

Worcestershire Children's Services
Positive Handling Strategies for
Pupils in
Schools and Education Settings

Care and Control Guidelines

A Framework for Worcestershire County Council
Maintained Schools

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This pack has been developed by the Social Inclusion Manager, Services to Schools Division, in consultation and partnership with:

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(Further information has also been sought from comparator Local Authorities with regard to the management and funding of issues relating to the use of physical interventions, thanks are expressed to all those who have offered valuable support advice and guidance)

1. RATIONALE

This pack has been compiled in order to support schools in developing practices that respect the rights of children and adults.

The Education Act 2006 (Part 7 Chapter 1) clarified the position about the use of physical force by teachers, and others authorised by the Head teacher of a school, to control or restrain pupils. The clarification was made by adding a section

It is recognised that for the majority of children and young people attending Worcestershire schools, there will never be a need to consider the use of physical interventions.

As an Authority we are committed to working with schools to ensure the safety and well-being of staff and pupils. Recent legislation and subsequent developments within Worcestershire Children's Services (Education Settings) have led to the development of new guidance for Worcestershire schools, on the use of positive handling. (In this document and in this Authority we refer to physical restraint as 'Positive Handling'). These guidelines are written to support schools in promoting the best interests of the pupils and to ensure that pupils who present with challenging behaviour are presented with opportunities to behave effectively through:

- positive behaviour management programmes
- conflict resolution strategies
- calming strategies
- helping children to avoid situations which are known to provoke violent aggressive behaviour

As an Authority we are aware of the continual improvements which are strived for at a national and local level, the impact which changes to future legislation and central government guidance may have on this important area of responsibility. It is with this in mind that this document will be reviewed on an annual basis to reflect those changes which may happen (eg. "Steer Report", "Education and Inspections Act 2006").

Positive handling is considered as a last resort to support pupils in times of crisis.

These guidelines are issued to provide a Countywide framework to support schools in developing their own policies, procedures and practice for working effectively with pupils who present challenging behaviour. They do not address all situations in which violent incidents may arise.

This pack aims to:

provide staff with guidance to act within a framework which promotes the rights and responsibilities of everyone working within the school environment.

provide governors, managers and teachers with the information needed to reflect practice within schools and to guide them through their policy

development, which will ensure our schools remain secure and caring environments.

FOREWORD

This can be a controversial area. Teachers are entitled to use reasonable force to control or restrain pupils physically in the arrangements explained in this guidance document. This does not authorise anything to be done in relation to a pupil which constitutes the giving of corporal punishment within the meaning of section 548 of EA 1996. Force should not be used except in self-defence or an emergency, where a teacher might have to react quickly to prevent injury.

You should be aware that your actions must be considered and appropriate; using excessive force in a situation where it is not appropriate can result in disciplinary action or criminal charges. Section 93 of the Education and Inspections Act 2006 enables school staff to use 'reasonable force' to prevent a pupil from:

- committing a criminal offence (or what would be a criminal offence if they were old enough);
- causing personal injury to, or damage to the property of, any person (including the pupil himself); or;
- prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or other wise..

The provisions of the Act do not just apply in the school itself. Circular 10/98 states that they apply whenever you have '*lawful control or charge of the pupil*' (para. 10). Circular 10/98 (para. 21) suggests reasonable physical interventions might be:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- guiding and marshalling;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back, or (in extreme circumstances) using more restrictive holds.

Teachers must seek to avoid doing anything that '*might reasonably be expected to cause injury*' (para. 23) or '*touching or holding a pupil in a way that might be considered indecent*' (para. 24). They '*should always try to deal with a situation through other strategies before using force*' (para. 25). The Circular makes it clear that records should be kept of any incidents where force is used: what occurred, why it was necessary and any consequences (para. 28-29). It is good practice for the school to inform parents and to discuss any such incident with them. The Circular advises schools to draw up their own policy and procedures relating to the use of positive handling on pupils. You should therefore make yourself aware of the policy and procedures you are expected to adopt for each school in which you work. The Act does not prevent a teacher taking action in self-defence or in some other form of emergency, when it might be reasonable to use force. However, in all cases of physical contact with pupils, it might ultimately be for the courts to decide whether a teacher acted 'reasonably' and the consequences of an error of judgement could be serious.

Child Protection

Circular 10/95 sets out the responsibilities of LAs, schools and teachers in protecting children from abuse and neglect.

The key points for the individual teacher are that:

- The school must have a child protection policy and a designated person to liaise with statutory agencies;
- The policy must include procedures for handling suspected cases of abuse of pupils, including procedures to be followed should a member of staff be accused of abuse;
- Staff should know the designated person, be familiar with the procedures and be alert to any signs of potential abuse;
- Staff must not investigate cases of alleged or suspected abuse but are duty bound to pass the concerns on to the designated person;
- Staff must never guarantee confidentiality to a pupil - if a pupil seeks to confide in you, then you must tell them sensitively that you cannot promise secrecy, but that only those who need to know will be told, and that everything will be done to help them.
- If you are the teacher who knows the child best you should be prepared to contribute to a strategy discussion.

Is physical contact with pupils illegal?

The legislation on discipline and child protection does not make it illegal for you simply to touch a pupil. As Circular 10/95 makes clear: *'It is unnecessary and unrealistic to suggest that teachers should touch pupils only in emergencies.'*

Touching younger pupils 'is inevitable' as teachers reassure them and support them. Nevertheless, as a teacher, you *'must bear in mind that even perfectly innocent actions can sometimes be misconstrued'*. Some pupils may find any physical contact distressing. It should be stating the obvious, but the Circular emphasises the point: *'It is also important not to touch pupils, however casually, in ways or on parts of the body that might be considered indecent.'* (para. 49).

It is widely recognised as good practice that a teacher should avoid being alone with a pupil in confined and secluded areas.

What is my 'common law' duty of care to pupils?

Civil law has evolved the concept of 'in loco parentis'. In a civil case (where a parent sues a school or teacher) the judge may use precedent casework to assess whether a teacher has acted as a reasonably prudent parent would. But this is not the same as the duty of care imposed by HSWA that employers ensure health and safety insofar as that is reasonably practicable. Neglect of this duty could lead to criminal not civil proceedings. Teachers have to ensure that pupils are healthy and safe on school premises and during teacher-led educational visits.

Accidents, including serious ones, can happen, but the duty of care demands that you take steps to prevent what might reasonably be foreseen. Your employer must assess the risks of all pupil activities. If you are asked to undertake the actual task then your employer should ensure that you are competent in the task and that you are trained in risk assessment if that is necessary. A risk assessment will consider

what the hazards are, what measures are in place to remove or avoid the assessed risk, and what further measures need to be effected. The assessment should also consider, amongst other things, the pupils' age, known health problems, skills, and the level and competence of the supervisors.

(extract from <http://www.teachernet.gov.uk/teachinginengland>)

There should be one event in which a previously unanticipated behaviour takes staff by surprise. An unforeseen event may require an emergency response, but after that staff have a “duty of care” to plan ahead and plan, this becomes a “foreseeable risk”.

Previous behaviour and if a person has presented dangerous behaviour in the past there must be a risk assessment and a future action plan.

EXECUTIVE SUMMARY

The Legal Framework references to relevant Education Legislation and DCSF Guidance can be found at **(Part 7 Chapter 1 Section 94)**. Legislation that came into force in 2006 (Education Act), together with national guidance (DCSF Every Child Matters 2007), established the powers of teachers and other staff who have lawful control or charge of pupils, to use reasonable force in order to prevent children committing a crime, causing injury or damage, or causing disruption.

Definition of Positive Handling, the technical definition is laid out in section 3 **(Section 3. Page 10)** of this guidance. Positive Handling uses the minimum degree of force necessary for the shortest period of time, and with maximum care, to prevent a young person harming him/herself, others or property.

