

Positive Handling Policy

1. Purpose and Scope

The purpose of this policy is to inform all TreeHouse School staff who come into contact with pupils how to intervene physically when the safety of the pupil or that of others is a clear and present risk.

TreeHouse School utilises a behavioural approach (ABA) to supporting pupils. As such, all pupils have a Behaviour Support Plan that details known behaviour that challenges, alongside information about proactive and reactive strategies to deal with these and skills development programmes that will teach a skill to replace that behaviour with meaning over time. Sometimes behaviour that challenges occur that can place the safety of the pupil and/or others in danger.

Where less intrusive (i.e. non-physical) reactive strategies have been unsuccessful in redirecting the challenging behaviour, staff may need to use physical interventions in order to keep the learner or others safe. This will require staff to use trained Team Teach interventions, as prescribed in the pupil's Behaviour Support Plan and Risk Assessment for behaviour that challenges. Physical intervention strategies should only be used as a last resort where a pupil is putting themselves or others at risk and all non-physical strategies have been demonstrated to be unsuccessful. Staff must complete Team Teach Training prior to supporting our pupils to ensure any physical interventions used are done so safely.

2. Introduction

The Headteacher and Governors have a responsibility to maintain the safety of pupils and staff. There is a responsibility to prevent serious breaches of school discipline and to prevent serious damage to property. We are committed to the principle that force and restraint should only be used in a reasonable way and when all other means of resolving issues are deemed to be inappropriate.

We recognise that reasonable force in schools is generally used for two different purposes:

- a) To Control: control can mean either passive physical contact (e.g. standing between pupils or blocking a pupil's path) or active physical contact (e.g. leading a pupil by the hand or arm, or ushering a pupil)
- b) To Restrain: When members of staff use "restraint" they physically prevent a pupil from continuing behaviour by physically restricting or limiting movement. The use of restraint techniques is usually used in more extreme circumstances.

The majority of pupils who attend TreeHouse engage in the daily routines and appropriate boundaries with little difficulty. However, there are times when the behaviour of a child becomes challenging and requires staff intervention to ensure the pupil's own safety, the safety of others and/or that property is not damaged. This may require the use of physical interventions. This policy aims to give clear guidelines for the use of positive physical intervention and the use of more restrictive physical handling. This policy is one aspect of behavioural management at TreeHouse and should be read in conjunction with the Behaviour and Discipline Policy. The need for the use of positive physical interventions must also be assessed on an individual basis and monitored and reviewed frequently in order for other strategies to be implemented.

Emerson et al. (1987)¹ define challenging behaviour as:

"... behaviour of such an intensity, frequency or duration that the physical safety of the person or others is likely to be placed in serious jeopardy, or behaviour which is likely to seriously limit or delay access to and use of ordinary community facilities"

¹ Emerson, E., Barrett, S., Bell, C., Cummings, R., McCool, C., Toogood, A., & Mansell J, (1987). *Developing services for people with severe learning difficulties and challenging behaviour*. Report of the early work of the Special Development Team in Kent.

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The school has adopted the Team-Teach Approach, providing the minimum necessary external controls with minimum force and time to ensure the maximum care of the young person. If physical intervention is needed then it is to be in the best interest of the child or young person, and after all other behavioural management strategies have been used. All physical techniques provide a gradual, graded system of response, commensurate with the situation, task and individuals involved and does not rely on pain or 'locks' for control. This meets the criteria of Section 550A of the Education Act 1996 (the DFEE circular 10/98 on "Training and Guidance")² and the governments directives to reduce school exclusions. The British Institute of Learning Disabilities (BILD) accredited (2006, 2009, 2012) Team-Teach, The Institute of Conflict Management (2015) and the DFES, DOH and NUT (amongst others) support Team-Teach as providers of training on the acceptable use of physical interventions.

Team-Teach techniques seek to avoid injury to the pupil and reduce risk, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the pupil remains safe.

