

# **St. Edmund's CofE Primary and Nursery School**

## **Positive Handling Policy (Restrictive Physical Intervention)**

**Reviewed (Date): September 2022  
Next Review (Date): September 2023**

**Signed by:  
Print Name:  
Position:**

## **Policy Statement**

Please see our St. Edmund's CofE Primary and Nursery School 'Engagement and Mood Management' (Behaviour) Policy.

Staff at St. Edmund's CofE Primary and Nursery School are trained to look after the pupils in their care. Staff have a duty to intervene in order to prevent pupils from hurting themselves or others and to ensure their emotional well-being. There may also be situations in which a child seriously disrupts good order in the school or causes damage to property. If a member of staff ever needs to intervene physically they will follow the school's Positive Handling Policy. Any parents wishing to view this policy may do so on request. Parents are invited to read this policy along with our behaviour management policy at the beginning of the year during parents' evening.

## **Introduction**

The term 'Positive Handling' includes a wide range of supportive strategies for managing challenging behaviour. Included in this framework are a small number of responses which may involve the use of force to control or restrain a pupil. The term 'physical restraint' is used when force is used to overcome active resistance. These are referred to as 'Restrictive Physical Interventions' in National Guidance (DCSF 'The use of force to control or restrain pupils' April 2010) A clear and consistent positive handling policy supports pupils who have social, emotional and behavioural difficulties within an ethos of mutual respect, care and safety.

Pupils with behavioural difficulties sometimes present a risk to themselves and others. Section 550A of the Education Act 1996 describes the circumstances in which teachers and others authorised by the Headteacher may use reasonable force to control or restrain pupils. Examples of when such action may be reasonable are to prevent injury to people, damage to property or the breakdown of discipline.

This policy details how we implement the guidance in the school. It should be considered alongside the most recent LA policy statements and recent local and national guidance (DCSF April 2010 – 'The use of force to control or restrain pupils'). It is designed to help staff to ensure that any actions they take are reasonable, proportionate and absolutely necessary.

## **School Expectations**

The management takes seriously its duty of care towards pupils, employees and visitors to the school. Staff protection is an important part of child protection; both depend on confident and competent staff who feel supported by the management. This policy has a clear focus.

- The first and paramount consideration is the welfare of the children in our care.
- The second is the welfare and protection of the adults who look after them.

## **Positive Behaviour Management**

All physical interventions at St. Edmund's CofE Primary and Nursery School are conducted within a framework of positive behaviour and mood management. The school behaviour and mood management policy is intended to reward effort and application, and encourage pupils to take responsibility for improving their own behaviour. Part of our preventative approach to risk reduction involves looking for early warning signs, learning and communicating any factors which may influence bad behaviour and taking steps to divert behaviours leading towards foreseeable risk. Pupils are encouraged to participate in the development of their own Positive Handling Plans by focusing on positive alternatives and choices. Parents are also encouraged to contribute. However, if problems arise, staff have an additional

responsibility to support all pupils when they are under pressure and safely manage crises if, and when, they occur.

### **Alternatives to Physical Controls**

A member of staff who chooses not to make a physical intervention can still take effective action to reduce risk. They can:

- Show care and concern by acknowledging unacceptable behaviour and requesting alternatives using negotiation and reason.
- Give clear directions for pupils to stop.
- Remind them about rules and likely outcomes.
- Remove an audience or take vulnerable pupils to a safer place.
- Make the environment safer by moving furniture and removing objects which could be used as weapons.
- Use positive touch to guide or escort pupils to somewhere less pressured.
- Ensure that colleagues know what is happening and get help.

