

STAINES PREPARATORY SCHOOL



POSITIVE HANDLING AND RESTRICTIVE PHYSICAL INTERVENTION POLICY

Upper School, Lower School & Pre-Prep (Early Years Foundation Stage)

Review Procedure:	Annually for October
Person Responsible:	Designated Safeguarding Lead
Date of Last Review:	September 2022
Approved by: Headmistress	September 2022
Approved by: Governors	September 2022
Review Date:	October 2023

Policy Statement

It is recognised that the vast majority of pupils in our school respond positively to the Staines Preparatory behaviour and conduct expectations. Staines Preparatory School is committed to safeguarding the well-being, welfare and safety of all pupils and staff is of paramount importance.

It is acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required.

Staines Preparatory School acknowledges that physical techniques are only part of a whole school approach to behaviour management. Positive Handling will only be used as a last resort when all other behaviour management strategies have failed or when pupils, staff or property are at risk.

Staines Preparatory School does not support the routine use of physical interventions.

All staff at Staines Preparatory School understand that school cannot use force as a punishment; it is always unlawful to use force as a punishment.

Positive Handling uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming themselves, others or property.

The scale and nature of any physical intervention must be **proportionate** to both the behaviour of the individual to be controlled, and the nature of the harm they might cause.

Staines Preparatory School is fully committed to ensuring that the application of this policy is non-discriminatory in line with the UK Equality Act (2010). Further details are available in the school's Equal Opportunity Policy document.

Objectives

This school endeavours to ensure that all children are safe and that all aspects of the Every Child Matters agenda are addressed. The main objective of this policy is to ensure all staff, parents and children or young persons are aware of the procedures and practice that will be carried out to ensure that this is the case at the school. This policy should be read alongside the following documents: Aims of the School Policy, Safeguarding and Child Protection Policy, Whistle-Blowing Policy, Rewards and Sanctions Policy, Special Educational Needs Policy, Accessibility Policy, Equal Opportunities Policy, Complaints Policy, Staff Code of Conduct Policy.

Acceptable forms of touch/physical intervention in Staines Preparatory School (Caring Touch)

There are many occasions when staff will have cause to have physical contact with children or young persons for a variety of reasons, for example:

- Communication
- First Aid
- to comfort a pupil in distress (so long as this is appropriate to their age)
- to direct a pupil (holding hands, hand on shoulder etc)
- for educational skills (PE, Drama etc)
- for life skills (changing for PE, toileting, using cutlery etc)
- in an emergency to increase safety to the pupil and staff

In an emergency incident staff may take into account the use of reasonable force and their responsibilities under duty of care.

In all situations where physical contact between staff and children or a young person takes place, staff must consider the following:

- the pupil's age and level of understanding
 - the pupil's individual characteristics and history
 - the location where the contact takes place (it should not take place in private without others present)
- In all these cases teachers must use their own professional judgement when they feel a pupil needs this kind of support, which should always respect the wishes of the individual

If a pupil requires physical support on a regular basis this information will be documented on an individual plan such as a handling plan, toileting plan or behaviour support plan.

Physical contact is never made as a punishment, or to inflict pain. All forms of corporal punishment are prohibited. Physical contact will not be made with the pupil's neck, breasts, abdomen, genital area, other sensitive body parts, or to put pressure on joints. It will not become a habit between a member of staff and a particular pupil.

Good working practices to reduce the need for restrictive physical interventions

The use of restrictive physical interventions will be reduced through effective early planning and early prevention strategies.

Effective early planning will include:

- creating a well-planned, calm, orderly and supportive environment
- developing trusting relationships between children and young people and staff
- ensuring that the number of staff deployed and their experience corresponds to the needs of children and young people
- developing staff expertise in working with children and young people who present challenging behaviours including BILD (British Institute of Learning Disabilities) accredited training in de-escalation and positive touch
- ensuring staff are able to work in a restorative way with young people, enabling the young person to communicate their thoughts and feelings, so they are heard and understood
- hearing and responding to the views of the pupil so that they can make choices about the way to manage their behaviour e.g. some children and young people prefer withdrawal to a quiet area rather than a physical intervention which involves bodily contact.
- setting up and maintaining person-centred positive behaviour support plans, which reflect an understanding of the function of the behaviour for the child, and alternative ways for the child to get their needs met. This may include teaching alternative communication strategies, and giving the child acceptable ways to get out of situations they may find too difficult. These plans need to be responsive to individual needs as they change, and include current information on likely triggers and resulting behaviour
- avoiding or adapting known trigger situations which are likely to provoke challenging or aggressive behaviour
- creating opportunities for children and young people to engage in meaningful activities which include opportunities for choice and a sense of achievement
- carrying out individual risk assessments where there is a likelihood that challenging behaviour may present a risk to self or others

In order to minimise the need to use force or restrain pupils all staff will strive to:-

- create a calm environment that minimises the risk of incidents that might require using force and apply school rules consistently and fairly.
- develop an effective relationship between staff and a pupil that is central to good order.
- ensure all supervision of children is carried out in a consistent manner so children and staff are comfortable within the setting.
- use relevant materials for approaches to teach children or young person's how to manage conflict and strong feelings.
- ensure all staff have appropriate instructions and training to enable them to be
- effective in their various roles in and out of the classroom.