At TreeHouse School we aim to create a calm and orderly environment that minimises the risk of incidents arising that might require the use of force. This is done in a number of ways:

- Creating a calm environment
- Pupils are supported by a Trans-Disciplinary Team that is person centred and outcomes-focused.
- Pupils have focused 'learning to learn' targets within the personalised curriculum that aim to develop coping strategies and increase skills that overcome behaviours that challenge and increase opportunity to learn.
- Total communication environment.
- Ensuring all Behaviour Support Plans are focused on the prevention of challenging behaviours through proactive strategies, or aim to end the occurrence of challenging behaviour as quickly and safely as possible through non-physical reactive strategies.
- Using resources including Social and Emotional Aspects of Learning to teach pupils how to manage conflicts and strong feelings including supporting learners to identify emotions and develop appropriate expression of these.
- Ensuring staff are aware of de-escalation techniques to manage conflict if it does arise
- Only using force when the risks involved in doing so are outweighed by the risks involved in not using force
- Having up to date and regularly reviewed risk assessments and positive handling plans for individual pupils

TreeHouse recognises its responsibility both to provide curriculum access for children with disabilities and to ensure the health, safety and welfare of its employees and pupils as far as is reasonably practicable. This positive handling policy has been designed to comply with the requirements of The Manual Handling Operations Regulations, 1992 (revised 1998 edition), and The Health and Safety at Work Act, 1974. It takes full account of the Disability Discrimination Act, 1995, The SEN and Disability Act, 2001, The European Convention for the Protection of Human Rights and Fundamental Freedoms, the EU Charter of Fundamental Rights (Nice 2000) and the Equality Act, 2010.

3. Defining Restraint, Restrictive Physical Intervention (RPI)

Restrictive physical intervention is the use of force to control a person's behaviour. Team-Teach suggest that physical interventions including escorts, holds and restraints should account for less than 5% of interventions as over 95% of situations should be managed using non-physical

² DfE (2011). *The Education Act*.

<http://www.education.gov.uk/aboutdfe/departmentalinformation/educationbill/a0073748/education-bill>

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strategies. Where non-physical strategies are ineffective, physical interventions may become necessary and take the form of:

Personal Safety Techniques are used to disengage from challenging behaviour. These techniques are designed to disengage without causing pain or injury to the pupil, however when responding to some particularly risky behaviours (biting and pulling hair) the pupil may experience minimal discomfort.

Escorting is accompanying for protection or guidance. The level of 'compliance' from the pupil being escorted and the degree of physical intervention being used by member(s) of staff will determine whether this act should be considered as a restraint (i.e. was the pupil being movement being controlled for their and others safety).

Holding is used to maintain control and calm the situation, avoiding harm to self or others. It is the degree of force used in relation to the risk of harm and level of co-operation and compliance being displayed by the pupil that determines when holding becomes restraining.

Restraint involves physical control and is defined by the positive application of force by staff, in order to control rigorous resistance; completely directing, deciding and controlling a person's free movement. The purpose of its application should be to safeguard the person, other people or prevent significant damage to property. The proper use of restraint requires knowledge, understanding, skill and judgement. As a minimum standard, all restraints should be reported, recorded and reviewed.

Withdrawal, Time-Out, Seclusion It is important to differentiate between these categories of restrictive physical interventions:

- *withdrawal* involves removing the person from a situation which is causing anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities
- *time-out* involves restricting the individual's access to positive reinforcement as part of a behaviour plan
- *seclusion* involves the young person being forced to spend time on their own against their will and will only be considered in exceptional circumstances; The right to liberty is protected by criminal and civil law and seclusion outside of the Mental Health Act should always be proportionate to the risk presented by the pupil

Withdrawal will only be used as part of an agreed behaviour plan or in rare occasions where an unforeseen incident occurs, withdrawal would be used as a last resort when all other attempts at de-escalation and other forms of escort or restraint have been exhausted. If such intervention involves the use of a separate room (e.g. the 'support rooms' at TreeHouse) then the individual involved must be continually monitored by a member of staff to ensure their safety and well-being.

On occasion it may be necessary to ensure that the pupil is unable to leave the room for the safety of themselves or others and this would be done by holding the door closed. The doors are not lockable with a key to ensure that no pupil will ever be left unsupervised during withdrawal in a support room. Use of withdrawal is continually reviewed and monitored in the same way as any other restrictive physical intervention through the Positive Handling Plans. *Seclusion* is not used in any planned interventions and there are always opportunities for the young person to be supported by or communicate with staff members during either a *withdrawal* or *time-out*.

