

Wrexham County Borough Council Education Department

Positive Handling and Physical Intervention Policy

Date of issue: 26/03/2019

Review date: March 2020

School: Barker's Lane School

Name of person responsible for maintaining this policy: Chris Edwards (Headteacher)

Signed

Date:.....

Chair of Governors

1.0 Policy Statement

1.1. This policy is informed by Safe and Effective Intervention – Use of Reasonable Force and Searching for Weapons Welsh Government (WG) Guidance Document 097/2013 issued March 2013.

1.2 At Barker's Lane School we work to ensure each individual learner is able to reach his or her potential. Every child is entitled to learn and every teacher is entitled to teach in an environment that is safe, secure and free from distraction.

1.3 Staff of Barker's Lane School are committed to providing the highest standards in protecting and safeguarding the welfare of children and young people entrusted to its care. We recognise there is a need in line with the 1996 Education Act Section 550A, to intervene when there is an obvious risk of safety to learners, staff and property. All school staff members have a legal power to use reasonable force to prevent learners committing a criminal offence, injuring themselves or others, or damaging property.

1.4 For the most part this is achieved through the fostering of good relationships, and the normal application of positive behaviour management to support and intervene. However, in exceptional or extreme circumstances this may involve the use of positive handling and physical intervention.

1.5 It should be emphasised that if used at all, positive handling and physical intervention should be seen in the context of a further positive action of care and concern. In line with WG guidance 2013, it is used as a 'last resort' option and in the most extreme cases other strategies will always have been attempted first.

1.6 This policy should be considered alongside other relevant school policies, specifically those involving behaviour, health and safety and child protection.

1.7 At Barker's Lane School the named member of staff responsible for monitoring incidents is Mrs C Edwards. Headteacher.

2.0 What the law means in relation to the use of 'reasonable force'

'Reasonable' in the circumstances means using no more force than is needed.

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

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

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

- any teacher who works at the school, including a supply teacher, and another person whom the head has authorised to have control or charge of learners. This includes support staff whose job normally includes supervising learners such as teaching assistants, learning support assistants, learning mentors, cover supervisors, lunchtime supervisors and clerical staff if it is part of their role to supervise children;*
- can also include people to whom the head has given temporary authorisation to have control or charge of learners such as paid members of staff whose job does not normally involve supervising learners (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying learners on school-organised visits); and*
- iii. does not include prefects.*

Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a learner might have.

Under the Equality Act 2010 schools have key duties:

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

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

2.2. There is no legal definition of when it is reasonable to use force (called positive handling and physical intervention in this policy). 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.

2.3 Teachers and other persons authorised by the Headteacher to have charge of learners, may

use reasonable positive handling and physical intervention to prevent learners:

- causing injury to themselves or others
- committing a criminal offence
- causing serious damage to property
- acting in a way that is counter to maintaining good order and discipline at the school.

2.4 It is always unlawful to use force as punishment. This is because it would fall within the definition of corporal punishment, abolished by Section 548 of the Education Act 1996.

3.0 Objectives of this policy

3.1 To provide all staff, governors, parents/carers and learners with an understanding of care and control and the use of positive handling and physical intervention.

3.2 To emphasise that the use of positive handling and physical intervention is:

- part of a positive care and control approach to discipline and welfare
- last resort, or a necessary option to be used in extreme circumstances.

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

4.0 Who can use positive handling and physical intervention?

4.1 School recognises that most of the time positive handling and physical intervention will be used infrequently, that is, as a last resort to maintaining a safe environment.

4.2. All school staff members have a legal power to use reasonable force to prevent learners committing a criminal offence, injuring themselves or others, or damaging property; and to maintain good order and discipline amongst learners.