Scope of the Framework describes the range of children and young people who are covered within this framework, particularly those who may potentially present more challenges for those who work with them. **(Section 4. Page 10)**

Promoting Good Practice reducing the risk of confrontation by using de-escalation strategies prior to the use of reasonable force to control or restrain pupils should always be a primary consideration. Where a team undertakes the management of children and young people, whether it is in a residential or school setting, it is essential to develop a universal set of procedures. These should be aimed at preventing violence and aggression and include learning about complex emotions including anger and frustration **(Section 7. Page 13)**

Management Responsibilities a summary of headteachers' responsibilities in authorising staff, securing appropriate training, and undertaking risk assessment, involvement of parents/carers, monitoring and recording, dealing with complaints and involvement of other agencies, support of staff. **(Section 8. Page 14)**

Risk Assessment, a description of risk assessment, which should be adopted in settings where positive handling is likely to be used and settings where individual children and young people present particular behaviours, which could constitute a risk to themselves or others, can be found at **(Section 9. Page 15 and 16)**

Model Policy, an exemplar of a model policy from which schools and other education settings can develop their own policy can be found. **(Annex 5. Page 27)**

Review Procedures, schools should have a set review process for incidents where positive handling has taken place. For most schools this could be part of their normal procedures for recording and reviewing incidents. **(Section 10. Page 17)**

Employer's Responsibility as in all organisations, employers and managers of educational settings have a responsibility for the safety and well being of their staff. **(Section 11. Page 17 and 18)** Sets out responsibilities towards staff.

Staff Training within a context of prevention, Teachers and other staff who are authorised to control or restrain pupils **by the Headteacher** should receive training in behaviour management **prior** to any training in positive handling strategies.

Teachers and authorised staff should have regular training on knowledge, skills and values for the management of anger, positive handling and post positive handling action, this is further explained. **(Section 12. Page 18)**

ANNEXES

- 1) Checklist for schools
- 2) Physical positive handling
- 3) Flowchart for use of reasonable force
- 4) Checklist for Headteachers
- 5) Model policy for schools
- 6) Criteria for training
- 7) Guidance for schools teaching children with severe learning difficulties
- 8) References used

Appendix 1

Recording, Monitoring form

Appendix 2

Pro-forma for Risk assessing and Managing Foreseeable Risks for Children Who Present Challenging Behaviours

Appendix 3

Positive Handling form

Appendix 4

Physical intervention audit

Appendix 5

Summary audit on use of physical intervention

1. INTRODUCTION

- 1.1 The intention of this document is to provide schools with guidance on the circumstances in which positive handling strategies may be appropriately used, procedures which should be in place and the techniques which are considered to be suitable. It is vitally important that staff, pupils and parents understand these procedures and the context in which they apply. Worcestershire Children's Services (for Education Settings) advises that a copy of the school policy on positive handling is given to parents together with information regarding school's behaviour policy.
- 1.2 Furthermore, it is intended to ensure that staff are clear about their role when they are working with children in order that both their own rights and those of children are protected.
- 1.3 The Education Act 2006 has placed greater emphasis on the roles and responsibilities of schools for the promotion of good behaviour and discipline. This includes a section on the power of members of staff to restrain pupils and the policy also needs, therefore, to be considered in this broader context. The LA acknowledges that there is a fine line to be drawn between advice which will be helpful to clarify where reasonable force might be used as the last resort, and advice which may precipitate violent reactions in pupils. The purpose of the guidance is to ensure that this line is clearly understood and that reasonable force or positive handling is only used as a last resort, and is Reasonable, proportionate and absolutely necessary
- 1.4 This framework sets out the use of positive handling in a general sense while recognising that there are circumstances that will require more particular approaches. Any use of positive handling, however, should always be set within the guidance of an overall behaviour management framework, underpinned by sound risk assessment.
- 1.5 Worcestershire County Council schools present a wide and complex set of differing individual needs. The variety of types of behaviour, which can be classed under the general heading of 'challenging behaviour', reflects this range. Strategies for dealing with such behaviour need to be equally varied and matched carefully to particular circumstances and individual needs of those pupils and schools.
- 1.6 Although the vast majority of young people in schools will never require any form of positive handling, many staff in our schools deal on a day to day basis with some young people who exhibit challenging behaviour. In these cases it is advised that schools carry out some form of risk assessment. Guidance on principles of risk assessment is provided later in the document.
- 1.7 Successful inclusion of more young people in mainstream settings increases the need to assist all staff in preserving good order and discipline within an environment conducive to meeting the needs of all young people.
- 1.8 At the same time the risk of accusation of improper conduct towards a young person needs to be minimised in order that the staff may act appropriately in difficult circumstances. The guidelines support the need for positive handling as only one of the strategies available for the management of challenging behaviour and only as a last resort.
- 1.9 The LA is committed to following Worcestershire Safeguarding Children Board – Child Protection Procedures in order to ensure the welfare of all pupils and

therefore this framework has been subject to consultation with senior representatives of the Safeguarding Board Executive and the Police.

2. THE LAW

2.1 The staff to which this power applies are defined in the section 94 of the Education Act 2006. They are:

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

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

2.3 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 the corridor crowded with small children may be dangerous enough not to be regarded as trivial.

2.4 Positive handling is an action of last resort and is not a substitute for behaviour management strategies. Schools are required by law to have a clear school behaviour policy which has regard to www.dfes.gov.uk/schoolattendance

2.4.i **An audit of areas where physical positive handling may be necessary should be undertaken and an audit of the behavioural environment could be considered within the guidance offered in 'Physical Interventions – A Policy Framework' – BILD – ISBN 1-873791-32-1.**

2.4.ii **Further Guidance is given by Professor Chantra, M Lyon and Alexandra Pimer in 'Physical Intervention and the Law', University of Liverpool. Published by British Institute for Learning Difficulties (BILD). ISBN 1-904082-73-4. 2004**

2.4.iii **Similarly, a Carers' Guide by same authors 'Carers' Guide to Physical Intervention and the Law'. ISBN 1-904082-81-5. UA/ISO is also available.**

3. DEFINITION OF POSITIVE HANDLING

In this document we describe positive handling namely, the positive application of force with the intention of overpowering the child. The proper use of positive handling requires skill, judgement and knowledge of non-harmful methods of control. In an attempt to promote inclusive learning opportunities the LA strongly recommends that schools/other settings produce Positive Handling Policies that provide a transparent outline of all levels of physical interaction with their pupils.

4. THE SCOPE OF THIS FRAMEWORK

- 4.1 This framework concerns circumstances when it is appropriate to use minimum physical force to prevent pupils moving into serious danger. Initially the warning should be verbal but positive handling may be appropriate particularly when a pupil may not be capable of understanding danger.
- 4.2 Positive handling is therefore qualitatively different from other forms of physical contact, such as manual prompting, physical guidance or other contact which might have an appropriate place within the context of particular teaching approaches, for example where staff are working with pupils with severe and complex learning difficulties.
- 4.3 Some aspects will require more specific guidance than others; for example where there is a higher level of risk to pupils and staff of violence or the need for positive handling such as in schools for pupils with special needs in their various forms. These will be contained in annexes, with particular reference to severe learning difficulties.
- 4.4 It should be remembered that the failure to intervene, or lack of a positive handling strategy at an early stage of the challenging behaviour can produce situations where control is lost and damage, both emotional and physical, might occur to both young person and member of staff. All staff have a duty of care to do something, this may not necessarily be intervening, it could be to seek back-up, observe, the need for diversion reassurance, clear boundaries and choices etc.
- 4.5 Positive handling, however, should only be used as a last resort and never as a matter of course. It should never be used as a sanction or punishment. It can be used proactively as a planned approach towards meeting individual need or in the case of emergency when there seems to be a real possibility that significant harm would occur if positive handling is withheld. See Section 93 Education Act 2006, sets out the conditions within which a teacher, or another person authorised by the Head teacher:
 - May use such force as is reasonable in all the circumstances to prevent a pupil from doing, or continuing to do any of the following;
 - 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);
 - Causing damage to property (including the pupil's own property);
 - Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether that behaviour occurs in a classroom during a teaching session or elsewhere.

5. EMOTIONAL AND BEHAVIOURAL DIFFICULTIES

- 5.1 The needs of children and young people who present emotional and behavioural difficulties pose a range of challenges.
- 5.2 At one end of the spectrum of need are young people who behave in ways that are considered disruptive. They may display behaviour that is socially inappropriate and in some instances is dangerous.
- 5.3 There is a qualitative difference between deliberately disruptive behaviour and impulsive behaviour arising from emotional/psychological disturbance – such as self-harm.
- 5.4 Both sorts of behaviour raise concerns because of the possible increase of risk of injury to the young persons or their educators/carers or to other children. Instances where pupils have a total disregard for the safety of themselves or others (such as deliberately pushing their hands through window glass, throwing items at others, self-injury or deliberately wandering across a busy road) present circumstances where there may be no alternative other than to restrict the young person's range of movement by reasonable force.
- 5.5 Such young people often have difficulties in appreciating or understanding the consequences of their actions or their environment. Some young people, as a result of their own insecurity, will test the limits of acceptable behaviour by adopting extremes of emotional or physical behaviour.