4. Defining the use of Reasonable force

There is no specific definition of 'reasonable force' as this will depend on the individual circumstance. The use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it. Any force used should always be the minimum needed to achieve the desired result. 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.

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In some situations staff should not intervene in an incident without help (unless it is an emergency), for example, when dealing with an older pupil, a physically large pupil, more than one pupil, or if the member of staff believes he or she may be at risk of injury. In those situations the staff should remove other pupils who might be at risk, and summon assistance from a colleague or colleagues.

The member of staff should inform the pupil(s) (when appropriate) that he or she has sent for help. Until assistance arrives the staff should continue to attempt to de-escalate the situation. All members of staff who may have to intervene physically with pupils must clearly understand the options and strategies open to them. They must know what is acceptable and what is not.

A number of key principles underpin the use of 'reasonable force', through physical intervention or the use of a support room. However in all cases the use of Restrictive Physical Intervention has to be justified by there being:

- The likelihood of injury to the child or young person (including self-harm)
- The likelihood of injury to others
- The likelihood of serious damage to property
- 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)

The use of Restrictive Physical Intervention is also governed by the principles of legal and ethical practise. Section 550A of the Education Act 1996 and Section 93 of the Education and Inspections Act 2006 enables staff who are authorised by the Headteacher who are responsible for the safety and wellbeing of pupils to use such force as is reasonable. The intervention should:

- Be in the best interests (The Children Act 1989) of the child or young person
- Be reasonable and proportionate to the circumstances (DFE 2010 Guidance)
- Use minimum force necessary for the minimum time necessary
- Be based on a comprehensive risk assessment (1974 Health and Safety Act)
- Have regard for young people and adults present
- Respect the safety and dignity of all concerned
- Implement procedures to reduce and eliminate the use of restraint and seclusion
- Ensure that systems to review critical incidents and the use of restrictive practices, including physical interventions are 'fit for purpose'

5. Physical intervention and Positive Handling Plans

5.1 Physical intervention and restraints will only be consented to if they are an initial, short-term strategy used within the context of a comprehensive, data-based, positive handling plan. They are only to be used to ensure the immediate physical safety of the pupil or others. Data must also be provided to support the continuation of any plan. An important part of the positive handling plan is a comprehensive risk assessment. We aim to put positive handling plans in place within 2 weeks of any of the following:

1. A restrictive physical intervention being used with the pupil.
2. The pupil displays aggressive behaviour towards another person that causes injury requiring first aid treatment.
3. The pupil causes extensive property destruction that could pose a risk to self or others health and safety.
4. A 'personal safety response' that involves minimal discomfort is used with the pupil.
5. The pupil engages in self injurious behaviour that poses a significant risk to their health and safety.

5.2 Unplanned physical intervention may become necessary when a child or young person behaves in an unexpected way, the child or young person may not have a behaviour plan and trained staff may not be on hand. **The duty of care still remains if appropriately trained staff are not on hand to assist the child or young person.** The response must be reasonable, proportionate, and necessary and use the minimum force necessary to prevent injury and maintain

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safety, consistent with the circumstances and with any training the staff may have received. However, to take no action where the outcome is that a child injures himself or another, including staff, could be seen as negligent in legal terms. Any unplanned physical intervention is recorded in a bound and numbered book serious incident book ('The Pink Book') and is reported to the Headteacher.

6. Elevated Risks

Some procedures are known to carry elevated levels of risk. The DfE's document "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" (LEA/2042/200) identifies associated elevated risks with techniques which:

- Use of clothing or belts to restrict movement
- Hold someone who is lying on the floor or forcing them to the floor
- Placing someone in seclusion

Of the above methods, only using Ground Recovery techniques approved by Team-Teach are utilised at TreeHouse School. Ground recovery techniques are only used in 'exceptional' circumstances. These circumstances can be defined as a pupils' behaviour being so persistent and targeted that the only way to maintain their safety, and that of others, is to remove them to a place where the individual can be supported or use Advanced Team-Teach techniques where standard Team-Teach techniques are ineffective. Under no circumstances does TreeHouse use any procedure which restricts breathing or put pressure on the joints, neck, chest, groin or abdomen. All interventions are supported by a thorough assessment of risk and evaluation of the child or young person's needs, implemented by appropriately trained and skilled staff and with the approval of a senior member of staff. This is done when, despite a high adult to pupil ratio, it is not possible to avoid injury to individuals and/or others, and only used as a remedy in the best interest of the child or young person, when the team of highly trained staff can no longer maintain a safe environment.

