CYNGOR
Sir y Fflint
Flintshire
COUNTY COUNCIL

Positive Handling and Physical Intervention Policy

Positive Handling and Physical Intervention Policy (Updated 2014)

Challenging Behaviour and the use of Positive Handling and Physical Intervention

1. Introduction

These notes and guidance are for managers and staff working in education. They should be read in conjunction with '*Safe and effective intervention – use of reasonable force and searching for weapons*', Welsh Government Guidance document no: 097/2013 (https://gov.wales/sites/default/files/publications/2018-03/safe-and-effective-intervention-use-of-reasonable-force-and-searching-for-weapons.pdf) and Flintshire's Behaviour and Attendance Policy.

Schools and Pupil Referral Units must have a policy for managing difficult and challenging behaviour which should include the use of Positive Handling and Physical Intervention. This policy must be agreed by the whole school community.

The most effective way to manage challenging behaviour is to use whole school approaches to positive behaviour management. Each school's Behaviour and Attendance Policies should give guidance on implementing preventative strategies, before there is a need to use physical intervention.

Flintshire LA has adopted the Team Teach training framework. Team Teach remains committed to the term 'positive handling' to describe a broad spectrum of risk reduction strategies.

2. Values and Principles

The management of challenging behaviour is a difficult and sensitive aspect of work with pupils. These notes / guidance give paramount importance to the human and legal rights of pupils. They move from least to more interventionist alternatives and emphasises prevention over intervention.

3. Definitions

'**Positive handling** is a holistic approach involving policy, guidance, management of the environment, and deployment of staff. It also involves personal behaviour, diversion, diffusion and de-escalation. Restraint is only a small part of the framework'. (Taken from the Team Teach workbook.)

Physical Intervention is defined in the WG Framework as:
'direct physical contact between persons where reasonable force is positively applied against resistance, either to restrict movement or mobility or to disengage from harmful behaviour displayed by an individual.'

Challenging behaviour describes behaviour of such frequency, duration or intensity that the safety of the person or others is placed in jeopardy.

4. Reasonable force

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour.

The appropriateness of the physical intervention must always be related to the age, maturity, understanding and capacity of the individual. Appropriateness will also be dependent on the risk factors associated with the individual, the staff and other individuals within the vicinity.

At all times, reasonable force must be the minimum necessary to prevent harm and/or reduce damage, in terms of both force and duration, and autonomy restored as soon as safe to do so. It is always unlawful to use force as a punishment.

5. Preventative Strategies

If a pupil is exhibiting difficult or challenging behaviour, the school's Behaviour Policy should give whole school guidelines on tackling the problem. This should be used in conjunction with Flintshire's Behaviour and Attendance Policy and the support mechanisms available within the Local Authority. The vast majority of difficulties should be manageable without the need to resort to physical interventions.

A brief guide to de-escalation techniques.

These notes are intended as a minimum introduction to the use of de-escalation techniques and conflict resolution. As such they are neither definitive nor exhaustive.

Training in de-escalation techniques is much more preferable and is available via Flintshire's Behaviour Support Team and Educational Psychology Service. There are also a number of programme available such as the Social and Emotional Aspects of Learning (SEAL) which can also support the development of pupil social and emotional skills.

Planning for behaviour

In the school setting things that might help to avoid challenging behaviour include:

- Adhering to the school's Behaviour Policy
- Using Positive Behaviour Management
- Adjusting the environment (Seating arrangements etc)
- Adjusting teaching style
- Modifying curriculum delivery
- Using non-threatening facial/body expressions
- Diversions
- Use of space
- Using low, calm tones
- Physical reassurance and prompts

6. Defusing a challenging 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, responding early may avoid the need to use physical intervention.

The following are suggestions for defusing a challenging situation. They are by necessity broad generalisations. The list is not exhaustive and there will always be an exception to the rule. There is no substitute for knowing a person well and what works for them. Some of the strategies suggested stand alone, others work better in combination. Mostly they involve the control of staff behaviour.

- 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, 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. Whether this is genuine matters less than the impression created. However, care needs to be taken to avoid appearing arrogant, challenging, aggressive or confrontational.

- The child or young person's self-esteem and dignity should be considered at all times.

- Hesitation and sudden movements should be avoided. Movement needs to be slow and purposeful.

- Allow the pupil to save face by giving them an escape route. Token concessions can work, admit they have a point.

- Personal boundaries of approximately one to three metres should be respected, unless approaching the person seems helpful.

- Speech and other forms of communication should remain as normal as possible i.e. quiet and clear.

- Aggressive or overtly defensive postures should be avoided.

- Avoid excessive eye contact and remember that the pupil may not want to engage in eye contact – do not make 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 pupil to somewhere away from the peer group, but not away from a third party otherwise you may be vulnerable.

- Deferring potential discipline and having time out to reflect can help to defuse situations.