6. SEVERE LEARNING AND COMMUNICATION DIFFICULTIES

- 6.1 At another extreme, young people and children with severe learning difficulties or communication difficulties present another set of challenges. They may lack self-motivation and self-care skills, which invariably requires staff to physically prompt, encourage or guide them to participate in activities.
- 6.2 For such pupils, challenging behaviour may be a response to a particular situation that is disturbing to them. It may be an act of frustration as a result of being unable to express something or do something. In many cases it will be of a very individual nature, such that the particular triggers or circumstances are entirely unique to that individual. Positive handling for this behaviour may need to be related much more closely to an Individual Positive Handling Plan designed specifically for each individual pupil, and agreed with the parent/carer.
- 6.3 The complexity, range of need and the consequent support for the young person is such that it must always be related to the age, maturity, understanding and capacity of the individual. It should be consistent with their individual positive handling plan (as at 6.2).

7. PROMOTING GOOD PRACTICE

- 7.1 Where a team undertakes the management of children and young people, whether it be in a residential or school setting, it is essential to develop a set of procedures. These should be aimed at preventing violence and aggression and include learning about complex emotions including anger and frustration.
- 7.2 Irrespective of whether incidents occur during work with individuals or groups of young persons, early emphasis should be on managing the incident through non-physical, non-threatening, aggression-free strategies. Only in the event of the failure of clearly defined protocols to bring control to the situation, or imminent danger to persons, should physical positive handling be considered. These principles are explored further below.
- 7.3 Strategies which inform young people of their behaviour, offering alternative outcomes, should be developed over time so that they become an integral part of the behaviour of adults providing support.
- 7.4 An audit of areas where physical positive handling may be necessary should be undertaken and an audit of the behavioural environment could be considered within the guidance offered in **'Physical Interventions – A Policy Framework' – BILD – ISBN 1-873791-32-1**.
- 7.5 A set of strategies should be set out for those areas identified:
- A primary strategy for the whole group; the expectations of the adults
 - A secondary strategy if this breaks down
 - A strategy for responding to uninhibited challenging behaviour.
- 7.6 Where schools are catering for children with severe emotional and behavioural difficulties or challenging behaviour all staff should be provided with written guidance and regular training in line with Health and Safety requirements. In some settings, this will be specific as part of an agreed individual education plan or handling strategy agreed with parents. Other schools may consider this practice.
- 7.7 Positive Physical Interventions involves risk, as do all the alternatives. A reasonable response involves choosing an option which reduces rather than increase the risk.
- 7.8 There are positive handling techniques that reduce risk by taking people to the ground in a controlled manner.
- 7.9 The nature of the exceptional risk must be understood along with necessary planning, training, additional safeguards, risk assessment and post incident structure.
- 7.10 The annual review of statements for pupils with special needs will be a time to address issues of challenging behaviour and identify planned approaches for individual young people.
- 7.11 Those young people who exhibit challenging behaviour but are not statemented should be identified through the Code of Practice and have an individual educational plan (IEP), or/and an Individual Care Plan which also addresses these issues.

8. MANAGEMENT RESPONSIBILITIES

- 8.1 Headteachers only can authorise staff (teaching and non-teaching), which are appropriately trained and understand and accept the responsibility of their role in the use of reasonable force to control or restrain pupils. (See Circular 10/98 Para 1). It is advisable that training should be available for all staff and embrace a whole establishment approach rather than for a small group.

Teaching Staff under their "School Teachers' Pay and Conditions Document Part XII Conditions of Employment for Teachers, Para 65 Professional Duties which a Teacher may be required to Perform", have a duty of care towards pupils both on and off-site. Other staff (non-teaching) have a duty of care under the Children Act 2006.

Para 65.7 Discipline, Health and Safety states the importance of "maintaining good order and discipline among the pupils and safeguarding their health and safety both when they are authorised to be on the school premises and when they are engaged in authorised school activities elsewhere"

Clearly the amount of training will depend on the level of need of the children and young people in the school. All schools in WCC can request an assessment visit from a Positive Physical Interventions advisor.

- 8.2 All schools need to ensure that, as far as possible, preparation and planning has taken place to identify areas where positive handling might be used (See Risk Assessment).
- 8.3 Where schools work with children with severe emotional and behavioural difficulties or challenging behaviour they should develop policies on the use of positive handling. Other schools should consider including references to positive handling within their behaviour policies.
- 8.4 The complexity of these school policies will depend upon the nature of the young adults being taught and the setting in which the school has developed.
- 8.5 The policy for the school should involve all adults working there and school governors, and include the views of parents, carers, and young people.
- 8.6 Talking to children, their families and advocates about the way in which they prefer to be managed when they pose a significant risk to themselves or others.
- 8.7 Schools are strongly advised to keep systematic records of every significant Incident in which force has been used, in accordance with school requirements. The purpose of recording is to ensure policy guidelines are followed, to inform parents, to inform the LA (so that the LA can support the school and help safeguard pupils and staff), to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.
- 8.7 All schools should monitor and record any use of positive handling and the recording should be clear, comprehensive and prompt. All incidents should be reported in a **bound pagged retained book**. These documents should form part of a yearly review that examines practice for school policy and review (See Appendix 1). In addition, a named Governor and the LA Adviser to the setting should support the Head teacher in monitoring and review.
- 8.8 There should be easy access to a complaints system for pupils, parents or staff (Safeguarding Children in Education, Worcestershire County Council

Non-Curriculum Complaints Procedures), with known procedures and identified senior member of staff to monitor the outcome, the involvement of an appropriate person outside the school should be considered. The complaints procedure must be consistent with Child Protection procedures. Once a complaint has been received, early inter-agency discussion between Education staff, Children's Social Care staff and the police will take place (WCC Safeguarding Procedures).

- 8.9 This monitoring procedure should have a known timescale.
- 8.10 Where positive handling is used, the resource implication of procedures should be consistently reviewed. This should include the role of the management in the support of staff.
- 8.11 Following an incident of positive handling, clear procedures should be established to support both the young person(s) and the member(s) of staff involved in the incident.
- 8.12 School are also advised to;
- Decide whether multi-agency partners need to be involved and, if so which partners. This could include Local Authority Children's Services, Child and Adolescent Mental Health Services or the Youth Offending Team (if the pupils is already under their supervision or has been identified by the YOT as being at risk of becoming engaged in criminal or anti-social behaviour);
 - Where pupils is responsible, hold the pupil to account so that he or she recognises and repairs the harm caused or which might have been caused. This may involve giving them the opportunity to repair the relationship with staff and pupils affected by the incident and/or develop their social and emotional skills. In some cases, an incident might lead to a decision to exclude a pupil. In these circumstance head teachers must have regard to the DCSF statutory guidance on exclusions, which is available at www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance/
 - Help the pupil and staff develop strategies to avoid such crisis points in the future and inform relevant staff about these strategies and their roles;
 - Ensure that staff and pupils affected by an incident has continuing support for as long as necessary in respect of;
 - i) physical consequences
 - ii) support to deal with any emotional stress or loss of confidence; and
 - iii) opportunity to analyse, reflect and learn from the incident.

9. RISK ASSESSMENT

- 9.1 This section has particular reference to settings that cater for children with severe emotional and behavioural difficulties or challenging behaviour.

However, it is recommended that all schools, PRUs and support services need to develop this practice as part of their overall strategy for behaviour management. Risk assessments need to address two central issues.

- 9.2 All schools should consider some form of risk assessment at a general level in order to inform their policy.
- 9.2i Schools may also need to make individual risk assessments where it is known that force is more likely to be necessary to restrain a particular pupil such a pupil whose SEN and/or disability is associated with extreme behaviour. An individual risk assessment is also essential for pupils whose SEN and/or disabilities are associated with:
- Communication impairments that make them less responsive to verbal communication;
 - Physical disabilities and/or sensory impairment;
 - Conditions that makes them fragile, such as haemophilia, brittle bone syndrome or epilepsy;
 - Dependence on equipment such wheelchairs, breathing or feeding tubes.
- 9.3 It should enable schools to assess the environment or setting in order to gauge the potential triggers or factors which might provoke or exacerbate difficult behaviour. (See Framework for Intervention)
- 9.4 Risk assessment and monitoring should carefully consider equality issues including race, ethnicity, gender, sexuality and disability. (See Appendix 1)
- 9.5 Procedures for risk assessment should help staff to identify activities or environments that are associated with risk. The procedures should:
- establish the likelihood of adverse outcomes for either children or adults
 - provide some estimate of the likely consequences if such outcomes were to occur
 - enable staff to take steps and seek assistance so as to avoid unreasonable risk to themselves
 - provide opportunities to discuss as a staff response to unforeseen situations.
- 9.6 Schools need to be able to establish the possible consequences of using a particular method or methods of positive handling when difficult behaviour occurs.
- 9.7 Where there is positive handling as part of a continuum in managing challenging behaviour, then an assessment of the risk arising from these positive handlings should be undertaken.
- 9.8 The type of positive handling which is used or authorised for use, should be identified.
- 9.9 For each, the following questions should be asked and itemised:

- What are the potential hazards?
 - What possible outcomes, positive and negative, could arise from this positive handling?
 - What are the likely outcomes if no action is taken?
 - How are staff kept informed of pupils who may present a risk and those for whom there is an agreed protocol?
 - Note that doing nothing (planned ignoring) is a realistic course of action if it is taken deliberately and contains the assessment identified in 6.1-3.
 - Who might be harmed and how, eg. the young person, the adult, bystanders, or property?
- 9.10 Evaluate the risks. Look for the least restrictive positive handling strategy to respond effectively to foreseeable incidents.
- 9.11 Review and record the findings of such an evaluation regularly.