### **Modifications to Environment**

Staff will not wait until a crisis is underway before conducting a risk assessment of the environment. We know that some pupils at St. Edmund's CofE Primary and Nursery School may exhibit extreme and possibly dangerous behaviour. In general it is a good rule to keep the environment clutter free. This may mean giving consideration to secure storage for a range of everyday objects when they are not being used. For example:

- How is the availability of pointed implements (including pens, pencils, compasses and darts) controlled?
- What small items are available to an angry pupil who may be tempted to use them as missiles?
- What objects are available to be used as blunt instruments?
- Do they all need to be left out all the time?
- Are there sharp edges or corners which present a risk?
- Are the design arrangements or furniture safe and appropriate for pupils who exhibit extreme behaviour?
- Is there a comfortable place to sit with an agitated pupil?
- Are protocols in place to encourage angry pupils to take themselves to a safer place?

### **Help Protocols**

The expectation at St. Edmund's CofE Primary and Nursery School is that all staff should support one another. This means that staff always offer help and always accept it. Help does not always mean taking over. It may mean just staying around in case you are needed, getting somebody else or looking after somebody else's group. Supporting a colleague does not only mean agreeing with their suggestions and offering sympathy when things go wrong. Real support sometimes means acting as a critical friend to help colleagues become aware of possible alternative strategies. Good communication is necessary so that colleagues avoid confusion when help is offered and accepted. They need to agree scripts so that all parties understand what sort of assistance is required and what is available.

At St. Edmund's CofE Primary and Nursery School our script includes;

- **"How can I help?"** when looking to support a member of staff or child.
- **"More help available"** when a staff member has offered help, been told that help is not needed but feels the staff member requires further support.

- **“I am holding you safely until you can hold yourself safely”** when holding a child to ensure their safety and that of others around.
- **“I care too much to let you hurt.....yourself....other people.....let yourself do something you would later feel bad about....”** When a child is being held due to others being at risk, or they are at risk of hurting themselves, others, destroying property etc.

## **Well Chosen Words**

A well-chosen word can sometimes avert an escalating crisis. When pupils are becoming angry there is no point in getting into an argument. Telling people to calm down can actually wind them up. Pointing out what they have done wrong can make things worse. The only purpose in communicating with an angry person is to prevent further escalation. It is better to say nothing and take time to choose your words carefully than to say the wrong thing and provoke a further escalation.

## **The Last Resort Principal**

At St. Edmund's CofE Primary and Nursery School we only use physical restraint when there is no realistic alternative. This does not mean that we always expect people to methodically work their way through a series of failing strategies, before attempting an intervention in which they have some confidence. Nor does it mean always waiting until the danger is imminent, by which time the prospect of safely managing it may be significantly reduced. National guidance is clear on this point.

“If necessary staff have the authority to take immediate action to prevent harm occurring even if the harm is expected to happen some time in the predictable future.”

Para 10 Page 4 Department of Health – 1997 – “The Control of Children in the Public Care: Interpretation of the Children Act 1989” – London: H M S O

It does mean that we expect staff to conduct a risk assessment and choose the safest alternative. It also means that we expect staff to experiment and think creatively about any alternatives to physical intervention which may be effective.

## **Proactive Physical Interventions**

It is sometimes reasonable to use physical controls to prevent extreme behaviour from becoming dangerous provided that it is an agreed part of the Positive Handling Plan. Examples of this are where a pupil has shown ritual patterns of behaviour, which in the past have led to the child becoming more distressed and violent. In such circumstances it may be reasonable to withdraw the child to a safer place when the pattern of behaviour begins, rather than wait until the child is distressed and out of control. The paramount consideration is that the action is taken in the interest of the child and that it reduces, rather than increases, risk.

## **Reasonable and Proportionate**

Any response to extreme behaviour should be reasonable and proportionate. People should not react in anger. If they feel they are becoming angry they should consider withdrawing to allow someone else to deal with the situation. Where staff act in good faith, and their actions are reasonable and proportionate, they will be supported.

When physical controls are considered staff should think about the answers to the following questions:

- How is this in the best interest of the pupil?
- Why is a less intrusive intervention not preferable?
- Why do we have to act now?
- Why am I the best person to be doing this?
- Why is this absolutely necessary?

If staff can answer these questions it is more likely that a physical intervention will be judged to be reasonable and proportionate.