7. Responsive Strategies

There are occasions when there is a need for immediate and direct interventions. For example to prevent a pupil from running across a busy road or to prevent self-injury. The Welsh Government Framework for Restrictive and Physical Intervention Policy and Practice states:

'Where emergency situations arise, the welfare, safety and health needs of both individuals and professionals need to be protected. Any action taken needs to be properly recorded for accountability and lesson learning purposes. The management of such situations must be open to scrutiny.'

For some pupils, who frequently display challenging behaviours, then the potential need for physical interventions should be planned for, and communicated, in an Individual Behaviour Plan, ensuring that staff, pupils and parents / carers are aware of the potential use. (Appendix A)

8. Circumstances justifying the use of Positive Handling and Physical Intervention

Reasonable force may be used in the following circumstances:

- violence directed towards others arising from panic, distress or confusion
- self-directed violence or self-injury
- where there is a developing risk of significant damage to property
- where a crime is being/likely to be committed

It would be sensible for the school's policy on the use of force to describe the circumstances that the school regard as justifying the use of force to restrain a pupil (for example, to prevent them injuring somebody) and the kinds of circumstances the school regarded as justifying the use of force to require a pupil to comply with a reasonable instruction (for example, to leave the classroom). All staff - authorised and unauthorised - need to understand their powers and the options open to them. They need to know what is acceptable and what is not. Similarly, all pupils should be made aware of what powers are available to school staff and the circumstances under which this power could be used.

9. Acceptable use of Physical Intervention

Ideally this should only be used by staff who have received adequate and appropriate accredited training.

It is recognised that there may be situations where untrained staff need to act and use Restrictive Physical Intervention. Examples of this might be the use of:

- physically interposing between pupils
- standing in the way of a pupil
- leading a pupil away from an incident by the hand or by gentle pressure on the centre of the back

10. Forms of physical intervention that should not be used are:

- holding face down on the ground
- holding round the neck or any other hold that might restrict breathing
- kicking, slapping or punching

- forcing limbs against joints (e.g. arm locks)
- tripping or holding by the hair or ear
- any technique reliant on pain

11. Authorisation to use physical intervention.

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 pupil 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 pupil himself); or
- prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or 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, and any other person whom the head has authorised to have control or charge of pupils. This:
  i) includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors.
  ii) can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school-organised visits).

Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a pupil might have. Under the Equality Act 2010 schools have key duties:

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

The head teacher should explicitly inform the people concerned of their responsibilities in relation to the school policy on use of force. They should make clear that all teachers and staff that the head has authorised to have control or charge of pupils automatically have the statutory power to use force.

For staff who have temporary authorisation, the headteacher should make clear the circumstances in which staff whose jobs did not normally involve supervising pupils and volunteers working with pupils will be authorised to be in control or charge of pupils and therefore have statutory power to use force. An up-to-date record of temporarily authorised people should be kept.

12. Staff Training

Schools will need to determine the level of training required based on their individual needs and circumstances. It is good practice for schools to set out their approach to relevant training in their school policy on use of force. A school may decide that all staff who supervise pupils should have such training however, given the statutory power to use force by virtue of their job, a school policy cannot lawfully prevent teachers or other staff from using that power regardless of whether they have received training. Schools should however, make it clear to staff that unreasonable or inappropriate use of force may lead to disciplinary action. Schools will also need to make a judgement on the level and form of training that they provide to those who have been given temporary authorisation, due to their not usually having control of pupils.

There will be particular training needs for staff working closely with pupils with SEN and/or disabilities. Risk assessments will help inform decisions about staff training requirements and also inform the circumstances in which schools would temporarily authorise staff or volunteers to have control or charge of these pupils.

Schools are advised to ensure that training covers techniques for avoiding or defusing situations in which physical intervention might become necessary as well as methods of physical intervention. This is particularly important for staff who work closely with pupils with SEN and/or disabilities associated with challenging behaviour. Schools should ensure that the training needs of these staff are identified and appropriately met.

Team Teach offers ‘’training in positive handling strategies through a whole setting holistic approach to managing difficult, disturbing and sometimes dangerous behaviours’’. It offers a whole school holistic approach to physical intervention. Team Teach training is delivered on behalf of Flintshire LA via Ysgol Maes Hyfryd specialist school and those wishing to engage in the training should contact the school directly.

13. Risk Assessments

Schools are advised to assess the frequency and severity of incidents requiring use of force that are likely to, or have occurred in their school. Schools may also need to make individual risk assessments where it is known that force is more likely to be necessary to restrain a particular pupil, such a pupil whose SEN and/or disability is associated with extreme behaviour. An individual risk assessment is also essential for pupils whose SEN and/or disabilities are associated with:

- communication impairments that make them less responsive to verbal communication;
- physical disabilities and/or sensory impairments;
- conditions that makes them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
- dependence on equipment such wheelchairs, breathing or feeding tubes.

14. Actions following the use of Restrictive Physical Intervention

Serious incidents that require use of force can be upsetting to all concerned and may result in injuries to the pupil or to staff. Immediate action should be taken to provide first aid for any injuries and to access medical help for any injuries that go beyond first aid. It is also important to ensure that staff and pupils are given emotional support.