10. **REVIEW PROCEDURES**

- 10.1 Schools should have a set review process for incidents where positive handling has taken place. For most schools this could be part of their normal procedures for recording and reviewing incidents. That review should include the following:
- 10.2 What steps are taken to ensure that minimum reasonable force is used if positive handling is needed?
- 10.3 Have the incidents needing positive handling increased/decreased?
- 10.4 Are incidents monitored to ensure that the length of time positive handling is used is kept to a minimum?
- 10.5 Are practices reviewed and alternative methods not using positive handling explored as a possible outcome in each case?
- 10.6 What steps are taken to ensure that positive handling used causes a minimum of pain or distress?
- 10.7 Where positive handling is used, what method is there for checking medical advice?
- 10.8 What steps are taken following positive handling for the young person and the adults involved?
- 10.9 Are there separate debriefing sessions for both pupil and members of staff who have been involved in a positive handling? Does the review explore antecedents, consequences and alternative courses of action.
- 10.10 A regular and planned review of these issues is an essential part of their management.

11. **EMPLOYER'S RESPONSIBILITY**

- 11.1 As in all organisations, employers and managers of educational settings have a responsibility for the safety and well-being of their staff.

- 11.2 Policy statements should acknowledge clearly that positive handling should not put staff at risk of injury.
- 11.3 Staff are entitled to appropriate medical treatment and sick leave.
- 11.4 Staff involved in violent incidents or repeated positive handling may become stressed. Procedures should be in place to monitor them where appropriate counselling should be accessed.
- 11.5 Through supervision or appraisal, all staff should have access allowing discussion of incidents of positive handling.
- 11.6 Different adults respond in different ways to psychological stress. Support following incidents of aggression should reflect the individual needs and strengths of each member of staff, including, where necessary time for the member of staff to have a breathing space after an incident.
- 11.7 All staff should be encouraged to ask for their use of positive handling to be monitored or to report any incidents that give rise to concerns.
- 11.8 The school should have a procedure for monitoring the use of positive handling.
- 11.9 Monitoring should promote good practice and reduce poor methods of positive handling.

12. STAFF TRAINING

- 12.1 Teachers and other staff who are authorised to control or restrain pupils **by the Headteacher** should receive training in behaviour management **prior** to any training in positive handling strategies.
- 12.2 Teachers and authorised staff should have regular training on knowledge, skills and values for the management of anger, positive handling and post positive handling action.
- 12.3 Schools should also deliver training for all staff so that their awareness is raised, even if they are not authorised to control or restrain pupils.
- 12.4 All schools need to ensure that, as far as possible, preparation and planning has taken place to identify areas where positive handling might be used (See Risk Assessment).
- 12.5 Where young people are identified as having challenging behaviour that may need positive handling as a last resort, then staff involved should have adequate and appropriate training made available and this should be revisited within the guidelines of the preferred approach and county Health and Safety Policy.
- 12.6 In these instances, staff should only employ positive handling which they have been trained to use.
- 12.7 Staff development should be organised to ensure that appropriate training on positive handling strategies or behaviour management is available if identified by or for a member of staff.

- 12.8 Head teachers can gain advice on training by contacting Worcestershire County Council Children's Services (Vulnerable Children's Team for both initial and refresher training – see contact details as below 12.9)

The identified model of 'Best Practice' in Worcestershire is "the Team Teach Approach" which is accredited by British Institute of Learning Disabilities (BILD) and meets the legal requirements. As per DfES/DOH Guidance for Restrictive Physical Intervention, July 2002, available at –

www.doh.gov.uk/learningdisabilities.htm &
www.doh.gov.uk/qualityprotects/index.htm

- 12.9 Schools and services should check against the 'Criteria for Training' (Annexe 6 of this document) and ensure that any trainers meet these requirements. Worcestershire County Council Children's Services will give an opinion on whether a particular training proposal meets these criteria. For information contact: Dee Milbery – Positive Handling Adviser – 01905 728918 – Email DMilberry@worcetershire.gov.uk

ANNEX 1 CHECKLIST FOR SCHOOLS
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Where there is the expectation that staff should follow the guidelines as suggested in the DfEE Circular 10/98 then each school should have:

- 1) Aims, objectives, mission statement which mention:

Physical	)	
Emotional	)	wellbeing
Material	)	
Social	)	

As a context that will provide the environment in which both pupils, parents and staff will work together.

- 2) A Care and Control policy that reflects how these aims are maintained and provides a transparent overview of all aspects of physical interaction between the young people and the staff.
- 3) A definition of positive handling which distinguishes between actions in which one restricts the movements of another, ie. by implication the restriction of a person's movement which is maintained against resistance, and other forms of physical contact such as manual prompting, physical guidance or simply support which might be used in teaching, therapy or reassurance.
- 4) Use of the SEN Code of Practice to identify specific pupils who, experience says, are likely to exhibit uninhibited behaviour.
- 5) Produce Individual Positive Handling Plans which identify the techniques to be used when the challenging behaviour occurs for those individual pupils concerned.
- 6) Apply the Worcestershire County Council system for logging instances where positive handling is used. These incidents should be logged as identifying the antecedent, the behaviour and the action taken following the incident.
- 7) Provide a system to interview both staff and pupils following an incident where debriefing can take place and support can be provided.
- 8) Identified Governor or LA Adviser to support the monitoring procedure. (Head teacher to initial all such forms as having seen them)

1. This framework document, Section 550A to the Education Act 1996 and DfEE Circular 10/98 sets out the three broad categories in which reasonable force may be appropriate, or necessary, to control or restrain a pupil:
 - where action is necessary in self-defence or because there is 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 and discipline.
2. Examples of situations that fall within these categories are set out in paragraph 15 of the Circular 10/98.
3. Circular 10/98 paragraph 17 points out that there is no legal definition of reasonable force and that it is therefore not possible to set out when it is reasonable to use force, or the degree of force that may reasonably be used. This will always depend on the circumstances of the case, Only a court may judge what is reasonable in terms of the amount of force used in positive handling and obviously does so retrospectively.
4. The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the circumstances do not warrant the use of physical force. Therefore physical force could not be justified in order to prevent a pupil from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.
5. 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. Any force used should always be the minimum needed to achieve the desired result.
6. The use of positive handling is only lawful in certain specific cases. Such as where a young person is:
 - Threatening the safety of other young people or other adults
 - Causing injury to self or others
 - Causing significant damage to property.
7. Types of positive handling which may be appropriate:
 - Physical contact with a young person designed to control the young person's movements, which pose a danger (eg. holding by the arms against the side of the body). Standing by the side of the young person is likely to minimise the risk to adult and young person.
 - The holding of a young person's arms or legs to prevent/restrict striking/kicking
 - The use of minimum amount of force necessary - without causing injury -to remove a weapon/dangerous object from a young person's grasp (*if foreseeable this requires specialised training*).

- Physically preventing a young person from exposing themselves to possible danger by leaving the premises.