### **Unreasonable use of Force**

It is not reasonable to use force simply to enforce compliance in circumstances where there is no risk. Nor is it reasonable to use any more force than is necessary to achieve a reduction in risk. Under no circumstances should pain be deliberately inflicted or should pupils be deliberately subjected to undignified or humiliating treatment (this should not be confused with the unavoidable discomfort associated with some approved techniques for disengaging from assaults such as bites and grabs). Other than as a one-off emergency measure to protect health and safety, force should never be used to keep a pupil secluded. Seclusion is only lawful by specific court order and cannot become part of a planned strategy at St. Edmund's CofE Primary and Nursery School.

### **Health and Safety**

If dangerous behaviour presents a significant risk of injury to people, there is a legal Health and Safety issue to be addressed. Dangerous behaviour should be regarded just as seriously as dangerous equipment. Dangerous occurrences should be reported to the person responsible for Health and Safety in the school. We all have shared responsibility to identify risk, communicate potential risks and take active steps to reduce risk wherever possible. We recognise that it is not possible to entirely remove risk. Sometimes things go wrong even when we make our best efforts to do the right thing. Sometimes we are faced with unpalatable choices. In these circumstances we have to try and think through the outcomes of the options available, balance the risks and choose whatever course of action which seems to involve the least risk.

As a minimum requirement, in order to comply with health and safety legislation, each employee has a responsibility to ensure that they are conversant with school and policy and guidance, and to cooperate to make the school safer. It is also a requirement that they participate in training if they are directed to do so. This does not necessarily mean that all staff can be involved in all the physical activities. The non-physical aspects of positive handling training are crucially important too.

When considering a pupil's behaviour staff should think about the following questions:

- Can we anticipate a Health and Safety risk related to this pupil's behaviour?
- Have we got all the information we need to conduct a risk assessment?
- Have we provided a written plan as a result?
- What further steps can we take to prevent dangerous behaviour from developing?

### **Risk Assessment**

Informal risk assessments should be a routine part of life for staff working with pupils who may exhibit extreme behaviour. Responsible staff should think ahead to anticipate what might go wrong. If a proposed activity or course of action involves unacceptable risk the correct decision is to do something else.

Factors which might influence a more immediate risk assessment, and therefore a decision about how to intervene, might include the state of health and fitness of the staff member, their physical stature, competence, confidence and relationships with the pupils concerned. Confidence and competence are

often related to the level of staff training. Other than in an emergency, staff should only attempt physical controls when they are confident that such action will result in a reduction of risk. When faced by extreme behaviour, or even in a fight situation, the judgement may be that by becoming involved, the member of staff will increase the chance of somebody getting hurt. In this the correct decision is to hold back from the physical controls.

## **Getting Help**

At St. Edmund's CofE Primary and Nursery School the following support structures are in place:

- PSP's and Behaviour Support plans for those pupils who have SEND are kept on file to ensure all relevant information about each pupil is available to all members of staff working with them.
- Weekly briefing sessions on a Tuesday and Friday morning to update staff on current issues and share information.
- Monthly safeguarding briefing meetings with the home/school liaison workers, Head teacher – designated person, Deputy Head teacher – Deputy designated person and SENCo
- Use of help protocols and language to remind all staff of availability of colleagues to offer help including change-over's of staff during a crisis situation with a pupil.
- Debrief sessions after a crisis with the pupil(s) involved, reflecting on how crisis was managed by all involved and identifying any points for review or learning.

## **Behaviour Support Plan/Risk Assessment**

Risk management is regarded as an integral part of behaviour management planning. All pupils who have been identified as presenting a risk should have a Behaviour Support Plan/Risk Assessment. The plan details any strategies which have been found to be effective for that individual, along with any particular responses which are not recommended. If particular physical techniques have been found to be effective they should be named, along with alerts to any which have proved ineffective or which caused problems in the past. Behaviour Support Plan/Risk Assessments should be considered alongside the SEND documentation and any other planning documents which relate to the pupil. They should take account of age, sex, level of physical, emotional and intellectual development, special need and social context. Positive Handling Plans should result from multi-professional collaboration and be included in and Pastoral Support Plan or PSP.

