice, it is acknowledged that under some circumstances, physical intervention can be misapplied. Staff are reminded that part of their duty of care to pupils includes the requirement to report any such matters which cause them concern in relation to pupil management and welfare. Any such concerns should be raised with the Head, another member of the Senior Leadership Team or with the Chair of the Governing body, in order to allow concerns to be addressed and practice improved.

- 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 this may be considered
- 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.

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 civic or public law action

Where the nature of any complaint made by a pupil, parent or other person in relation to the use of physical hold within any of the schools; indicates that an allegation of mishandling by a member staff, the schools' complaints policy will be followed.

When a complaint is made the onus is on the person making the complaint to prove the allegations are true – it is not for the member of staff to show that he/she has acted reasonably

In such circumstances the investigation of the complaint/allegation and any resulting action in respect of child protection, disciplinary or other procedures will be carried out in accordance with DfE guidance.

Suspension is not an automatic response when a member of staff is accused of using excessive force. The 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 (The schools should refer to “Dealing with Allegations of Abuse against Teachers and other Staff”)

The Governing Body must consider whether a member of staff has acted within the law when reaching a decision whether or not to take disciplinary action.

If a decision is made to suspend a member of staff, the school will ensure that they have access to a named contact person who can provide support. It is the schools’ duty of care to ensure appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

Policy updated: 1 Yearly

Date agreed

APPENDIX A – RISK ASSESSMENT PROFORMA

Proforma for assessing and managing foreseeable risks for children who present challenging behaviours

Name of Child _____

Class Group _____

Name of Teacher _____

School _____

Identification of Risk

Describe the foreseeable risk	
Is the risk potential or actual	
List who is affected by the risk	

Assessment of Risk

In which situations does the risk usually occur?	
How likely it is that the risk will arise?	
If the risk arises, who is likely to be injured or hurt?	
What kinds of injuries or harm are likely to occur?	
How serious are the adverse outcomes?	

Assessment completed by _____

Date _____

Risk Reduction Options

Measures	Possible Options	Benefits	Drawbacks
Proactive interventions to prevent risk			
Follow up interventions to manage risk			
Reactive interventions to respond to adverse outcomes			

Agreed Behaviour/PSP Management Plan and School Risk Management Strategy

Focus of measures	Possible Options	Benefits	Drawbacks
Proactive interventions to prevent risk			
Early interventions to manage risks			
Reactive interventions to respond to adverse outcomes			

Agreed By _____

Relationship to child _____

Date _____

Staff Training Issues

Identified Training Needs	Training Provided to Meet Needs	Date training completed

APPENDIX B – POSITIVE HANDLING PLAN (PHP)

Name: _____ Setting: _____

TRIGGER Behaviours

Describe common behaviours/situations which are known to have led to Positive Handling being required. When is such behaviour likely to occur?

TOPOGRAPHY of Behaviour

Describe what the behaviour looks and sounds like.

PREFERRED Supportive and Intervention Strategies

Other ways of CALMING such behaviours. Describe strategies that, where and when possible, should be attempted before positive handling techniques are used.

Verbal advise and support

Distraction (know key words, object, likes etc)

Reassurance

Take up time

CALM talking/stance

Time Out (requires written plan)

Negotiation

Withdrawal (requires staff/carer observation)

Choices/Limits

Cool-off: Directed/Offered (delete as appropriate)

Humour

Time allowed out to calm down or cool off

Contingent Touch

Consequences reminder

Transfer Adult (Help protocol)

Planned Ignoring

Success Reminder

Others

Praise Points/Strengths
<p><i>Areas that can be developed and build upon. Please state at least three bridge builders.</i></p> <p>1.</p> <p>2.</p> <p>3.</p>

Medical Conditions
<p><i>Note any known medical conditions that should be taken into account before physically intervening (e.g asthma, brittle bones).</i></p>

Preferred Handling Strategies
<p><i>Describe the preferred holds: standing, sitting, ground, stating numbers of staff, what "get outs" that can be used when holding, etc</i></p>

Parents Views:

Pupils Views:

De-briefing process following incident: (What is the care to be provided)

Recording and notifications required:

	Print Name	Signature
School Representative		
Parents/Guardians		
Other Agencies		

Date: _____ **Review Date:** _____

Other Factors to Consider:

- **Key behaviour difficulties**
- **Our understanding of the behaviour**
- **What we want to see instead**
- **Environmental changes that might help**
- **How the individual can help**
- **How parents or carers can help**
- **Rewarding progress**
- **Monitoring progress**

APPENDIX C – INTERVENTION REPORT
Church Valley Schools Federation
Handling and Intervention Report

No:

Name:		Class:	
Date:		Time: Time span (mins)	
Location		Activity	
Reported By		Position	
Name of Staff Involved		Name of Witnesses	

Reasons for Intervention

Immediate danger of personal injury to pupil	Immediate danger of injury to other pupil(s)	Immediate danger to a member of staff
Severe disruption to other pupils	To avoid property damage	Prevent a criminal act

Behaviour (give examples)		

De-escalation techniques used			
Verbal advice and support	Reassurance	Calm script/talking	Persuasion
Distraction	Appropriate humour	Choices given	Take up time
Time out offered	Time out directed	Tactical ignoring	Negotiation
Changed staff	Success reminder	Praise	Consequence reminder
Others			
Strategies used	Verbal : Escort:		

Pupil views
This report has been read to the pupil and discussed. Pupil's view:
Other pupil's views:

Staff Follow Up		
Debriefing	By Whom	Further Action

Monitoring			
Parent informed	Name:	Time:	Date:
Parents comments			
Further Action			
Others Informed/Agencies			

Signatures	
Staff	
Pupil	
Headteacher	
Parents/Careres	

Monitoring Checks						
Was sufficient de-escalation undertaken	Were there grounds for physical control?	Were agreed physical controls used?	Has sufficient post incident action been taken?	Is record keeping comprehensive and complete?	Were all relevant people informed	Were there any staff/pupil complaints about this incident?
Outcome				Further Action Risk Assessment		

Signed

Chair of Governors

Head teacher

Date

Ratified Date