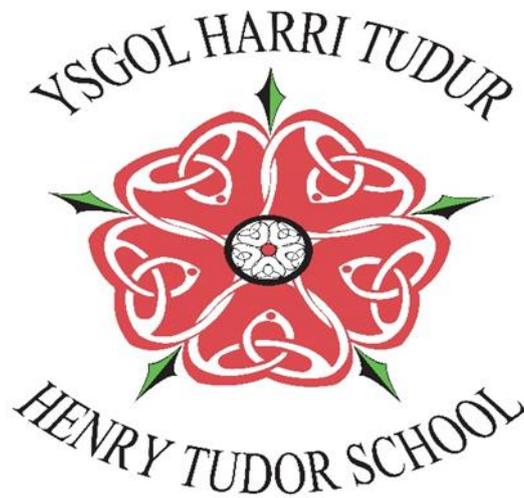


# Ysgol Harri Tudur



## Henry Tudor School

### Positive Handling Policy

Model policy taken from LEA Policy for Positive Handling and use of time out areas for schools/educational settings – June 2016

Adopted by Full Governors Committee: Autumn 2017  
Review Annually: by Governor Pupil Discipline Committee  
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## SECTION 1 Policy Document-Context

The aim of this schools policy is to assist all staff in schools to deal effectively with challenging behaviour to ensure that staff and pupils/students are protected from harm and to ensure that pupils/students are protected from any form of physical restraint or intervention which is inappropriate.

It is based on the Team -Teach framework approach to positive handling - *“a holistic approach involving policy, guidance, management of the environment and deployment of staff. It also involves personal behaviour, diversion, defusing and de-escalation. Restraint is only a small part of the framework”*.

This Local Authority education policy takes into account:

- The Education Act 1996
- WG Safe and Effective Intervention – use of reasonable force and searching for weapons. Welsh Assembly Government Guidance 097/2013
- ALN Code of Practice
- All Wales Child Protection Procedures 2008
- Section 61 of the School Standards Framework Act 1998 which requires that all schools have pupil behaviour and discipline policy.
- WG Keeping Learners Safe WG Guidance 158/2015
- PCC Guidance for safer working practice for adults who work with children and young people January 2016
- PSCB The management of allegations against adults who work with children January 2013

In addition, it should be considered alongside the overall suite of guidance and school policies on aspects including those for exclusions, tackling bullying and inclusion and safer working practice.

## SECTION 2

### **Positive behaviour**

Reinforcing positive behaviour is a matter of concern for all schools, ensuring pupils/students experience a safe and positive learning environment. These policies are more likely to be respected and adhered to where pupils/students are directly involved in formulating and monitoring behaviour policies and have a stake in them. Pupils/students can be involved in a variety of ways through:

- consultations, suggestion boxes and focus groups;
- schemes to promote and implement positive behaviour – e.g. peer mentors systems;
- involvement in revision and monitoring of a whole-school behaviour policy;
- development of codes of conduct at class levels; and
- implementation of reward and merit schemes.

### **Reducing situations arising where positive handling may be required**

Schools should always take steps to help reduce the likelihood of situations arising where the power to use force may need to be exercised including:

- creating a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind;
- developing effective relationships between pupils/students and staff that are central to good order;
- adopting a whole-school approach to developing social and emotional skills taking a structured approach to staff development that helps staff to develop the skills of positive behaviour management, safer working practice and managing conflict. Further guidance is provided in the Welsh Government's keeping Learners Safe Guidance 158/2015;
- effectively managing individual incidents. It is important to communicate calmly with the pupil/student, using non-threatening verbal and body language and ensuring the pupil/student can see a way out of a situation. Strategies might include, for example, going with the staff member to a quiet room, away from bystanders or other pupils/students, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the pupil/student; and wherever practicable, warning a pupil/student that force may have to be used before using it.

It is very important to ensure that all possible preventative steps have been taken to negate the need for physical intervention. Strategies other than force should always be considered and the use of physical intervention should be viewed very much as the final option.

Staff should have regular training/updates on safer working practice and be aware of the school ethos and the staff code of conduct. Where supply staff are used there

should be a minimum induction in terms of understanding the school positive handling policy.

### SECTION 3 Policy-Positive Handling Strategies

Children have rights, including the right to an appropriate education. For some children, this right may be compromised by inappropriate behaviour.

Some children will display challenging behaviour, which may or may not be associated with a disability. Some challenging behaviour can place the pupil/student and others at serious risk because of its intensity, frequency and duration.

In order to protect a child from harming him/herself or others, or seriously damaging property, other methods should be considered first: e.g.

- Providing the disruptive pupil/student with a choice of locations to exit to;
- Giving clear directions;
- Allowing “take-up” time thus allowing a “face-saving” opportunity
- Removing the audience, i.e. requesting that other pupils/students leave the room;
- Implementing Team Teach help protocols so that another member of staff takes over the strategic lead of the incident, if he/she feels it is appropriate to do so.

Restrictive Physical Intervention should be an act of care and control, not punishment and to prevent a child from harm or from hurting another child/person. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by Section 548 of the Education Act 1986.

Every effort should be made to ensure that wherever possible **at least 2 members of staff** are present before applying physical intervention. If this is not possible, intervention should not be delayed whilst further assistance is being sought. Schools should be pro-active in resolving how staff can support each other and such schemes should be made clear in school policy documents.