## **Responding to Unforeseen Emergencies**

Even the best planning systems cannot cover every eventuality and the school recognises that there are unforeseen or emergency situations in which staff have to think on their feet. It is not enough to thoughtlessly apply rules without thinking through the likely consequences. The key principals are that any physical intervention should be:

- in the best interest of the child;
- reasonable and proportionate;
- intended to reduce risk;
- the least intrusive and restrictive of those options available which are likely to be effective.

Whenever a physical intervention has to be made there should be a verbal warning. Where possible, staff should always attempt to use diversion or diffusion in preference to physical interventions. They should only use the techniques and methods approved for use in the school. In general, if staff act in good faith and their actions are reasonable and proportionate, they will be supported.

## **The Post Incident Support Structure for Pupils and Staff**

Following a serious incident, it is the policy of St. Edmund's CofE Primary and Nursery School to offer support for all involved. People take time to recover from a serious incident. Until the incident has subsided the only priority is to reduce risk and calm the situation down. Staff should avoid saying or

doing anything which could inflame the situation during the recovery phase. Immediate action should be taken to ensure medical help is sought if there are any injuries which require more than basic first aid. All injuries should be reported and recorded using the school's systems. It is important to note that injury in itself is not evidence of malpractice. Even when staff attempt to do everything right, things can go wrong. Part of the post incident support for staff may involve a reminder of this, as people tend to blame themselves when things go wrong. Time needs to be found to repair relationships. When careful steps are taken to repair relationships a serious incident does not necessarily result in long term damage. This is an opportunity for learning for all concerned. Time needs to be given to following up incidents so that pupils have an opportunity to express their feelings, suggest alternative courses of action for the future and appreciate other people's perspective. When time and effort are put into a post incident support structure the outcome of a serious incident can be learning, growth and strengthened relationships.

## **Complaints**

It is not uncommon for pupils to make allegations of inappropriate or excessive use of force following an incident. The school has a formal Complaints Procedure. Pupils should be reminded of the procedure and encouraged to use the appropriate channels. The complaints policy applies equally to staff. We are an open school and promote transparent policy and practice in order to protect the interests of staff and pupils alike. Any staff concerns regarding the welfare of children should be taken to the designated person for child protection. Any safety concerns should be reported to the designated person for Health and Safety.

## **Recording**

Whenever overpowering force is used the incident must be recorded using the approved forms. The Incident/Concerns books are kept in the headteacher's office. All staff involved in an incident should contribute to the record which should be completed within 24 hours. Where appropriate parents/carers will be informed.

Staff should:

- Read through the school recording form carefully
- Take time to think about what actually happened and try to explain it clearly.
- Complete all names in full.
- Sign and date all forms.

Bear in mind these records will be retained and cannot be altered. They will be kept for many years and could form part of an investigation at some time in the future.

Serious Incident Reports should not be completed until the individuals concerned have recovered from the immediate effects of the incident. They should not be rushed.

## **Monitoring and Evaluation**

The Headteacher will ensure that each incident is reviewed and instigate further action as required. The school incident log is open to external monitoring and evaluation. A copy of every serious incident will be filed in each child's individual blue folder along with a copy of the year's behaviour management policy and positive handling policy. The original documents will be archived by the school and kept with a copy of the same policies each year. Every term an analysis of this data is undertaken which informs next steps of risk management.