4.3 Authorised staff will be notified formally.

5.0 Circumstances when positive handling and physical intervention might be appropriate

5.1 Some examples of situations where positive handling and physical intervention might be used are:

- to prevent a learner from attacking a member of staff, or another learner, or to stop a fight between two or more learners;
- to prevent a learner causing serious, deliberate damage to property;
- to prevent a learner causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- to ensure that a learner leaves a classroom where the learner persistently refuses to follow an instruction to do so;
- to prevent a learner behaving in a way that seriously disrupts a lesson; or
- to prevent a learner behaving in a way that seriously disrupts a school sporting event or school visit.

5.2 The focus should be on preventing, as far as possible, the need for the use of force on learners, by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind. The use of force should only be a last resort and school should minimise

the possibility of force being needed. However, this may not always be possible and in such circumstances staff need to be aware of sensitivities associated with any form of physical contact with learners.

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

5.4 Strategies other than force will be considered in order to defuse a situation. Sometimes, challenging situations can develop despite efforts to avoid them. When this happens, staff must aim to do as much as possible to bring the situation under control as quickly and quietly as possible.

Every attempt must be made to defuse a developing situation and an early response may avoid the need to use physical intervention. The following are suggestions for defusing a challenging situation. The list is not exhaustive and there will always be an exception to the rule. There is no substitute for knowing a learner well and what works for them. Mostly, they involve the control of our own behavior as staff:

- *Remember that everyone involved will be in a heightened state of arousal. Obvious changes such as increased heart rate and muscle tension are likely to be accompanied by less obvious changes e.g facial expression, eye contact and quickening of the reflexes*
- *When in a challenging situation, staff should make every attempt to appear calm and confident, to show self-control and control of the situation*
- *Hesitation and sudden movements should be avoided. Movement needs to be slow and purposeful*
- *Allow the learner to save face by giving them an escape route.*
- *Personal boundaries should be respected, unless approaching the learner seems helpful*
- *Speech and other forms of communication should remain as normal as possible i.e clear and quiet*
- *Aggressive or overtly defensive postures should be avoided*
- *Avoid excessive eye contact and remember that the learner may not want to engage in eye contact – avoid making this an issue*
- *Nervous laughter should be avoided. Never suggest anger or disgust. A neutral or empathic facial expression is safest*
- *Take the discussion with the learner to somewhere away from the peer group, but not away from a third party, as this may leave you vulnerable*
- *Change of face-calling for a member of staff who has a positive relationship with the learner*

6.0 Procedures and practical considerations during specific incidents

6.1 Wherever practicable, staff are expected to:

- Use a calm and measured approach
- Tell the learner to stop, remind them of consequences, tell them what will happen if she/he does not stop
- Seek assistance from other colleagues at as early a stage as possible
- Staff who become aware that another member of staff is intervening physically with a learner have a responsibility to provide a presence, and to offer support and assistance should this be required
- Try to defuse the situation verbally and prevent escalation
- Try to remove the learner from the peer audience
- Attempt to communicate with the learner throughout the incident

- In as calm a manner as possible, explain that the reason for intervention is to keep the learner and others safe
- Make it clear that positive handling will stop as soon as the learner calms down and the risk assessment indicates it is no longer necessary
- If it is not possible to control the learner without risk of injury to yourself or others, remove the other learners who may be at risk and summon assistance

6.2 It is good practice to:

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

7.0 Application of positive handling and physical intervention during specific incidents

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

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

7.2 Staff **should not**, under any circumstance;

- hold a learner around the neck/by the collar or in any way which might restrict the learner's ability to breathe
- slap, punch or kick a learner
- twist or force limbs against the joint
- hold a learner by the hair or ear
- touch or hold the learner in a way that may be considered indecent/sexual
- hold a learner face down on the ground

7.3 Other considerations for **non-urgent situations** where the risk to people or property is not imminent:

- Consider carefully whether positive handling is the right course of action
- Try to deal with the situation through other strategies before using force
- Try to defuse and calm the situation to establish good order, the use of positive handling could lead to an escalation of the problem
- Take into account the age, understanding, personal characteristics of the learner
- The use of positive handling and physical intervention to enforce compliance is likely to be increasingly inappropriate with older learners
- Never use force as a substitute for good behaviour management
- In non-urgent situations force should only be used when all other methods have failed

8.0 Reporting and recording incidents

8.1 All positive handling and physical intervention incidents will be recorded by the school/setting. If a learner has a Positive Handling Plan (PHP), then a record of the incident will be also be recorded here and the Positive Handling Plan reviewed accordingly.