Any physical intervention should involve the minimum degree of force, maximum care and the minimum amount of time necessary.

Physical intervention is only for use in extremely rare circumstances. Staff in mainstream schools would not be expected to use restrictive physical intervention strategies other than in exceptional circumstances.

Some examples of situations where reasonable force might be used are:

- to prevent a pupil/student from attacking a member of staff, or another pupil/student, or to stop a fight between two or more pupils/students;
- to prevent a pupil/student injuring themselves, or placing themselves in danger or at risk of injury;
- to prevent a pupil/student causing serious, deliberate damage to property;
- to prevent a pupil/student causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;

- to ensure that a pupil/student leaves a classroom where the pupil/student persistently refuses to follow an instruction to do so;
- to prevent a pupil/student behaving in a way that seriously disrupts a lesson; or
- to prevent a pupil/student behaving in a way that seriously disrupts a school sporting event or school visit.

### **What the law says**

Section 93 of the Education and Inspections Act 2006, replaced Section 550A of the Education Act 1996 and enables school staff to use such force as is reasonable in the circumstances to prevent a pupil/student from doing, or continuing to do, any of the following:

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

### **The staff to which this power applies are defined in section 95 of the Act.**

They are:

- I. any teacher who works at the school, and any other person whom the head has authorised to have control or charge of pupils/students. This includes support staff whose job normally includes supervising pupils/students such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
- II. people to whom the head has given temporary authorisation to have control or charge of pupils/students such as paid members of staff whose job does not normally involve supervising pupils/students (for example catering or premises-related staff).
- III. It does not include prefects.

Those exercising the power to use force must also take proper account of any particular special educational need (ALN) and/or disability that a pupil/student might have. Under the Equality Act 2010 schools have key duties:

- not to treat a disabled pupil/student less favourably, because of his/her disability, than a non-disabled pupil/student;
- not to treat a disabled pupil/student unfavourably because of a reason related to their disability, without justification; and
- not to apply a provision, criterion or practice that puts or would put a disabled pupil/student at a particular disadvantage compared with a non-disabled pupil/student, without justification; and
- to take reasonable steps to avoid putting a disabled pupil/student at a substantial disadvantage in comparison with a non-disabled pupil/student (known as the reasonable adjustments duty).

The power may be used where the pupil/student (including a pupil/student from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

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 misbehaviour is trivial also depends on circumstances. For example, running in a corridor crowded with small children where there is a real danger of knocking them into walls or down steps may be dangerous enough not to be regarded as trivial.

The statutory power conferred by Section 93 of the Education and Inspections Act 2006 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. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils/students.

### **Search for weapons**

Reasonable force may also be used in exercising the statutory power, introduced under Section 45 of the Violent Crime Reduction Act 2006, to search pupils/students, without their consent, for weapons. This search power would apply to head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil/student has a weapon. Reasonable force could be used by the searcher and/or the second person required to be present at a search. However the Welsh Assembly Government strongly advises schools not to search pupils/students where resistance is expected, but rather to call the police.

### **Use of prone restraints**

The Welsh Government is categorical in its advice and guidance on this issue and states that *“under no circumstances, should any individual ever be restrained in a face down position”*

### **Corporal Punishment**

Any form of corporal punishment is unlawful. This was banned under the 1986 Education Act No.2. It is therefore unlawful for any member of staff to use any degree of physical contact which is deliberately intended to punish a child or young person or which is intended to cause pain, injury or humiliation

### **Health and Safety**

The use of restrictive physical intervention as a Positive Handling Strategy is a health and safety issue. The Local Authority expects the Restrictive Physical

Intervention to be positive handling techniques. Teachers and employers are required to do all that is reasonably practicable to safeguard the health and safety of pupils/students whose actions are putting themselves and others at risk.

The Management of Health & Safety at Work –Operative (Section 2(2)c) 1st January 1993 states that an employer “Has an absolute obligation irrespective of cost, time or inconvenience to provide such supervision, instruction and training to ensure the health & safety at work of employees.”

### **Risk assessments**

Leadership teams are advised to assess the frequency and severity of incidents requiring use of force that are likely to occur in their school. Historical patterns usually provide a good starting point. These assessments will help to inform decisions about staff training. Headteachers should report to the Governing Body each term on safeguarding matters including the frequency and nature of incidents.

Schools may also need to make individual risk assessments where it is known that it is more likely to be necessary to restrain a particular pupil/student, such as a pupil/student whose ALN and/or disability is associated with extreme behaviour. An individual risk assessment is also essential for pupils/students whose ALN and/or disabilities are associated with:

- communication impairments that make them less responsive to verbal communication;
- physical disabilities and/or sensory impairments;
- conditions that make them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
- dependence on equipment such wheelchairs, breathing or feeding tubes

Parents/carers should always be involved in the formulation of any risk assessment plan implemented for a pupil/student.