## **Follow Up**

Following an incident, consideration may be given to conducting a further risk assessment, reviewing the Behaviour Support Plan/Risk Assessment, Behaviour Management Policy or this Positive Handling Policy. Any further action in relation to a member of staff, or an individual pupil, will follow the appropriate procedures. (See staff and pupil disciplinary policy)

## Other Relevant Policies

This policy should be read in conjunction with:

Engagement and Mood Management Policy

Exclusion Policy

Staff/Pupil Disciplinary Policy

Health & Safety Policy

Safeguarding Child Protection Policy

'The use of force to control or restrain pupils' Guidance issued by DSCF in April 2012

'Keeping classrooms safe for learning and teaching' Notts County Council March 2011

This policy will be reviewed in September 2023

## Appendix One: Legal References

Guidance Pertaining to Physical interventions within Children's Services		
Title of Guidance	Date of Publication	Relevant sections and/or sub-sections
The Apprenticeships, Skills, Children and Learning Act 2009	Nov 2009	Schools are required to record and report significant incidents where staff have used force to control or restrain a pupil, which they are able to do where the pupil is endangering themselves or others and in order to prevent injury, damage to property or serious breaches of school discipline. The powers schools and colleges currently have to search for weapons on pupils and students are extended to cover alcohol, drugs and stolen items.
The Education and Inspections Act 2006	2006/2007	Section 93: Power of members of staff to use force. This enables staff to use reasonable force to prevent a pupil from committing an offence, causing personal injury, damaging property or doing something that prejudices discipline at the school.
The Education and Inspections Act 2006	2006/2007	Sub-sections 1 – 6 (points 467 – 472) of the above section
The Education and Inspections Act 2006	2006/2007	Section 94: Defence where confiscation is lawful. This protects staff against civil or criminal liability where a lawfully confiscated item is retained or disposed of.
The Education and Inspections Act 2006	2006/2007	Sub-sections 1 – 6 (points 474 – 477) of the above section
DfES and DoH Guidance on the use of restrictive physical interventions for pupils with Autistic Spectrum Disorder	July 2002	This is guidance related to the Education and Inspections Act (as is). It describes differences between restrictive and non-restrictive, and also differentiates between physical, mechanical and chemical interventions. It offers definitions of Time out, withdrawal and seclusion, and talks in detail about planned/unplanned intervention, reporting and recording, policy, training for staff, the importance of prevention and 'last resort'.



DfES and DoH Guidance on the use of Restrictive Physical Interventions for pupils with Severe behavioural Difficulties.	Sept 2003	This is a more generic version of the above and as such
Local policy and guidance	1999 (update Sept 09)	A local document to support staff to underpin working within the County. Contains all legal aspects. Also talks about training, reporting and recording issues specifically in Notts.
UN Convention on the Rights of the Child	December 1991	Article 3: All organisations should work to the best interests of the child Article 12: Children have the right to say what they think should happen when adults are making decisions that affect them, and to have their opinion taken into account Article 19: All children should be properly cared for and be protected from violence, abuse and neglect by their parents or anyone who looks after them Article 23: Children who have any kind of disability should have special care and support Article 28: Children have a right to an education. Discipline in schools should respect children's human dignity. Article 31: All children have the right to relax and play, and to join in a wide range of activities.
Health and Safety at Work Act 1974		The Act provides the legal framework to promote, stimulate and encourage high standards of health and safety in places of work. It protects employees and the public from work activities. Everyone has a duty to comply with the Act, including employers and employees.
Health and Safety at Work Act 1974		Employer's Responsibilities: Provide and maintain safety equipment and safe systems of work. Provide information, training, instruction and supervision. Ensure staff are aware of instructions and guidance. Provide a safe place of employment. Provide a safe working environment. Provide a written safety policy/risk assessment. Look after health and safety of others. Talk to safety representatives and other advisors.
Health and Safety at Work Act 1974		Employee's responsibilities: take care of their own health and safety and that of others persons. Employees may be liable. Co-operate with their employers and must not interfere with anything provided in the interest of health and safety.
Every Child matters outcomes Framework		Staying safe – ensures the physical safety of children and young people; ensure they are, safe from violence and abuse, safe from accidental injury, safe from bullying and discrimination, feel care for. Being Healthy – helps children and young people to be emotionally healthy, improves self-worth and promotes social inclusion. Enjoy and achieve – supports children and young people to be ready for school, enables them (and peers) to enjoy and achieve at school and helps them to achieve both personally and socially.