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

8.3 Where a learner is injured, the incident must be referred to Single Point of Access (SPOA), even if the positive handling and physical restraint was appropriately applied.

8.4 In serious cases, the Headteacher will submit a report to the school's Health and Safety officer and to the Head of Education.

8.5 The member of staff concerned will report the matter verbally to the Head or a senior member of staff as soon as possible. The incident will be recorded by staff at the earliest opportunity and always within 24 hours.

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

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

8.8 Other witnesses to the incident such as staff and learners may also complete reports (this would usually be in the case of a serious incident). These will be signed and dated.

8.9 Incidents will be reviewed by the Headteacher and relevant personnel, with any future training requirements noted and explored.

8.10 Reporting to Governors:

The WG guidance document 'Safe and effective intervention – use of reasonable force and searching for weapons' states that:

'Information on trends and emerging problems should be shared within the school using local procedures. Monitoring information should be reported on a regular basis to school governors.'

The Headteacher should report to Governors regarding key issues including the number of positive handling and physical intervention incidents, the need for training and any significant issues involving restraint of learners. Learners' anonymity should be maintained. This is included in the Headteacher's report to the Governing Body.

9.0 Support following a serious incident

9.1 Serious incidents that require use of positive handling and physical intervention can be upsetting to all concerned and may result in injuries to the learner/s or to staff. The following action will be taken:

- Learners and members of staff will be checked for any sign of injury and first aid will be administered if required. Access to medical help for any injuries that go beyond first aid
- Learners and staff will be offered emotional support

9.2 The learner will be given time to become calm and recover while staff continue to supervise him/her. When the learner regains complete composure, a senior member of staff will discuss the incident with the learner and try to ascertain the reason for it. The learner will be given the opportunity to explain things from his/her point of view. All necessary steps will be taken to re-establish the relationship between the learner and the member(s) of staff involved in the incident. In cases where it is not possible to speak to the learner on the same day, a debrief will occur as soon as possible after the learner returns to school. There should be a designated space and time allocated to de-brief and should be recorded.

9.3 All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. A senior member of staff will provide support to the member of staff involved.

9.4 The Headteacher will:

- Decide whether multi-agency partners need to be involved and if so, which partners. This may include CAMHS, Youth Offending Service, Counselling Service etc.
- Work with the learner, staff and any external agencies to develop strategies to avoid such incidents in future and inform relevant staff about these strategies
- Ensure that learners and staff affected by an incident have continuing support for as long as necessary in respect of physical consequences/support to deal with any emotional stress or loss of confidence/opportunity to analyse, reflect and learn from the incident

10.0 Arrangements for informing parents

10.1 At the outset of the introduction of this policy, all parents/carers will be informed about where to access the policy on the school website.

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

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

10.4 All parents will be informed after an incident where positive handling and physical intervention is used with a pupil.

11.0 Physical contact with learners in other circumstances

11.1 Staff must be sensitive to matters relating to culture and gender issues and any known individual characteristics or special circumstances relating to learners.

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

11.3 Learners with Special Educational Needs (SEN) may need staff to provide physical prompts or help. An individual risk assessment prior to admission to school is essential for learners whose SEN and/or disabilities are associated with:

- Communication impairments that make them less responsive to verbal communication
- Physical disability and/or sensory impairments
- Conditions that make them fragile, such as haemophilia, brittle bone syndrome or epilepsy
- Dependence on equipment such as wheelchairs, breathing or feeding tubes

11.4 Physical contact must always be age appropriate and done openly.

12.0 Complaints

12.1 Parents and learners are able to complain about actions taken by school staff and this might include the use of positive handling and physical intervention.