### **Specific incidents**

Wherever practicable staff are expected to:

- Use a calm and measured approach; explain that the reason for intervention is to keep the pupil/student and others safe and not as a punishment ; make it clear that positive handling will stop as soon as the pupil/student calms and the risk assessment indicates it is no longer necessary;
- Tell the pupil/student to stop, remind them of consequences, tell them what will happen if she/he does not stop;
- Seek assistance from other colleagues at as early a stage as possible;
- Staff who become aware that another member of staff is intervening physically with a pupil/student have a responsibility to provide a presence, and to offer support and assistance should this be required;
- Try to defuse the situation orally and prevent escalation;
- Try to remove the pupil/student from the peer audience;
- Attempt to communicate with the pupil/student throughout the incident;

- If it is not possible to control the extreme pupil/student without risk of injury to yourself or others, remove the other pupils/students who may be at risk and summon assistance.
- Give the impression you are in control and that you have not lost your temper or are not acting out of anger or frustration;

### **Application of force during specific incidents**

Methods that staff *may use* in appropriate circumstances where a risk assessment judgement supports this:

- Physically interposing themselves between pupils/students
- Blocking a pupil/student's path
- Using classroom furniture to restrict movement
- Leading by the arm
- Shepherding a pupil/student away by a light touch on the elbow or near the shoulder
- "Assertive guiding" – remembering this is the positive application of force to control a pupil/student and would be used in rare circumstances, e.g. if the pupil/student is in extreme danger and no other alternative is available, or where reasonable force is used to assist a pupil/student's movement.
- Holding – for security and to reduce anxiety where there is potential risk, even if the pupil/student is not yet out of control. The purpose is to defuse or prevent escalation.

Staff should take care that their actions should in no way be capable of being interpreted as aggressive during an intervention. They must comply with Team-Teach training techniques. All holds are devised to minimise the risk of injury. They should not cause pain.

Where pupils/students are presenting with more challenging behaviour which may require more restrictive holds it is important that these techniques have been delivered by appropriately qualified trainers that are approved by the Local Authority.

### **Intervention without help**

A member of staff should not intervene in an incident without help, unless it is an emergency. Schools should have communication systems that enable a member of staff to summon rapid assistance when necessary. Help may be needed in dealing with a situation involving an older or physically stronger pupil/student, a large pupil/student, more than one pupil/student or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils/students who might be at risk and summon assistance from other authorised staff, or where necessary phone the police.

### **Reporting and Recording Incidents**

Should an injury occur as a result of an incident at school, immediate steps will be taken to secure appropriate medical attention and be reported in accordance with

Pembrokeshire LA policy and recorded in the school accident book. The Head or his/her deputy will tell parents/carers about the incident by the end of the school day. However, if parents/carers cannot be reached a letter will be sent to inform them of the incident and offer them the opportunity to discuss the matter.

The member of staff concerned will report the matter orally to the Head or a senior member of staff as soon as possible.

Staff may wish to seek advice from a senior colleague or their professional association when compiling a report. A written report should be completed within 24 hours of the incident's occurrence, and should be signed and dated. Staff are advised to keep a copy of the report for themselves. Staff may wish to seek advice from a senior colleague or their professional association when compiling a report.

Other witnesses to the incident, staff, pupils/students, will also complete reports. These will be signed and dated.

An incident report will be kept of any occasion when positive handling is used at the earliest opportunity (except minor or trivial incidences). **Incidents when holds or escorts have been used should be recorded in a bound and numbered book.** The staff member should be provided with an appropriate amount of time to complete the documentation thoroughly and signed by the member(s) of staff involved and the Headteacher. It should also note that the parent/carer has been informed. If a Positive handling plan is in place, it will be reviewed accordingly.

The Incident Reports and the bound and numbered book will be reviewed by the Headteacher on an annual basis at least to consider further control measures and possible training needs etc. The governing body will receive termly reports from the Headteacher on trends and patterns.

### **Debrief Following Serious Incident**

Pupils/students and members of staff will be checked for any sign of injury and medical help will be administered if required

The pupil/student and staff member/s involved will be given time to become calm while staff continue to supervise him/her. When the pupil/student regains complete composure, a senior member of staff will discuss the incident with the pupil/student and try to ascertain any reasons. The pupil/student 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 pupil/student and the member(s) of staff involved in the incident. In cases where it is not possible to speak to the pupil/student on the same day, the debrief will occur as soon as possible after the pupil/student returns to school.

All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. This will include a process of reflection and discussion about what lessons can be learnt from the handling of the incident. A senior member of staff will provide support to the member of staff involved.

Where possible an attempt will be made to help the pupil/student modify their behaviour. Referral to an appropriate support agency should be considered to help this process.

Where appropriate, the pupil/student should apologise, this should be meaningful or appropriate. If this cannot be undertaken then other consequences/sanctions reparations and monitoring should take place. In extreme cases exclusion could be considered.

### **Long term planning and training needs**

If a pupil/student is likely to require positive handling on more than one occasion we will plan how to respond in line with Team teach protocols and guidance. This will include involving the parents/carers and any other relevant person to ensure they are clear about what specific action we might need to take and obtaining medical advice if the child has any specific health needs. A Risk Assessment and a Positive Handling Plan will be drawn up, in consultation with all concerned and included as part of the pupil/student's Individual Educational Plan (IEP) or Pastoral Support Plan (PSP). It will be regularly reviewed by the ALNCO or assigned member of Senior Management on a termly basis. Where it is known that a pupil/student will require positive handling appropriate staff training will be provided.

Along with other aspects of their approach to restrictive physical intervention, schools should regularly review Risk Assessment and management measures.

### **Parental Involvement**

Parents/carers will be informed of the school policy and legal duty to maintain a safe environment and the possible use of positive handling in extreme circumstances and included in the school prospectus.

If some pupils/students require specific techniques to routinely manage their challenging behaviour, this will be fully discussed with parents/carers, on an individual basis, in advance of their implementation and included and any specific plans a pupil/student may have in place. All intervention will be routinely recorded and monitored.