*In all the above, the person exercising the positive handling **must be authorised by the head teacher of the school and must have received appropriate approved training**. Within the BILD Code of Practice, and the Team Teach framework, this would need to be delivered by an advanced instructor.*

- Pupils should not be placed on the floor unless staff have received specialist training.** Where risk assessment has taken place it is imperative that techniques are outlined within the pupils' Positive Handling Plan. Following ground-holds, pupils should be monitored every fifteen minutes for at least three hours. All relevant authorities, including the parents, must be informed as soon as possible following the incident.
- Staff may not use techniques that are designed to control behaviour by the application of pain. The DfES recognises, however, that it is sometimes difficult to restrain a young person without causing some discomfort, and that the difficulty increases the bigger the young person is, relative to the size of the member of staff.
- The member of staff should advise the young person calmly and repeatedly that he/she could stop the positive handling by applying self-control.
- The young person should be released from positive handling as soon as is safely possible. Release must always be carried out in a planned and controlled way.
- As far as is possible staff should avoid any actions which could be viewed as sexual. If a member of staff feels that a necessary positive handling action may be viewed by a young person as having a sexual content, the staff member should describe what he/she intends to do and why, giving the young person an opportunity to avoid it. If the action remains necessary, while carrying it out, the staff member should repeat why it is necessary, stressing that it is in the young person's power to remove the need for positive handling.
- If positive handling is required for an extended period because the child cannot be released safely the senior member of staff on duty will monitor the situation closely with view to safeguarding the young person and the staff concerned. It may be necessary to contact outside agencies (ie. the police) for assistance in some circumstances. Team Teach have specified this may be useful in relation to prone holds providing staff are trained to this level.
- As far as possible actions should be calculated to reduce the need for positive handling, or when positive handling is used, to reduce the length of time for which it is necessary.
- Only a court may judge what is reasonable in terms of the amount of force used in positive handling and obviously does so retrospectively.
- The following actions would be deemed to be unreasonable:**
 - Striking a person
 - Sitting on a young person's front or back (or any other form of pin down)
 - Exerting excessive pressure on any part of a young person's body – restricting breathing or airway

- Causing actual injury to a young person
- Forcing a young person's arm up his/her back
- Squeezing a young person's windpipe
- Lifting a young person off the floor in order to intimidate or relocate (other than for safety or medical reasons of course)
- Pulling a young person's hair, ear or other physical feature.

18. The following are also prohibited as forms of control:

- Corporal Punishment
It is totally inappropriate to use corporal punishment and it is illegal in all State Maintained schools. Corporal punishment may be defined as any act or threat of an act, such as hitting, kicking, slapping, punching, poking, prodding, biting, throwing an object, rough handling etc. which causes or threatens harm.
- Restriction of liberty (eg. Locking someone up)
- Deprivation
- Restriction or refusal of visits/communication
- Requiring the wearing of distinctive or inappropriate clothing. (Clearly this does not include wearing of school uniform or school sports-wear)
- Fines
- Intimate physical searches.

19. Positive handling Procedures:

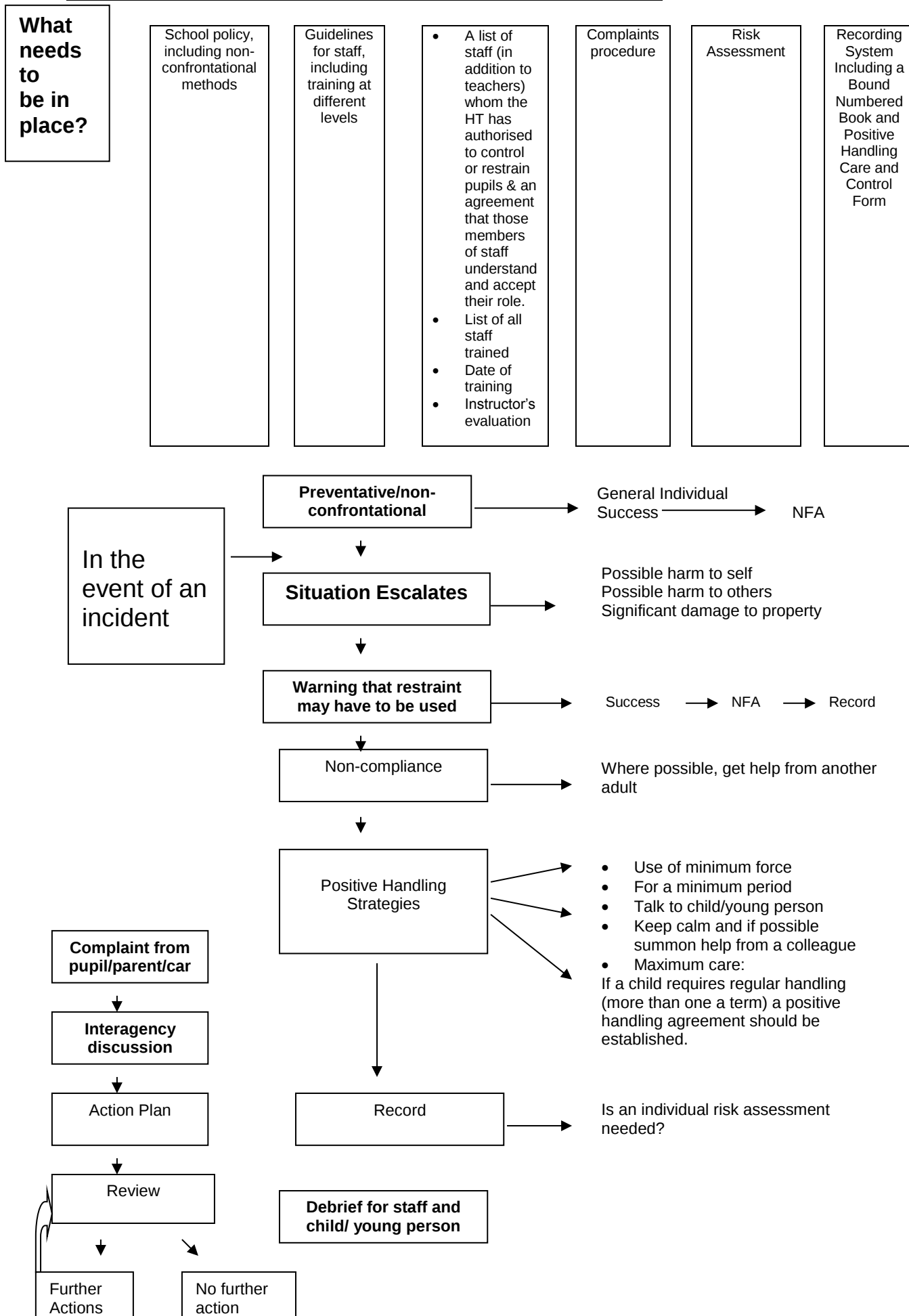
As soon as a member of staff has decided to intervene physically in order to prevent injury occurring to any person, or serious damage to property, then she/he should:

- i) Give clear instruction warning the young person of the consequences of failure to comply. Note: this warning must not comprise any threat of unlawful assault.
- ii) If at all possible, summon a second carer or adult. The importance of the presence of a colleague is twofold:
 - a) Another member of staff may be able to reduce the risk of the member of staff or young person suffering bodily harm – a solitary person is in a very exposed position.(if for example, a fight is in progress).
 - b) There is a witness if allegations of assault are subsequently made by a young person or parents.
- iii) While intervening the member of staff must:
 - Employ the minimum force necessary to restrain the young person;
 - Employ minimum physical force necessary for the minimum period needed to restrain the young person;
 - Keep talking to the young person for example: 'if you stop kicking I will release my hold', (unless an individual protocol is in place);
 - Avoid committing any act of punitive violence;
 - Keep his or her temper under control
 - Ensure that there is a record of the incident (Appendix 1)

SUMMARY

- i) It is lawful for a member of staff to use such 'reasonable' physical force in restraining the young persons as is necessary in order to prevent and/or restrict injury to the young person, to third parties (including any other young persons), to colleagues and members of the public, and to the member of staff involved.
- ii) Only a Court can decide, after the event, whether or not the degree of physical force used was 'reasonable' in the circumstances. The use of 'excessive' force whether in defence of self or others – constitutes assault and is subject to criminal prosecution/civil action.
- iii) Members of staff face a difficult situation when the duty of care can only be discharged through the use of positive handling. At law, members of staff have a responsibility to take all "reasonable, proportionate; and absolutely necessary" steps to ensure that young persons in their charge are not exposed to the risk of harm, or suffer any undue injury.
- iv) A member of staff should only use physical force where the member of staff sincerely believes that it is necessary to do so to prevent or restrict injury.
- v) However, the risk to the member of staff is the definition of 'reasonable' as this is open to interpretation. It is therefore essential that members of staff who have to resort to the use of positive handling should do so as a last resort after other behaviour management techniques have failed to prevent a situation escalating into one where the young person is likely to damage themselves or others.