7. Recording Incidents

All interventions should be in accordance with individual education and behaviour plans and will be in place for an appropriate period of time and will be systematically faded out as determined by data, review and monitoring.

Following the first or any unplanned occurrence of restrictive physical intervention or any restrictive physical intervention where a pupil or staff member is injured the incident should be logged on the incident/accident software system. This comprises of a computerised form and incident data entered is stored in a database that is used to track incidents over time and to help identify trends.

A copy of each intervention record involving unplanned restrictive physical intervention or injury to the pupil as a result of physical intervention will be sent home to parents. The incident is also reported in a bound and numbered serious incident book which is monitored by the Headteacher. Any single episode of a restrictive physical intervention lasting longer than 15 minutes is also recorded in the serious incident book. All incidents involving ground recovery techniques are reported on a ground recovery incident report form, these forms are checked by both the Senior Behaviour Analyst and Team-Teach Co-ordinator and figures are regularly reported Senior Leadership and the Governing body for monitoring purposes.

Planned restrictive physical interventions are recorded on pupil specific data sheets or using the incident/accident software depending on how frequently such intervention occurs. Pupil specific data sheets are filed centrally at the end of each half term. Each quarter a report is compiled of all incidences of injuries to staff or pupil as a result of challenging behaviour and also all incidences of restrictive physical interventions.

All data related to physical interventions will be retained by the school for at least 25 years following the date of the incident.

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8. Corporal Punishment

Any physical intervention or act which deliberately intends to punish a pupil, or which is primarily intended to cause pain, injury or humiliation is strictly forbidden. Examples of this include hitting, pushing, slapping, kicking, poking or prodding a pupil. Staff who engage in any such act would render themselves liable for dismissal.

9. Staff Training

TreeHouse aims to train all staff in Team-Teach strategies and techniques and have a minimum of two in-house intermediate tutors and two advanced tutors to ensure the safety of pupils and staff at all times. There will be ongoing refresher courses provided by these tutors to ensure that where necessary, each pupil has a positive handling plan tailored to meet their individual needs.

As well as the formal Team-Teach training courses; in house training will cover staff attitudes to physical intervention, the importance of de-escalation and the school culture in the positive handling of pupils. All new members of staff receive an induction training which includes physical intervention and behavioural management. Staff also receive in house supervision and ongoing training regarding management of behaviour. The trainers receive refresher courses regularly in accordance with Team-Teach required re-certification periods, and additionally provide training and support with specific pupils

10. Support for Staff and Pupils

Debriefing after an incident is essential in supporting staff and pupils. Staff are provided with opportunities to debrief with appropriate members of staff, the support team or utilising 'Empathy' employee assistance and therapy. Debriefs with staff occur after any incident, and this may take be formal or informal debriefs, individually or as a part of a team, to review the incident and may inform decisions on changes to existing Positive Handling Plans, recommendations in behaviour support, behaviour plans or identify training/support for staff where needed.

Pupils are also given appropriate debriefs after an incident, this may be talking through the incident with a trusted member of staff, or for pupils who require more support with communication, this may take the form of reduced demand, rapport building and on-going monitoring and support from a tutor before returning back to regular classroom routines.

Working in an environment where physical restraint is frequently being used can be very stressful for staff. Part of the function of monitoring and reviewing record forms by the Headteacher is to identify where there are particular areas of difficulty, and what particular support should be offered. All staff should have the opportunity for a break out of class and the opportunity to debrief following an incident. There is a staff quiet room available for staff to use for such breaks.