All parents/carers will be informed by telephone and in writing after an incident where positive handling is used with a pupil/student. The school will ensure that a record of the communication is made, with a copy of the written communication kept in the pupil/student's file.

### **General Physical contact with pupils/students**

Staff must be sensitive to matters relating to culture and gender issues and any known individual characteristics or special circumstances relating to pupils/students.

Some physical contact may be necessary e.g. during P.E. lessons, sports coaching or CDT, or if a member of staff has to administer first aid or medication.

Young children and children with ALN may need staff to provide physical prompts or help physical contact must always be age appropriate and done openly.

The school will ensure all staff are familiar with the local authority '*Guidance for Safer Working Practice for Adults who work with Children and Young People*' and provide regular training and updates to staff to remind them to be mindful of their own working practice.

### **Complaints**

This policy is in accordance with the *School Governing Body Complaints Procedures: Circular No. 011/2012, Exclusion from schools and pupil referral units Circular No.171/2015 and Inclusion and Pupil Support Circular No. 47/2006.*

Involving parents/carers when an incident occurs, and having our clear policy about physical contact with pupils/students that staff adhere to will help avoid complaints from parents/carers.

All complaints will be recorded and followed up by the Headteacher or their representative in the first instance. Where appropriate the Authority will be notified/kept informed.

A complaint or dispute about the use of force by a member of staff might lead to an investigation under disciplinary procedures or by the Police/Social Care under Child Protection procedures. Staff should be made aware of the Local Authority guidance '*PSCB The management of allegations against adults who work with children*' and on the schools whistleblowing protocol.

## SECTION 4

### **The use of time-out/withdrawal Areas**

Under the Children Act 1989 any practice or measure, such as time out or seclusion which prevents a child from leaving a room or building of his/her own free will may be deemed “a restriction of liberty”. Such a restriction of liberty is only permissible under very specific circumstances. Seclusion (where a child is forced to spend time alone against their will) involves restricting a person’s freedom of movement, it should also be considered as a form of restrictive physical intervention

This guidance is intended to establish greater clarity regarding the use of rooms or areas in school other than the main classroom. It will be helpful to develop a common terminology covering the areas that may be used depending on their purpose. This should enable schools and the local authority to establish shared expectations about the context and environment.

**Restrictive physical intervention and Time Out are not a substitute for good behavioural management practice where a variety of approaches, techniques and support systems are put in place to manage children and young people positively.**

There are a wide range of reasons why it is essential for pupils/students to spend some time outside their usual classroom. These may include:

- Additional and/or alternative curriculum activities or learning programmes that may be individual or small group work
- specific enhanced arrangements for individual or small groups with specialist staff such as for ALN, Language assistants or Music.
- provision for speech and language therapy, physiotherapy, school nurses and school-based counselling
- access to sensory rooms as part of a specific programme for individuals who have additional needs or as part of a sensory curriculum for groups of children as part of, for example, the Foundation Phase
- areas of the school used for pupils/students who have demonstrated challenging or disruptive behaviour and, as part of a whole school approach to positive behaviour, pupils/students may be placed outside their classroom.

### **Time -Out**

There is no clear definition of “time-out” in an educational context.

Time-out is delivered as part of a behavioural programme or support plan and only used as a short term measure in order to defuse a situation and reduce or remove the need for reasonable force. It might include:

- Preventing a person being involved in the activities which reinforce their inappropriate behaviour until the behaviour stops and the person engages appropriately.
- Allowing/asking/instructing the person to leave the activity and return when they feel ready to be involved and stop the behaviour that is of concern.

- Accompanying the person to another setting and preventing them from taking part in the activity they were undertaking/participating in for a set period of time.

Facilities to deliver time-out in these contexts can be wide ranging. They fit into 2 broad types of facility in general:

### **Quiet areas**

Essentially these are places where children spend time away from other pupils/students supervised by a member of staff (in most cases), and are either allowed time to talk or given appropriate activities to complete. Often schools use open areas or corridors for this purpose.

Generally this is used as a **positive strategy** to help more vulnerable pupils/students identify their own systems for calming themselves and managing their emotions effectively through encouraging use of the facility as and when necessary. Rooms used in this way are acceptable practice in supporting the education of the child.

In these settings, these areas are utilised as a sanction for a number of reasons such as to reduce the risk of escalation of incidents or as a response to unacceptable behaviour.

### **Time-out rooms**

Time-out rooms, designed to deliver a time-out experience must not be confused with the practice of seclusion. Under no circumstances should a time-out room be used to deprive a person of their liberty; this would constitute a breach of a child's human rights. Most Secondary schools have Internal Exclusion Units (IEUs) that operate as a classroom environment, where pupils/students go to be supervised and complete their work away from the main class. These are good examples of the use of "time-out" and are entirely appropriate.

**In very exceptional cases** a very small minority of pupils/students with extreme behaviours can present severe risks to other pupils/students, to themselves, and staff and so there will be occasions (**after all other strategies have failed**) when some form of separation is the only viable option available, to defuse and calm pupils/students and so ensure the safety of **all** concerned. Children should not be left on their own.