- ensure that handling plans will be put in place and training given to ensure staff are equipped to deal with individual children or young persons who have been identified.

Whenever possible, warn a child that force may have to be used before using it. Positive behaviour support plans and individual risk assessments should be person-centred; it is good practice to include and engage with the children and young people, their families and advocates when writing these documents. This enables children and young people where possible, to express how they could be supported to avoid behaviour incidents, and how they prefer to be managed when they pose a significant risk to themselves or others.

Early prevention involves recognising at an early stage the outward signs an individual may display and then implementing the planned strategies to avert any further escalation.

- It is important to communicate calmly with the child/young person, using non-threatening verbal and body language and ensuring the child can see a way out of the situation.
- Strategies might include, for example, going with the staff member to a calm space, so that the staff member can listen to concerns; being joined by a particular member of staff well known to the child; or any of the other strategies names in the individual's plan
- The solution should seek to be a win-win situation

All prevention strategies should be carefully selected and regularly reviewed to ensure that they are impacting positively on the pupil.

If there is any expectation that despite early planning and prevention strategies a pupil's behaviour may escalate to the point at which they present a significant risk to themselves or others, a restrictive physical intervention plan may be required. This will require a detailed plan and individual risk assessment which should be discussed and agreed with the individual and their family. Staff must be offered appropriate local authority approved BILD accredited training.

Using Restrictive Physical Intervention

Wherever physical force is applied against resistance, it should be regarded as a restrictive physical intervention (RPI) and recorded and reported as such. In any situation, the least restrictive intervention available should be used, based on the specific needs of an individual and others whose actions may impact upon them. The appropriateness of the physical intervention must always be related to the age, maturity, understanding and capacity of the individual. It should be consistent with their education or placement plan and the role of the service setting. Planned physical intervention strategies should be:

- agreed in advance by a multidisciplinary or school/social care team working in consultation with the pupil, and those with parental responsibility
- described in writing and incorporated into other documentation which sets out a broader strategy for addressing the pupil's behavioural or emotional difficulties
- delivered by staff who have been trained in a BILD accredited approach.
- implemented under the supervision of an identified member of staff who has undertaken appropriate BILD accredited training.
- recorded in writing so that the method of physical intervention and the circumstances when it was employed can be monitored and, if necessary, investigated.

Legal framework

The use of restrictive physical interventions must be consistent with the Human Rights Act (1998) and the United Nations Convention on the Rights of the Child (ratified 1991). These are based on the presumption that every person is entitled to:

- Respect for his or her private life

- The right not to be subjected to inhuman or degrading treatment
- The right to liberty and security
- The right not to be discriminated against in his/her enjoyment of those rights.

It is a criminal offence to use physical force, or to threaten to use force (for example, by raising a hand, or threatening to use a physical intervention), unless the circumstances give rise to a 'lawful excuse' or justification for the use of force. Similarly, it is an offence to lock a child in a room without a court order (even if they are not aware that they are locked in) except in an emergency, for example the use of a locked room as a temporary measure while seeking assistance may provide legal justification.

Education and Inspections Act 2006

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

- (a) committing any offence (or, for a pupil under the age of criminal responsibility (10 years old); what would be an offence for an older pupil);
- (b) causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- (c) prejudicing the maintenance of good order and discipline at the school or among any pupil 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:

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

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).

The Act stipulates that the headmistress may empower staff by reference to an individual pupil or staff member, or a group of pupils of a particular description, all pupils, or a group of staff of a particular description. There are no legal requirements as regards how staff or pupils should be notified of such a decision. The Headmistress will record these details in writing, including (if necessary) in a staff member's contract, and making this a part of the measures that the headmistress sets down in the school's behaviour policy.

Corporal punishment – as defined in section 548 of the Education Act 1996 – is unlawful.

Use of restrictive physical intervention may also give rise to an action in civil law for damages if it results in injury, including psychological trauma, to the person concerned. However, Surrey County Council will support staff that, having been trained in local authority approved accredited restrictive physical intervention, follow this policy and act in a reasonable manner. Whether the member of staff decides to use a restrictive physical intervention or not, they must be able to demonstrate that their decision was rational.