ANNEX 3 FLOWCHART FOR USE OF REASONABLE FORCE



ANNEX 4 CHECKLIST FOR HEADTEACHERS

What schools need to have in place:

1. A policy that reflects the LA's Guidance and DCSF Guidance (See section 93 Education Act 2006)
2. A list of staff (in addition to teachers) whom the Headteacher has authorised to control or restrain pupils and an agreement that those members of staff understand and accept their role.
3. Arrangements for training for teachers and those staff who have been authorised by the Headteacher, including appropriate updating of training. Arrangements for training in preventative measures as part of the whole school policy on behaviour and discipline.
4. Arrangements for Risk Assessment where it is necessary including having due regard for the implications of any assessment on individual pupils, and where relevant the stage they are at on the Code of Practice, their Individual Education Plan, Individual Behaviour Plan and the review of their Statement of Special Educational Need.
5. Recording and monitoring procedures (Appendix 1). This should take the form of a bound page numbered book in the first instance – referencing any other notes or forms completed.
6. Review Procedures, both for individual incidents and for the policy as a whole.
7. Arrangements for staff to be supported both in situations where they have had to restrain a pupil and where they have prevented confrontation but need to be de-briefed, including a 'breathing space' where this is requested or counselling if necessary.
8. To follow Worcestershire County Council complaints procedure which is consistent with Child Protection Procedures and which builds in early discussion with other agencies.

ANNEX 5 MODEL SCHOOL POLICY ON THE USE OF REASONABLE FORCE TO POSITIVELY HANDLE PUPILS

1. The school is committed at all times to the highest standards in protecting and safeguarding the welfare of young people entrusted to its care.
2. As part of the ethos of the school, the staff and Governors are committed to:
 - Encouraging and supporting parents/carers/guardians and working in partnership with them;
 - Listening to and valuing each individual child or young person;
 - Ensuring that all members of staff, full time and part time are properly trained and supported.
3. We recognise that some young people 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. Within the school environment, by virtue of their day to day knowledge and contact with young people, staff are well placed to be able to intervene, support and protect these young people who are not able to control themselves.
4. The School fully supports the Worcestershire County Council Education Guidance on the Use of Positive Handling Strategies to Control or Restrain Pupils, which is available to all staff. (School Name and Location to be specified).
5. The School is committed to following Worcestershire County Council Safeguarding Children Board Child Protection Procedures in order to ensure the welfare of all pupils. We will endeavour to build relationships with local agencies in order to ensure continuing confidence and trust in the school as a caring and fair institution.
6. All staff and Governors must know and follow the Worcestershire Children's Services Positive Handling Strategies for Pupils – Care and Control Guidelines.
7. The Headteacher will identify a Senior Member of Staff who will oversee any incident relating to the implementation of the school policy. In the case of this member of staff being absent, the Headteacher will clearly identify who will deputise for this role.
8. Parents will be made aware of the School's Policy on the Use of Positive Handling Strategies to Control or Restrain Pupils through the School Brochure, initial meetings with parents of new pupils and other communications.
9. The School will help to develop better strategies for the management of young people's behaviour if they are identified as needing support to control their challenging behaviour in inappropriate contexts.
10. All staff should be given a copy of the school policy, including new staff at induction and should expect to be reminded of the policy from time to time.
11. This school policy will be reviewed on an annual basis in order to maintain legislative, central government, local changes, and to up-date Best Practice strategies.

ANNEX 6 POSITIVE HANDLING STRATEGIES - CRITERIA FOR TRAINING

The following criteria should be used in selecting appropriate training on Restrictive Physical Intervention:

1. Training supports this framework.
2. Training supports Worcestershire County Council – Children’s Services Safeguarding Children Board - Child Protection Procedures.
3. The training is delivered by at least 2 trainers working together, as per Section 12-9, in order to positively model the practices advocated.
4. The trainers have a proven awareness and commitment to equal opportunities and recognise issues related to race, culture, ethnicity, gender, disability, sexuality and age.
5. The proposed practices are as safe as possible for young people and throughout recognise the need to preserve the young person’s dignity. Trainers advocating face-down or face-up holds as the preferred application for positive handling should not be employed. Our recommendation is one recommended by the Team Teach Approach.
6. The trainers should provide evidence in advance that the practices proposed are safe for staff to use. (As per Section 12.9)
7. The trainers should be able to provide evidence of where they have previously worked and records should indicate reductions in incidents and injuries for young people and staff. Schools are advised to check directly with other schools or agencies previously using the trainers.
8. The trainers should be able to identify convincing research which supports the practices they will be encouraging.
9. Trainers advocating methods which are simply based on positive handling of adults should not be used.
10. Schools should check any proposals for training with Dee Milbery – 01905 728918 – Email DMilberry@worcestershire.gov.uk

ANNEX 7 APPENDIX FOR SCHOOLS TEACHING CHILDREN WITH SEVERE LEARNING DIFFICULTIES

The complexity and range of need and the consequent support for the young people is such that physical intervention is the norm and not the exception. The range of challenging behaviour features described in the main document are to be found within the pupil population of all schools teaching children with severe learning difficulties where an additional element to a pupil's autistic spectrum disorders, emotional and/or behavioural difficulties, sensory disability or chromosome disorder etc. is their severe intellectual impairment.

Thus low and medium level intervention would not be recorded, unless there was a planned and specific intervention. This would most likely be recorded and monitored through the young person's IEP. It would not be deemed necessary for risk assessment to be carried out unless a child or young person's behaviour suggests that they present a risk to themselves or to others.

It is important for staff to work within the guidelines of the individual school policy. However the policy must guide the staff strategies and responses to the need for physical intervention in such a way that staff feel empowered within that policy to respond flexibly according to the needs of the situation. Judgements leading to this response may be affected by staffing availability, setting, the young person's behaviours, health and physical wellbeing as well as the young person's motive for the behaviour.

Physical Intervention

A child or young person's particular needs should be reflected in their Individual Education Plan or Behaviour Plan. Where an individual protocol is in place arising from a risk assessment, then procedures in the main body of the document should be followed.

Incidents and events that constitute LOW Level Intervention would include:

- Limitation of movement through the use of high level or double handles to doors
- Leading by the arm (hand)
- Being held or assisted in maintaining a position, eg. sitting in a chair
- Use of reins, wrist straps, buggies for management and safety of the young person out of school (especially in the early years)

Incidents and events that constitute MEDIUM Level Intervention would include:

- Removal of young person from an activity
- Placing a young person in a chair or other confined area with the intention of limiting mobility
- Removal from an area of the classroom or playground
- Intervening with a young person by whatever safe means is possible, to prevent them from harming themselves or others
- Holding a self-injuring young person, eg. by the hand while they become calmer.

Beyond the LOW and MEDIUM levels of positive handling, the staff of the SLD school must follow the procedures described in the main document (although in individual cases, a protocol may be established with low and medium interventions).

- HIGH Level Intervention: Should only be used when absolutely necessary and should follow the Team Teach advance techniques (12.9).

ANNEX 8 REFERENCES

In preparing this framework and annexes, reference has been made to several publications. These include guidelines issued by Worcestershire County Council.

Worcestershire ACPC Inter-Agency Guidance Child Protection Procedures (April 2002 – As Amended)1997)

Section 93 Education Act 2006

Every Child Matters. Date issued January 2007 DFES/4127/2006

DCSF Circulars consulted were:

Circular 9/94 The Education of Children with Emotional & Behavioural Difficulties

Access to Education for children and young people with medical needs. Date issued: 2001 DfES/0732/2001.