### **Any rooms that are used for time-out/withdrawal must adhere to the following guidelines:**

- Pupils/students must be supervised at all times in such rooms
- Rooms must have natural light (windows) and ventilation.
- Rooms must not be locked when used for time out. If the room needs to have a lock for security purposes (other than use as time out), it must be fitted with an internal thumb release mechanism.
- Rooms must be a minimum size (no less than 8 square metres), unless they are designed for certain Special needs purposes (e.g. Autism), where they must meet the prescribed industry standards.

- There must not be padding on any walls or doors unless this is specifically required to ensure the safety of pupils/students with severe or complex needs.
- All use of such rooms must have a comprehensive logging system to record use.

### **Future Arrangements**

There will be times when it is totally appropriate for a school to add to or amend its arrangements for the use of rooms and spaces outside the main classrooms. This could be as a result of changes in demographics or in the curriculum and support needs of pupils/students.

When a change in the use of accommodation that affects the delivery to children is being planned, it is essential that Headteachers work closely with their governing body to explain the proposed change and to receive the agreement of the governing body or relevant committee. It would be good practice for the governors to visit the accommodation and approve the proposal.

It is also essential that the Local Authority are made aware of the proposal and are able to agree to both the purpose and context of the change including any implications for safeguarding. The school should write to the Director of Education who will action a joint Directorate review of the proposal with Social Services. The Director of Education must issue written approval before the change to the use of such accommodation can commence.

In voluntary aided schools, where the responsibility for buildings rests with the governing body, it is recommended that the approval of the Director is still required for safeguarding purposes and the governing body can implement the change with the knowledge that it does not constitute a safeguarding risk.

Governing Bodies must monitor the use of any time-out rooms on an annual basis. This should be undertaken as part of the standing agenda item on safeguarding to the Governing Body. The Headteacher's report will indicate:

1. How rooms have been used.
2. Any change of use or structure of rooms.

This policy will be reviewed and ratified annually at a governing body meeting at least once a year and recorded in the minutes.

	Name	Signature	Date
Chair of Committee	Mrs L Taylor		21.10.2021
Head Teacher	Mrs F Kite		21.10.2021

Review Date	21.10.2021
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## Appendix 1

### **Model School Policy on Care and Control and the Use of Force Policy Statement**

- 1.1 The aim of this schools policy is to assist all staff in schools to deal effectively with challenging behaviour: to ensure that staff and pupils/students are protected from harm and to ensure that pupils/students are protected from any form of physical restraint or intervention which is inappropriate.
- 1.2 This policy provides direction on the powers of school staff in using force, as set out in Section 93 of the Education and Inspections Act 2006. These powers commenced in October 2010 and replaced section 550A of the Education Act 1996. This guidance should be seen within the framework of Welsh Assembly Government Circular 3/99, Inclusion and Pupil Support (47/2006), Welsh Office Circular 37/98, 41/2010, ("The Use of Force to Control or Restrain Pupils/students" "Safe and Effective Intervention") The Welsh Assembly Guidance, ("Framework for Restrictive Physical Intervention Policy and Practice-March 2005") and the Department of Health "Guidance on restrictive physical interventions for people with learning disability and autistic spectrum disorder in health, education and social care settings". In addition, it should be considered alongside the overall suite of guidance on aspects including those for exclusions, tackling bullying and the ALN Code of Practice.
- 1.3 At Ysgol Harri Tudur / Henry Tudor School we work to ensure each individual pupil/student is able to reach his or her potential.
- 1.4 Every child is entitled to learn and every teacher is free to teach in an environment that is safe, secure and free from distraction. The guiding principles to achieve this should be established in the policy on positive behaviour management.
- 1.5 Staff of Ysgol Harri Tudur / Henry Tudor School are committed to providing the highest standards in protecting and safeguarding the welfare of children and young people entrusted to its care. We recognise there is a need to intervene when there is an obvious risk of safety to pupils/students, staff and property.
- 1.6 For the most part this is achieved through the fostering of good relationships, and the normal application of positive behaviour management to support and intervene. However, in exceptional or extreme circumstances this may involve the use of reasonable force.

- 1.7. It should be emphasised that if used at all, restraint (referred to in this document as **positive handling**) should be seen in the context of a further positive action of care and concern. In line with WAG guidance, it is used as a last resort option and in the most extreme cases, other strategies will always have been attempted first.
- 1.8. As best practice regarding positive handling this policy should be considered alongside other relevant school policies, specifically those involving behaviour, health and safety and the All Wales Child Protection Procedures 2008)

### **What is The Legal Use of Restrictive Physical Intervention to Control Pupils/students?**

- 1.9. Teachers and other persons authorised by the Headteacher to have charge of pupils/students, may use reasonable force to prevent pupils/students:
  - causing injury to themselves or others
  - committing a criminal offence (including behaving in a way that would be an offence if the pupil/student were not under the age of criminal responsibility
  - causing serious damage to property
  - causing disruption by engaging in behaviour which is seriously prejudicial to good order and discipline.

#### **1.10. Reasonable force has no legal definition but:**

Staff must take into account the circumstances of the incident, age, sex and development of the pupil/student.

The degree of force must be proportional to the seriousness of the situation, behaviour or consequences it is intended to prevent, and always be the minimum force needed.

Force could not be justified for a trivial misdemeanour or a situation that could be resolved without it.

Everyone has the right to self-defence provided they do not use a disproportionate degree of force.

Corporal punishment is illegal.