11. Communicating with Parents

Partnership with parents is crucial. All parents are asked to sign their child's home school agreement and parental views are taken into account for the individual young persons' behaviour plan which specifies the techniques to be used with their child. In this regard, parental consent to use physical intervention and is secured as part of admission, and the on-going partnership working with parents, that in the instance of using a support room, must be permitted by parents. Parents have a right to know when physical restraint is carried out in relation to their child and accordingly will be sent home notification of when any unplanned restrictive intervention occurs or if the pupil is injured during an intervention. Parents will also be notified if any ground recovery techniques are used with their child. The school will continue to assure parents of the on-going training, monitoring, evaluation, recording and reporting of physical interventions and the use of the support room. They will also be offered an opportunity to discuss physical intervention and any on-going behaviour management strategies that are being adopted with the class staff, support team or Headteacher.

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12. Communicating with Local Authorities (LAs)

We welcome joined up working with local authorities and the involvement of other external professionals. All LAs have a right to know why physical restraint is carried out. Some LAs may require each record of physical restraint to be forwarded to them, while others may prefer an arrangement whereby these records are made available in summary form at regular intervals (e.g. at termly or annual reviews). Progress with behaviour interventions will typically be discussed with LAs in the annual review meeting.

Where the use of physical intervention, including physical detention/seclusion is considered to be, or alleged to be, unlawful or disproportionate, the Local Authority Designated Officer must be consulted without delay.

This policy should be read in conjunction with other school policies including:

- Behaviour and Discipline Policy
- Confidentiality Policy
- Data Protection Policy
- Equality and Diversity Policy
- External Communications Policy
- First Aid and Healthcare Policy
- Safeguarding and Child Protection Policy
- Home School Partnership

Forms

- Positive Handling Plans: Criteria checklist
- Risk Assessment of Challenging Behaviour
- Positive Handling Plan
- Physical Intervention record sheet
- Ground hold recovery record sheet
- Team Teach Aims and Course Objectives

13. Other Relevant Documentation

The following legislation and guidance has been taken into account in the production of this document:

- ◆ The Association of Directors of Children's Services (ADCS)
- ◆ The Health and Safety at Work Act 1974
- ◆ The Education and Inspections Act 2006 (11/07)
- ◆ Circular 10/95 "Protecting Children from Abuse: The Role of the Education Service."
- ◆ Disability Discrimination Act, 1995
- ◆ The SEN and Disability Act, 2001
- ◆ The European Convention for the Protection of Human Rights and Fundamental Freedoms
- ◆ EU Charter of Fundamental Rights (Nice 2000).
- ◆ Commission for Social Care Inspection (CSCI) "Children's Views on Restraint" (2004)
- ◆ The Manual Handling Operations Regulations, 1992 (revised 1998 edition)
- ◆ Department of Education "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." July 2002 Ref: LEA/0242/2002
- ◆ Department of Education "Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties." September 2003 Ref: LEA/0264/2003
- ◆ Circular 10/98 "Section 550A of The Education Act 1996: The Use of Force to Control or Restrain Pupils"
- ◆ Department of Health (DOH) / DFES Joint Guidance on Restrictive Physical Intervention (2002 & 2003)
- ◆ DFEE Circular 14/96 "Supporting Pupils with Medical Needs in Schools"
- ◆ Camden LEA Draft Policy for Physical Intervention Final Version – March 2003

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- ◆ Harris, J, Cornick, M, Jefferson, A, and Mills, R (2008) Physical Interventions: A Policy Framework. Second edition. Kidderminster: BILD.
- ◆ BILD Code of Practice for the use and reduction of restrictive physical interventions. Kidderminster: BILD (2014, Fourth Edition).
- ◆ Letter from Chris Wells to Chief Education Officers on the Use of Positive Handling Strategies, sent 24th April 2001
- ◆ Section 93 of the Education and Inspections Act 2006
- ◆ Apprenticeship, Skills, Children and Learning act 2009
- ◆ DOE Use of Reasonable Force July 2013
- ◆ NICE guideline Published: 29 May 2015 Challenging behaviour and learning disabilities: prevention and interventions for people with learning disabilities whose behaviour challenges
- ◆ Equality Act (2010)

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