Circular 10/98 DfEE July 1998 Section 550A of the Education Act 1996: The Use of Force to Control or Restrain Pupils

DfES 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. Date of Issue: July 2002 Ref: LEA/0242/2002

DfES Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behaviour Difficulties. Date of Issue: Sept 2003

Other documents and links referred to were:

The Council of Local Education Authorities Circular 6/95

Links to other guidance documents

1. *A Legal Toolkit for Schools*
www.teachernet.gov.uk/wholeschool/behaviour/tacklingbullying/homophobicbullying/adviceforheadsandsmts/legalframework/
2. *Access to Education for children and young people with medical needs* (DfES 0732/2001)
3. *Child Protection: Preventing Unsuitable People from working with Children and Young People in the Education Service*
www.teachernet.gov.uk/wholeschool/healthandsafety/medical/
4. *Guidance on First Aid for Schools*
www.teachernet.gov.uk/wholeschool/healthandsafety/firstaid/
5. *Guidance on the Use of Force Guidance* (Revised)
www.teachernet.gov.uk/wholeschool/familyandcommunity/childprotection/usefulinformation/useofforceguidance/
6. *HSE A Guide to Risk Assessment Requirements* -
www.teachernet.gov.uk/growingschools/making-it-happen/detail.cfm?id=28

7. Promoting positive behaviour and early intervention
www.teachernet.gov.uk/wholeschool/behaviour/exclusion/guidance/part1/
8. *Safeguarding Children*
www.teachernet.gov.uk/educationoverview/briefing/currentstrategy/safeguardingvulnerablegroupsact/
9. *School Admissions Code of Practice* (www.teachernet.gov.uk/admissions)

**Consultation Document 2005-02-11 The British Institute of Learning Difficulties
A Policy Framework to Guide the Use of Physical Interventions (Positive
handling) with Adults & Children with Learning Disability and/or Autism.**

Website Addresses

Access to DfES Publications and other information:
www.teachernet.gov.uk

Children in Public Care:
www.dfes.gov.uk/educationprotects

Health and Safety:
www.hse.gov.uk

School Security:
www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity/

SEN:
www.teachernet.gov.uk/SEN



Children's Services

Serious Incidents Involving

Positive Handling. Care and Control - Intervention

Start Date:

End Date:

A report must be completed in full following any incident in which a pupil has been restrained.

Headteachers must ensure that staff has the opportunity to fill in this form at the earliest opportunity.

A copy of the complete report must be taken and filed on the pupil's personal file along with any supplementary reports.

Where possible, the expectation is that school staff will exhaust all behavioural management strategies before they physically intervene. Where and when there is time, the physical interventions must be as a "last resort option" for staff. All physical techniques should be endorsed in policy and supported by management and those in "authority".

There is no legal definition of when it is reasonable to use force. That will always depend on all the circumstances of the case.

Any degree of force is unlawful if the circumstances do not warrant the use of force.

Decisions on whether to use force must depend on judgements about:

- a. the seriousness of the incident, as judged by the effect of the injury, damage or disorder which is likely to result if force is not used;
- b. the chances of achieving the desired result by other means; and
- c. the relative risks associated with physical intervention compared with using other strategies. Section 93 Education Act 2006

Where a service user requires repeated physical management, the strategies and techniques should be planned for and agreed in advance. They should be written out and included in individual care/health/education / behaviour management plans.

Time off must be allowed following an incident in order for the member of staff to recover and to enable them to complete the form.

The completed forms should be returned to Dee Milbery Team Teach Advisor, West Wing, Wildwood, Worcester, WR5 2YA. 01905 728918

If any member of staff has any doubts about completing the forms, they should contact their Trade Union representative.

Any queries concerning the form should be directed to Chris Golbourn, Service Development Manager, Vulnerable Children, Telephone 01905 766086.

School:

Form R

Record of Serious Incident Involving Positive Physical Intervention of Pupils

This report consists of four pages and should normally be completed as soon as practically possible after the incident.

Name of Pupil: _____ Year/Group: _____

Gender: Male ☐ Female ☐ Is the pupil a Looked After Child? Yes ☐ No ☐

Ethnic Origin					
White		White and Black Caribbean		Black – British	Bangladeshi
White - British		White and Black African		Black – African	Indian
White – Irish		White and Asian		Black – Caribbean	Pakistani
White – Gypsy		Any other mixed		Black – Other	Any other Asian
Any Other White		Chinese		Asian	Any other ethnic group (Please Specify)
Mixed		Black		Asian - British	

Date of Incident: _____ Time of Incident: _____ Place: _____

Reporting Staff: _____ Staff Involved: _____

Staff Witness: _____

Pupil Witness: _____

Behaviour	x	Reason for Physical Intervention	x	Management	x
Assault		Child Liable to Injury		Talk Through	
Vandalism		Other Child Liable to Injury		Sanction	
Bullying		Staff Liable to Injury		Reparation	
Abuse		Property Liable to Damage		Internal Suspension	
Serious Disruption		Good Order Prejudiced		Exclusion by Headteacher	P/Ft

1.1 Concise details of how the incident began and nature of pupil behaviour.

1.2 De-escalation techniques used prior to physical intervention.

Verbal advice and support	☐	Reassurance	☐
Calm Talking	☐	Humour	☐
Distraction	☐	Options offered	☐
Step Away	☐	Support Systems	☐
Negotiation	☐	Non-threatening Body Language	☐
Physical Intervention (Excluding Restraint)	☐	Instruction	☐
Warning	☐	Other(Please Specify)	☐

1.3 Positive Physical Intervention technique (s) used. Enter sequence number and number of staff.

Technique	Standing		Sitting/ Chairs		Kneeling		Ground	
Single Elbow hold								
Figure of Four								
Double Elbow hold								
Wrap								
Half Shield								
Small child escort								

Length of Time of Positive Physical Intervention: _____**Brief Description of Positive Physical Intervention:** _____

1.4 Details of any Injury Staff ☐ Pupils ☐ Both ☐Body map completed overleaf Yes ☐ No ☐Medical Treatment Yes ☐ No ☐Accident Form completed Yes ☐ No ☐**Give brief details of injury and treatment:** _____

1.5 Damage to Property Yes ☐ No ☐**Give brief details:** _____

1.6 Incident Reported to (Name): _____ **Time:** _____ **Date:** _____**1.7 Signature of Report Compiler:** _____ **Time:** _____ **Date:** _____

1.8 Signatures of other staff involved Supplementary report appended to pupil file to pupil file copy

_____ Date: _____ Yes ☐ No ☐
_____ Date: _____ Yes ☐ No ☐
_____ Date: _____ Yes ☐ No ☐
_____ Date: _____ Yes ☐ No ☐

1.9 Post Incident Discussion with Pupil

Location: _____ **Date:** _____ **Time:** _____

Present: _____

Brief description of outcomes: _____

Signatures: Pupil _____ Lead Member of Staff _____

1.10 Action taken by Headteacher/ Deputy Headteacher

1.11 Name: _____ **Designation:** _____

1.12 Incident Log Checked Complete ☐ **Signed by Head** ☐

Parents Informed: **Date:** _____ **Time:** _____

Follow up Letter to Parents: **Date:** _____

Other Professionals Informed: Yes ☐ No ☐

Name	Designation	Date Informed

Post Incident Discussion with Staff: **Date:** _____ **Time:** _____

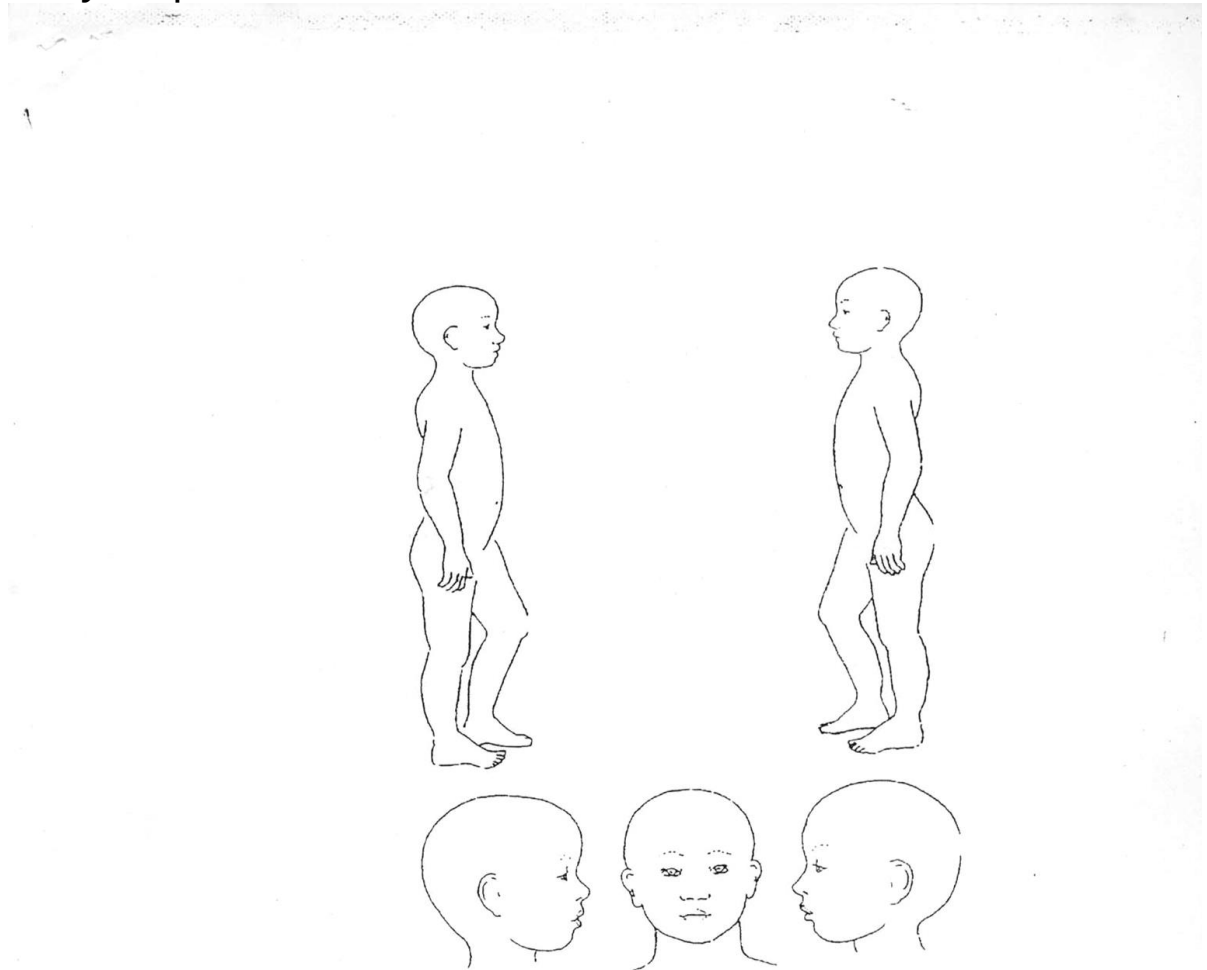
**Strategies agreed at Post Incident Meetings to be incorporated into BMP
(Behaviour Management Plan)**