### **Objectives of This Policy**

- 1.11. To provide all staff, governors, parents/carers and pupils/students with an understanding of care and control and the use of force.
- 1.12. To emphasise that the use of positive handling is: part of a positive care and control approach to discipline and welfare, or a necessary expedient option to be used in extreme circumstances.

To ensure that all members of staff or authorised persons who may have to positively handle pupils/students clearly understand the options and strategies open to them.

To use minimum force, provide maximum care and resolve in minimum time.

### **Who Can Use Reasonable Force?**

We recognise that most of the time positive handling will be used infrequently, that is, as a last resort to maintaining a safe environment.

The staff to which the use of reasonable force applies are:

- any teacher who works at the school, and any other person whom the head has authorised to have control or charge of pupils/students.
- support staff whose job normally includes supervising pupils/students such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
- people to whom the head has given temporary authorisation to have control or charge of pupils/students such as paid members of staff whose job does not normally involve supervising pupils/students (for example catering or premises-related staff).
- The Headteacher has given authorisation to all employees and renewal of this temporary authorisation will be communicated annually via staff handbooks.
- **it does not include prefects.**

### **Circumstances When Reasonable Force Might Be Appropriate?**

The Team –Teach framework approach to positive handling stresses that it 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. Restraint is only a small part of the framework”*.

Before using force staff should, wherever practicable, tell the pupil/student to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not act out of anger or frustration, or in order to punish a pupil/student, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

Restrictive physical intervention is only to be used to prevent serious harm and is consistent with the promotion of an individual’s welfare. The application of restrictive physical intervention must always be an option of last resort and must always be the minimum action necessary to manage the situation as safely as possible and taking account of any known health problems.

The types of force used could include:

- passive physical contact resulting from standing between pupils/students or blocking a pupil/student's path;
- active physical contact such as
- leading a pupil/student by the hand or arm;
- ushering a pupil/student away by placing a hand in the centre of the back;
- in more extreme circumstances, using appropriate restrictive holds, which require specific expertise or training.

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil/student running off the pavement onto a busy road or preventing a pupil/student from hitting someone with a dangerous object.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a pupil/student. Staff should always avoid touching or restraining a pupil/student in a way that could be interpreted as sexually inappropriate conduct.

We recognise that some children may not be able to control their reaction to events as well as others and at times may place themselves or others at risk through their uncontrolled behaviour. As indicated previously, reasonable force might be appropriate when action is necessary in self-defence or because of imminent risk of injury.

- Pupil/student attacks a member of staff, another pupil/student, attempts self-injury, pupils/students are fighting
- Pupil/student running in stairway or corridor in a way that is likely to cause injury to self or others
- Pupil/student absconds from a class or tries to leave school and who would be judged to be at risk if not kept in the classroom or at school.
- There is a serious and developing risk of damage to property, including the pupil/student's own property.
- Pupil/student is causing or about to cause deliberate damage or vandalism
- Pupil/student is causing or at risk of causing injury or damage by accident, rough play, misuse of dangerous materials or objects

Where pupil/student's behaviour is seriously prejudicial to good order and discipline e.g.

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

NB Wherever possible early support from colleagues will be sought. Single handed intervention increases the risk of injury to both parties and does not provide the person intervening with the support of a colleague acting as a critical friend.

Strategies other than force will be considered

Examples:

- Providing the disruptive pupil/student with a choice of locations to exit to;
- Giving clear directions;
- Allowing “take-up” time thus allowing a “face-saving” opportunity
- Removing the audience, i.e. requesting that other pupils/students leave the room;
- Implementing Team Teach help protocols so that another member of staff takes over the strategic lead of the incident, if he/she feels it is appropriate to do so.

### **Procedures and practical considerations during specific incidents**

Wherever practicable staff are expected to:

- Use a calm and measured approach;
- Tell the pupil/student to stop, remind them of consequences, tell them what will happen if she/he does not stop;
- Seek assistance from other colleagues at as early a stage as possible;
- Staff who become aware that another member of staff is intervening physically with a pupil/student have a responsibility to provide a presence, and to offer support and assistance should this be required;
- Try to defuse the situation orally and prevent escalation;
- Try to remove the pupil/student from the peer audience;
- Attempt to communicate with the pupil/student throughout the incident;
- In as calm a manner as possible, explain that the reason for intervention is to keep the pupil/student and others safe;
- Make it clear that positive handling will stop as soon as the pupil/student calms and the risk assessment indicates it is no longer necessary;
- If it is not possible to control the extreme pupil/student without risk of injury to yourself or others, remove the other pupils/students who may be at risk and summon assistance.

It is good practice to:

- Give the impression you are in control;
- Give the impression you have not lost your temper or are not acting out of anger or frustration;
- Give the impression you are not trying to punish the pupil/student;
- Call for assistance;
- Intervene with the support of a colleague acting as a critical friend.

## **Application of force during specific incidents**

1.13. Methods that staff *may use* in appropriate circumstances where a risk assessment judgement supports this:

- Physically interposing themselves between pupils/students
- Blocking a pupil/student's path
- Using classroom furniture to restrict movement
- Leading by the arm
- Shepherding a pupil/student away by a light touch on the elbow or near the shoulder

"Assertive guiding" – remembering this is the positive application of force to control a pupil/student and would be used in rare circumstances, e.g. if the pupil/student is in extreme danger and no other alternative is available, or where reasonable force is used to assist a pupil/student's movement.