12.2 Involving parents when an incident occurs and having a clear policy about positive handling and physical intervention with learners that staff adhere to, will help avoid complaints from parents. Providing staff with approved training will also help.

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

12.4 A complaint or dispute about the use of positive handling and physical intervention by a member of staff might lead to an investigation under disciplinary procedures or by the Police under Child Protection procedures.

13.0 Planning for incidents and meeting training needs

13.1 If school are aware that a pupil is likely to require positive handling on more than one occasion, pre-planning is important and will include involving the parents to ensure they are clear about what specific action school might need to take and obtaining medical advice if the child has any specific health needs. A risk assessment and a Positive Handling Plan will be drawn up.

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

14.0 Review

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

REPORT ON THE USE OF POSITIVE /PHYSICAL INTERVENTION

Report compiled by:		Name of learner:	
Date of incident		Year	
Where incident occurred:		Time of incident:	
Location of Incident			
Witness – staff		Witness – learners	
Why was positive handling/physical intervention used?	a) to prevent injury to myself or other staff; b) to prevent injury to learner or other learners; c) to prevent damage to property; d) other (please specify)		
<u>Give a detailed account of how the incident began and progressed/what was said by each party/what steps were taken to defuse or calm the situation/how positive handling or physical intervention was used with the learner and for how long</u>			
<u>Outcome of the incident including the need for any medical treatment</u>			
Signed:		Date:	
Signed: Head teacher:			
Date:			

School to keep record of any follow up action:

Outline of any follow up action:	
Have parents been notified about this incident?	YES / NO
If so, by what means and when	
Any further action/support for member of staff/learner:	
Report compiled by: Name and role: Signature: Date:	

<h1 style="margin: 0;">POSITIVE HANDLING PLAN (PHP)</h1>	<h2 style="margin: 0;">Wrexham Education Department</h2>
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Learner's name:	
Year Group	
Date of Plan:	

Trigger Behaviours: Describe common behaviours/ situations which are known to have led to positive handling being required. What tends to trigger such behaviour?

Preferred Supportive and Intervention Strategies: Describe strategies that, where and when possible, should be attempted before positive handling techniques are used.

Verbal support	<input type="checkbox"/>	Distraction	<input type="checkbox"/>
Reassurance	<input type="checkbox"/>	Take up time	<input type="checkbox"/>
Talking and Stance	<input type="checkbox"/>	Time out	<input type="checkbox"/>
Negotiation	<input type="checkbox"/>	Transfer adult	<input type="checkbox"/>
Choices / Limits	<input type="checkbox"/>	Tactical ignoring	<input type="checkbox"/>
Humour	<input type="checkbox"/>	Consequences	<input type="checkbox"/>

Other:

Positive Points / Strengths (Areas that can be developed and built upon)	
1.	
2.	
3.	

Behaviours that are likely to be demonstrated during a positive handling incident:

Biting	<input type="checkbox"/>	Screaming	<input type="checkbox"/>
Punching	<input type="checkbox"/>	Attempts to use weapons	<input type="checkbox"/>
Kicking	<input type="checkbox"/>	Head Butts	<input type="checkbox"/>
Other:			

Medical Conditions: eg asthma, brittle bones, any medication taken
What strategies can be used to end positive handling incident?
Recording and notifications required – Who needs to be informed? Record instances (date/time) when positive handling was required
Managing behaviours: Work to be undertaken e.g. anger management, counselling, abuse, post traumatic stress
Learner's view of the plan:
Headteacher/Senior member of staff Signed: Date:
Parent/ Guardian Signed: Date:

_____ Date: _____
Head teacher/Senior Member of Staff