Copy Lodged on Pupil File ☐

Signed: _____ **Headteacher. Date:** _____

School: _____.

Body Map



Details of injuries as marked on Body Map:

Body Map Completed by:

Name: _____ **Date:** _____ **Time:** _____

APPENDIX 2

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:

Signature: **Date:**

Risk Reduction Options			
Measures	Possible options	Benefits	Drawbacks
Proactive interventions to prevent risk			
Early interventions to manage risk			
Reactive interventions to respond to adverse outcomes			

Agreed Behaviour Management Plan & School Risk Management Strategy		
Focus of measures	Measures to be employed	Level of risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		

Agreed by:

.....

Relationship to child:

.....

Date:

Communication of Behaviour Management Plan & School Risk Management Strategy		
Plans and strategies shared with	Communication Method	Date Actioned

Identified training needs	Training provided to meet needs	Date training completed

Evaluation of Behaviour Management Plan & School Risk Management Strategy

Measures set out	Effectiveness in supporting the child	Impact on risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		

ACTIONS FOR THE FUTURE

Plans and strategies evaluated by:

.....

Relationship to child:

.....

Date:

Positive Handling Plan APPENDIX 3

Name of child _____ Name of School _____ Plan Number _____

Positives- What is the pupil good at and what do they like doing?	Triggers- What situations have led to problems in the past?	Successful approaches- What proactive interventions have been effective in preventing pupil's anxiety rising?
1.	1.	1.
2.	2.	2.
3.	3.	3.
4.	4.	4.
5.	5.	5.

Describe any modifications to the environment or pupil routines that can be implemented to prevent anxieties rising?

- 1.
- 2.
- 3.

De-escalation- Describe any strategies that have worked in the past or should be avoided?

Strategy	Description of Impact	Try	Avoid
Verbal advice and support			
Firm clear directions			
Negotiation			
Limited Choices			
Distraction			
Diversion			
Reassurance			
Planned ignoring			
Contingent touch			
C.A.L.M. talking/stance			
Take up time			
Withdrawal offered			
Withdrawal directed			
Change of face			
Reminders of consequences			
Humour			
Success reminders			
Others			

From your risk assessment what is the likelihood of a child harming himself or herself, another child or adult in the event of an incident. Is it: -

Improbable	YES	NO
Possible	YES	NO
Probable	YES	NO

Please indicate whether this behaviour is likely to be directed towards pupil or towards staff.

Type of Incident	Towards other Pupil	Towards Staff
Verbal abuse		
Severe disruption of lesson		
Slapping		
Pinching		
Biting		

Punching		
Spitting		
Hair Grabbing		
Neck Grabbing		
Clothing Grabbing		
Arm Grabbing		
Body holds		
Weapons/Missiles being thrown		

Preferred strategy for dealing with the above incidents

Type of Incident	Approach									
	1.	2.	3.	4.	5.	6.	7.	8.	9.	10.
Verbal abuse										
Severe disruption of lesson										
Slapping										
Pinching										
Biting										
Punching										
Spitting										
Hair Grabbing										
Neck Grabbing										
Clothing Grabbing										
Arm Grabbing										
Body holds										
Weapons/Missiles being thrown										
Self Harm										

1= Ignoring, 2= Summoning assistance, 3= Summoning external assistance, 4= Cradle Hold, 5= Wrap, 6= Single Elbow, 7= Double Elbow, 8= Figure 4, 9. Separate fights, 10. Shield

Follow up-Debrief and repair following the incident

Where	Other Staff member with whom child has a good relationship

Notification

Parent/ Guardian	Social Worker	Local Authority	GP/ CAHMS	Psychologist	ISL	Child Protection	Other

Names
Head of Centre
Child
Parent
Social Worker
Health

Signature

Date

Physical intervention audit
(To be completed by school staff)

Completed by: _____ Role within school: _____

Policy	Yes	No	Unsure
Are you aware of the school's policy on Physical Interventions (P1)? Comment:			
Have you had any guidance or communication in terms of the implementation of the policy? Comment:			
Has a risk assessment of your role been completed? Comment:			
Have you received any training (including during your initial training) in: • Positive behaviour management • Managing aggressive confrontation • Physical intervention – - Breakaway techniques - Positive Handling Comment:			
If you have received training in Physical Intervention techniques is regular (annual at least) refresher training provided?			
Incidents	Yes	No	Unsure
Have you been faced with extremely challenging behaviours in the last term? Comment:			
How many incidents occurred over this period? Comment:			
(If you have not been faced with any incidents over the designated period, you do not need to answer any further questions)			

Incidents	Yes	No	Unsure
Did this involve one child or various children? Comment:			
Did any of the incidents result in the use of physical intervention?			
If yes, what type of intervention was made? Comment:			
Was there an existing IBP/ IEP/ PSP for the child/children concerned?			
If yes, did the individual programmes specify the need for Physical Intervention and identify specific strategies and techniques: Comment:			
If techniques were identified, did all staff with regular contact with the child receive specific training in those techniques? Comment:			
Did you report these incidents in writing?			
If yes, to whom did you report the incidents? Comment:			
Was a structured review of the incident and child's needs held? Comment:			
Did you receive adequate support following each incident? Comment:			
Did you or the child sustain injury? Comment:			

Summary audit on use of physical intervention
(To be completed by Head/Governors in consultation with the audit completed by school staff)

Name of School: _____ Date _____

Completed by: _____

Policy	Yes	No	Unsure
Is there a policy on the use of physical intervention? (If yes please attach) Comment:			
How and when is the policy reviewed? Comment:			
Who was involved in compiling this policy? Please tick • Governors • Parents • Children • Teaching Staff • Learning Support Workers • Mid Day Supervisors • School Secretary • Other site staff • Staff from County Council Support Services			
Is the policy cross-referenced to other relevant policies?	Yes	No	Unsure
Is there guidance available to staff in regard to this policy? Comment:			
Has this been communicated to all staff? Comment:			
Have risk assessments been carried out on all staff roles? Comment:			
Have all staff been trained in the following areas: • Positive Behaviour Management • Managing aggressive confrontation • Physical intervention - Breakaway techniques - Positive Handling Comment:			
Is regular refresher training available to all staff? Comment:			

	Yes	No	Unsure
Is there a system for reporting incidents? If yes please attach relevant form Comment:			
How do you monitor the frequency and severity of incidents? Frequency: Severity:			
Did any of the incidents involve emergency interventions? Comment:	Yes	No	Unsure
How many incidents related to planned interventions as identified on children's IEP IBP/ PSP? Specify:			
Did a review of each incident occur?	Yes	No	Unsure
Were parents involved in the review? Comment:			
Did any incident result in injury to staff or pupil? Comment:			
If yes, what actions were taken? Comment:			
Were any complaints made as a result of the physical interventions?	Yes	No	Unsure
Have any incidents in the last term been reported to the County Council?			
If yes, please specify the outcome of the contact with County Council representatives. Comment:			

DM/2008