Holding – for security and to reduce anxiety where there is potential risk, even if the pupil/student is not yet out of control. The purpose is to defuse or prevent escalation.

When intervening staff should take care that their actions should in no way be capable of being interpreted as aggressive. They must comply with Team-Teach training techniques. All holds are devised to minimise the risk of injury. They should not cause pain.

Where pupils/students are presenting with more challenging behaviour which may require more restrictive holds, it is important that these techniques have been delivered by appropriately qualified Team Teach instructors in line with Team teach protocols.

## **Situations where staff should not normally intervene without help**

A member of staff should not intervene in an incident without help, unless it is an emergency. Schools should have communication systems that enable a member of staff to summon rapid assistance when necessary. Help may be needed in dealing with a situation involving an older or physically stronger pupil/student, a large pupil/student, more than one pupil/student or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils/students who might be at risk and summon assistance from other authorised staff, or where necessary phone the police.

## Appendix 2

### Reporting and Recording Incidents

Should an injury occur as a result of an incident at school, immediate steps will be taken to secure appropriate medical attention. This will be reported and recorded in accordance with Pembrokeshire LA policy.

All incidents that result in restraint (where a child has to be held) will be recorded in detail using an Incident Form, or if a Positive handling plan is in place, then a record of the incident will be recorded and the Positive handling plan reviewed accordingly.

The member of staff concerned will report the matter orally to the Head or a senior member of staff as soon as possible. If needed, the staff member should be provided with an appropriate amount of time to complete the documentation. The incident will be recorded in the Incident Book by staff at the earliest opportunity.

Staff may wish to seek advice from a senior colleague or their professional association when compiling a report. A written report should be completed within 24 hours of the incident's occurrence, and should be signed and dated. Staff are advised to keep a copy of the report for themselves.

The Head or his/her deputy will tell parents/carers about the incident by the end of the school day. However, if parents/carers cannot be reached a letter will be sent to inform them of the incident and offer them the opportunity to discuss the matter.

Other witnesses to the incident, staff, pupils/students, will also complete reports. These will be signed and dated.

An incident report will be kept of any occasion when positive handling is used (except minor or trivial incidences). Incidents should be recorded in a bound book (recommended by Team-teach).

When positive handling has been used and pupils/students have been held the incident report will also be completed and signed by the member(s) of staff involved. Reports will also be completed and attached from other members of staff present and the pupils/students(s) involved. The Incident Report will be signed by the Headteacher involved. The Pembrokeshire Safeguarding Children Board (PSCB) will receive annual reports from the Local Authority on trends and patterns.

The Incident Report will be reviewed by the Headteacher, Local Authority and the Pembrokeshire Safeguarding Children Board (PSCB), on at least an annual basis to consider control measures and possible training or further training needs etc.

A copy of the Incident report will be placed in the pupil/student's file.

### **Debrief Following Serious Incident**

Pupils/students and members of staff will be checked for any sign of injury and medical help will be administered if required

The pupil/student and staff member/s involved will be given time to become calm while staff continue to supervise him/her. When the pupil/student regains complete composure, a senior member of staff will discuss the incident with the pupil/student and try to ascertain the reason for it. The pupil/student 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 pupil/student and the member(s) of staff involved in the incident. In cases where it is not possible to speak to the pupil/student on the same day, the debrief will occur as soon as possible after the pupil/student returns to school.

All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. This will include a process of reflection and discussion about what lessons can be learnt from the handling of the incident. A senior member of staff will provide support to the member of staff involved.

### **Other Procedures Concerning Incidents**

The governing body should be informed of incidents on, at least, a termly basis.

Help, support and reassurance will be given where appropriate to any individual/s involved.

Where possible an attempt will be made to help the pupil/student modify their behaviour. Referral to an appropriate support agency should be considered to help this process.

Where appropriate, the pupil/student should apologise, this should be meaningful or appropriate. If this cannot be undertaken then other consequences/sanctions reparations and monitoring should take place.

In extreme cases exclusion could be considered.

## **Planning for Incidents and Meeting Training Needs**

If we are aware that a pupil/student is likely to require positive handling on more than one occasion we will plan how to respond in line with Team teach protocols and guidance. This will include involving the parents/carers and any other relevant person to ensure they are clear about what specific action we might need to take and obtaining medical advice if the child has any specific health needs. A risk assessment and a positive handling plan will be drawn up, in consultation with all concerned and included as part of the pupil/student's Individual Educational Plan (IEP) or Pastoral Support Plan (PSP). It will be regularly reviewed by the ALNCO or assigned member of Senior Management on a termly basis.

Staff involved will, through risk assessment, have identified their training needs in this area. In cases where it is known that a pupil/student will require positive handling appropriate training will be provided.

## **Arrangements for Informing Parents/carers**

At the outset of the introduction of this policy, all parents/carers will be sent a letter outlining its introduction with information about how they can obtain their own copy.

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

For some children there may be the need to use specific techniques to routinely manage their challenging behaviour. This will be recorded in their IEP/Behavioural Plan, Positive Handling Plan or Pastoral Support Plan (PSP). Such arrangements will be fully discussed with parents/carers, on an individual basis, in advance of their implementation. All intervention will be routinely recorded and monitored.

All parents/carers will be informed by telephone and in writing after an incident where positive handling is used with a pupil/student.

The school will ensure that a record of the communication is made, with a copy of the written communication kept in the pupil/student's file.