Deprivation of Liberty

Under the Children Act 2006, any practice or measure such as 'time out' or seclusion, which prevents a child from leaving a room or building of his or her own free will may be deemed a 'restriction of liberty'. Under this Act, restriction of liberty of children is only permissible in very specific circumstances.

There may be instances where it is appropriate to restrict a child who may be at risk due to a lack of awareness or danger to a room or a particular area in order to keep him/her safe, e.g. if s/he has a severe learning disability and/or their ability to make safe choices is temporarily impaired by severe anxiety or rage, resulting in challenging and unsafe behaviour. This should be treated as a Restrictive Physical Intervention with the preventative plans and approaches in place as described in this document. However, it must be ensured that they are cared for under close adult supervision at all times and the incident fully recorded and reported as any other physical intervention would be.

The school will not unnecessarily restrict the liberty of a pupil.

Responsibilities

It is the headmistress's duty to ensure all staff are aware of their statutory powers to use force and or restrain a pupil. As part of the induction process into school the headmistress will inform staff if they have the powers to restrain, and who they can turn to if they are in a situation with a pupil that may be causing concern. Governors will also be made aware.

When and where to use restraint

The judgement on whether to use force and what force to use should always depend on the circumstances that staff find themselves in. Time in these circumstances is often short with little time for reflection. Nevertheless, staff need to make the clearest possible judgements. Staff will need to decide the seriousness of the incident and the injury, disorder or damage that could occur if force is not used. The chances of achieving a desired outcome by other means and the risks associated with physical intervention compared with using other strategies. Staff will have been made aware of any significant issues with particular pupils i.e. those on SEND/Child Protection Registers and in any extreme cases where there is a need to engage the police to avoid danger to themselves and others.

If a member of staff decides that the use of force is appropriate and an action of last resort then they should always:

- advise - giving a warning to the pupil that a physical intervention may have to be used.
- suggest how the child is to be handled ensuring that no form of restraint is used that could constrict breathing.

Appropriate means are:

- passive physical contact such as standing between children or young persons or blocking a child's path
- leading a pupil by the hand or arm
- ushering a pupil away by placing a hand in the centre of the back or, in more extreme circumstances, using appropriate restrictive methods that a member of staff has been trained to perform.

Staff should try to ensure that they do not use force unless or until another responsible adult is present to support, observe or call for assistance.

Examples of situations that particularly call for judgements of this kind include:

- a child attacks a member of staff or other child
- children are fighting, causing risk or injury to themselves or others
- a child is causing or on the verge of committing deliberate damage to property
- a child is causing or is at risk of causing injury or damage by rough play or use of an object

- a child absconds from a class or leaves school at an unauthorised time
- a child persistently refuses to follow an instruction to leave a classroom
- a child is behaving in a way that seriously disrupts a lesson, a school event or school visit.

In these examples use of force would be reasonable (and therefore lawful) if it is clear the behaviour is dangerous and the situation could not be resolved in any other way. Account must be taken of the individual needs of the child their understanding of the situation.

Recording of incidents

A record sheet will be completed by all staff engaged in any incident where handling has taken place even if they did not handle the child. The record sheets will be kept centrally in the school office. Once completed they must be passed to the headmistress. They must be completed once the situation has been dealt with to ensure accuracy and that it is a true and honest report. The headmistress will inform the parents of the child by phone followed by a letter and if necessary arrange to meet them. The report will then be filed in the child's records in the school office.

All accident, incident or near miss reports must be recorded. Surrey schools can access the SCC on line health and safety event reporting portal surreycc.oshens.com

Following any incidents where force has been appropriate the headmistress will make arrangements to support the staff and children as these can be upsetting times.

First aid will be administered by a trained first aider and emotional support will be provided as required. Staff will discuss the situation within two days with the headmistress to see if all procedures were followed and how we could try to avoid further repercussions, learning from the experience. An incident reporting form can be found in Appendix A.

Complaints procedures

The school has a clear complaints procedure and any complaints would be received in the first instance by the headmistress. If matters are not resolved by the headmistress then the complainant is able to refer the matter to the governing body. Parents wishing to make a complaint will be issued with the guidance booklet detailing the procedures.

Reasonable force

There is no absolute legal definition of 'reasonable force' as it is viewed in the context of the individual case. It is judged to mean no more force than is needed in the circumstances.

There are two relevant considerations:

- The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it; therefore, physical force could not be justified to prevent a child or young people from committing a trivial misdemeanour or in a situation that could clearly be resolved without force
- The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the risk or behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, will also depend on the age and understanding of the pupil. It is also important to recognise that where a restraint might be considered reasonable in one instance it may not be in another. In all instances, the least restrictive option should be used.

Who can use reasonable force?

It is the responsibility of the headmistress to ensure that any staff expected to engage in planned restrictive

physical intervention with a pupil be specifically authorised and trained in local authority approved BILD accredited techniques suitable for that child.

All staff, whether trained or not, including temporary or agency staff, may use reasonable force to physically intervene in an emergency or to defend themselves in circumstances where they have a genuine fear of being injured or believe a pupil or indeed any adult may be at risk. The principles of least restrictive interventions and reasonable force will still apply here. All staff who may be put in this position should be trained to understand these principles, and positive approaches to behaviour.

An effective risk assessment procedure together with well-planned preventative strategies will help to keep the emergency use of restrictive physical interventions to an absolute minimum. However, staff should be aware that, in an emergency, the use of force may be justified if it is reasonable to use it to prevent injury or serious damage to property and, in schools, to prevent a pupil engaging in any behaviour prejudicial to the maintenance of good order and discipline in the school or among any of pupils.

A calm and measured approach to a situation is needed and members of staff should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

Even in an emergency, the force used must be reasonable. It should be commensurate with the desired outcome and the specific circumstances in terms of intensity and duration. Before using restrictive physical intervention in an emergency, it should first be considered if physical intervention can be avoided by evacuating other children and staff from the vicinity of the risk. The person concerned should be confident that the possible adverse outcomes associated with the intervention (for example, injury or distress) will be less severe than the adverse consequences that might have occurred without the use of a restrictive physical intervention.

The use of seclusion

The use of seclusion where a pupil is forced to spend time alone against their will would not normally be seen as appropriate except for short periods of time in extreme situations whilst help is obtained. This is in contrast to time out, where a pupil would be supervised or accompanied in a neutral manner, and to withdrawal where they are removed from a difficult situation and accompanied while they calm down. It is an offence to lock a child in a room.

Where a pupil makes a choice to self-seclude, for example to escape from the social pressure of a situation, the local authority would require evidence of extensive communication with families or care providers by the setting. This would include outlining and agreeing the conditions of seclusion and a plan for reintegration with peers, based on the child's needs and preferences.

This policy will be monitored by the school and governors and will be reviewed on a regular basis. The Headmistress and staff will review the schools use of force strategy following any incidents or change in legislation and make any relevant changes to the policy.

APPENDIX A

RESTRICTIVE PHYSICAL INTERVENTION RECORDING FORM

Name of pupil

Date of incident.....

WHAT DE-ESCALATION TECHNIQUES WERE USED PRIOR TO PHYSICAL CONTROLS:

(tick the appropriate box below)

Defusing	<input type="checkbox"/>	Time out offer	<input type="checkbox"/>
Deflection	<input type="checkbox"/>	Time out directed	<input type="checkbox"/>
Distraction	<input type="checkbox"/>	Changes of task	<input type="checkbox"/>
Appropriate Humour	<input type="checkbox"/>	Choices	<input type="checkbox"/>
Proximity control	<input type="checkbox"/>	Limits	<input type="checkbox"/>
Verbal advice/support	<input type="checkbox"/>	Consequences	<input type="checkbox"/>
Rule reminder	<input type="checkbox"/>	Another member of staff	<input type="checkbox"/>
Hurdle help	<input type="checkbox"/>	Take up time	<input type="checkbox"/>
Planned ignoring	<input type="checkbox"/>	Other (please state):	<input type="checkbox"/>

JUSTIFICATION FOR USE OF RESTRICTIVE PHYSICAL INTERVENTION:

(tick the appropriate box below)

To prevent/interrupt;	<input type="checkbox"/>
A criminal offence	<input type="checkbox"/>
Injury to pupil/staff/others	<input type="checkbox"/>
Serious damage to property	<input type="checkbox"/>
Significant Disruptive behaviour	<input type="checkbox"/>
Pupil absconding	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>

NATURE OF RESTRICTIVE PHYSICAL INTERVENTION USED:

(Identify level of hold used, estimate of duration and factual staff accounts from each individual involved)

RESPONSE AND VIEW OF THE PUPIL: (this field **must** be completed if possible)

Name of staff:

Date:

DETAILS OF ANY RESULTING INJURY:

(injury to whom and any action taken)

First Aid Book completed	Yes <input type="checkbox"/> No <input type="checkbox"/>	Date:
OSHENS	Yes <input type="checkbox"/> No <input type="checkbox"/>	Date:

ANY OTHER RELEVANT FACTUAL INFORMATION:

NAME OF SENIOR PERSON NOTIFIED:		TIME/DATE	
HEADMISTRESS'S COMMENTS:			
SIGNATURE OF HEADMISTRESS:		DATE:	
PARENTS INFORMED	Yes <input type="checkbox"/> No <input type="checkbox"/>	METHOD:	DATE:
EXCLUSION OF PUPIL	Yes <input type="checkbox"/> No <input type="checkbox"/>	DETAILS:	