## **Physical Contact with Pupil/Students in Other Circumstances**

Staff must be sensitive to matters relating to culture and gender issues and any known individual characteristics or special circumstances relating to pupils/students.

Some physical contact may be necessary e.g. during P.E. lessons, sports coaching or CDT, or if a member of staff has to administer first aid or medication.

Young children and children with ALN may need staff to provide physical prompts or help physical contact must always be age appropriate and done openly.

### **Staff Training**

As with other forms of professional development, decisions about training in physical intervention are best made by individual schools in the light of their particular needs and circumstances. The Headteacher will ensure that any such training is current and in line with local policy guidance.

### **Complaints**

This policy is in accordance with the WAG Guidance 03/2004, Circular 01/2004 and 47/2006; as such, those acting in accordance with it, providing they act in good faith, working within the authority guidelines, will be positively supported in their actions.

Involving parents/carers when an incident occurs, and having our clear policy about physical contact with pupils/students that staff adhere to will help avoid complaints from parents/carers. Providing staff with approved training will also help.

All complaints will be recorded and followed up by the Headteacher or their representative in the first instance. Where appropriate the Authority will be notified/kept informed.

A complaint or dispute about the use of force by a member of staff might lead to an investigation under disciplinary procedures or by the Police/Social Care under Child Protection procedures. Staff should be made aware of the Local Authority guidance on whistleblowing and use this as appropriate.

### **Review**

This policy will be regularly monitored by the Head and reviewed and updated annually.

## APPENDIX 3

### Student/Parent guide to School Policy on Positive Handling Strategies

**NOTE:** This guide has been written so that all students and parents/carers understand the school policy on the use of positive handling strategies. **The full policy is available from the school.**

The aim of this schools policy is to help staff in schools;

1. to deal effectively with challenging behaviour:
2. to ensure that staff and pupils/students are safe from harm and,
3. to ensure that pupils/students are protected from any form of positive handling which is inappropriate.

At school we work to ensure each pupil/student is able to reach his or her potential. Every child has a right to learn and every teacher is free to teach in an environment that is safe, secure and free from distraction. To achieve this we have the policy on positive behaviour management (positive handling strategies).

Staff aim to provide the highest standards in protecting and safeguarding the welfare of children and young people in their care. We accept there is a need to intervene when there is an obvious risk of safety to pupils/students, staff and property.

For the most part this is achieved through building good relationships, and the application of positive behaviour management to support and intervene. However, in extreme cases this may involve the use of positive handling.

If used at all, positive handling should be seen as a further positive action of care and concern. It is used as a last resort option and in most cases, other strategies will always have been attempted first.

It will be never used as a punishment

#### **Who Can Use Positive handling strategies?**

Positive handling will be used rarely, that is, as a last resort to maintain a safe environment.

**Any teacher who works at the school, and any other person whom the head has authorised to have control or charge of pupils/students** can use positive handling methods. This does not include prefects

#### **When are Positive handling strategies most likely to be used?**

Before using positive handling strategies staff should, wherever possible, tell the pupil/student to stop misbehaving and talk to them in a calm and measured way throughout the incident. **Positive handling strategies must always be an option of last resort and must always be the minimum action necessary to manage the situation as safely as possible and taking account of any known health problems.**

The types of force used in positive handling could include:

- passive physical contact resulting from standing between pupils/students or blocking a pupil/student's path;
- active physical contact such as
- leading a pupil/student by the hand or arm;
- leading a pupil/student away by placing a hand in the centre of the back;
- in the most difficult cases, using appropriate holds, which require specific expertise or training.

All incidents that result in positive handling (where a child has to be held) will be recorded in detail using an incident report, or if a Positive handling plan is in place, then a record of the incident will be recorded and the Positive handling plan reviewed.

The member of staff concerned will report the matter to the Head or a senior member of staff as soon as possible.

The Head or his/her deputy will tell parents/carers about the incident by the end of the school day. However, if parents/carers cannot be reached a letter will be sent to inform them of the incident and offer them the opportunity to discuss the matter.

The pupil/student involved will be given time to become calm while staff continue to supervise him/her. The pupil/student 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 pupil/student and the member(s) of staff involved in the incident. In cases where it is not possible to speak to the pupil/student on the same day, this will happen as soon as possible after the pupil/student returns to school.

Help, support and reassurance will be given where appropriate to any individual/s involved. Where possible an attempt will be made to help the pupil/student change their behaviour for the better

Where appropriate, the pupil/student should give a full and proper apology. If this cannot be undertaken then other consequences/sanctions should take place. In serious cases exclusion could be considered.

For some children there may be the need to use specific techniques to routinely manage their challenging behaviour. This will be recorded in their Individual

Education Plan (IEP)/Behavioural Plan, Positive Handling Plan or Pastoral Support Plan (PSP). Such arrangements will be fully discussed with parents/carers, on an individual basis, in advance of them being used. All intervention will be recorded and monitored.

All complaints in relation to the use of positive handling strategies will be recorded and followed up by the Headteacher or their representative. Where appropriate the Local Authority will be notified/kept informed.

A complaint or dispute about the use of force by a member of staff might lead to an investigation under disciplinary procedures or by the Police/Social Care under Child Protection procedures.

The policy will be regularly monitored, reviewed and updated by the Head and Governors annually. The Local Authority and Pembrokeshire Safeguarding Children's Board will also monitor the use and effectiveness of this policy through the receipt of annual reports from appropriate