All incidents when Positive Handling or Physical Intervention techniques are used must be recorded as soon as possible. The following information (as a minimum) must be detailed on an incident sheet or book together with written statements of witnesses:

- names of pupils involved
- the time of the incident
- the place where the incident occurred
- the names of staff or other authorised adults involved

Where the incident has been prolonged, or where considerable force has been used, the following details must also be recorded. 'There must be a clear audit trail which is accessible to all involved, including pupils and their parents/carers and those agencies with a legal right to access such information.' (Welsh Government Framework)

- names of all witnesses, pupils and adults
- signed witness statements
- the reason for physical intervention being used
- a description of the way the incident developed;
- details of the outcomes of the incident including injuries and damage
- when the parent/carer was told and how
- names of external agency officers who were informed

In addition, Team Teach recommend a bound and numbered book is kept, separately from the individual's file or care plan. A sample recording form can be found in Appendix B

A post incident de-brief should be held after all involved have had sufficient time to be calm. This should include the pupil so that lessons can be learned by pupils and staff. There should be a designated space and time allocated to de-brief. Any such de-brief should be recorded. Pupils and their parents / carers 'must have clear information about how to make their views known, how to make a complaint and how to access the services of an advocate. Consideration should also be given as to whether other agencies should be involved with the pupil to ensure appropriate support is available to prevent a reoccurrence of the incident.

15. Investigating Complaints about the use of Positive Handling and Physical Intervention

Complaints procedures

After an incident in a school, there is always the possibility of a formal complaint. A number of persons might feel aggrieved by the incident, whether they are pupils, parents, teachers, other employees, or even visitors to the school and members of the public. Any of these persons can lodge a complaint and expect it to be investigated diligently and fairly. As a precursor to such a possibility, headteachers should be aware of the need to review and monitor the reactions of all parties involved in an incident, and to consider the

effects on current school policies, and have a total awareness and understanding of all aspects of the case.

Receiving and noting a complaint

The general complaints procedure adopted by the governing body must always be followed and it must include the following elements:

- A pupil wishing to complain should be treated courteously and without prejudice and be requested to write the complaint in his or her own words. In the event that the pupil has difficulty with writing, or cannot write fluently, or where English is not the first language, a member of staff not involved in the incident should record the complaint, verify and read through with the pupil, and ask the pupil to sign and date the report where possible. The pupil must be given clear information on how to access the services of an advocate.

- If a complaint is received which alleges some form of abuse or injury, whether inflicted during the use of Positive Handling and Physical Intervention or not, the headteacher or designated person must record the complaint in writing. This recorded information must include where and when the incident occurred. It should include as much detail of the alleged injuries or abuse as possible. At this point, it is important that the headteacher confirms to the complainant that the matter will be dealt with in line with the All Wales Child Protection Procedures, (www.awcpp.org.uk)which will require referral to Social Services for Children and the police.

Cases that do not involve allegations or suspicions of abuse

In these cases, the headteacher will need to ensure that all appropriate evidence is considered. If, having examined all the facts, the headteacher is satisfied that there are no child protection concerns, s(he) must deal with the matter as part of the school's agreed policy on the use of Positive Handling and Physical Intervention.

If the headteacher concludes that the course of action taken during the incident complied with the school's policies as approved by the Governing Body, and the local authority guidelines and directives, and that in the circumstances there was no other reasonable course of action available, or no case to answer, then the following actions must be undertaken:

- notify the complainant of the outcome of the investigation

- notify the pupil's parents or guardians, or responsible person or agency, of the outcome of the investigation

- notify the Chair of Governing Body and the Chief Officer Education & Youth

- record the outcome of the investigation, sign the record of the incident, ensuring a copy is placed on the appropriate file

- consider whether any disciplinary action is required against the member of staff or pupil involved. If so, this will be pursued in accordance with approved school policies on discipline and behaviour

Cases involving allegations, or suspicions, of abuse

In those cases where there is an allegation, or suspicion, that a member of staff has abused a child or young person, referral must be made to Social Services.

In these cases, headteachers should avoid carrying out their own investigation into complaints, other than those essential to determine whether or not the matter should be dealt with under the Child Protection Procedures.

16. Children Looked After

The Welsh Government Framework gives the following guidance.

'Any child looked after should have relevant information around the possible use of restrictive physical intervention made available to them as well as information about the complaints system and the support available from an advocate.

Following any incident of restrictive physical intervention for a looked after child in a residential establishment or foster care placement, that child's field worker must be informed. The field or key worker should be part of any de-brief or discussion around the management of the child's behaviour.

If restrictive physical intervention has been used, it should be discussed during any statutory review process when considering if a placement is able to meet a child's needs and this discussion should be reflected in the child's care plan. There should be a clear written record of these events in the social work file in accordance with the authorities recording procedures.'

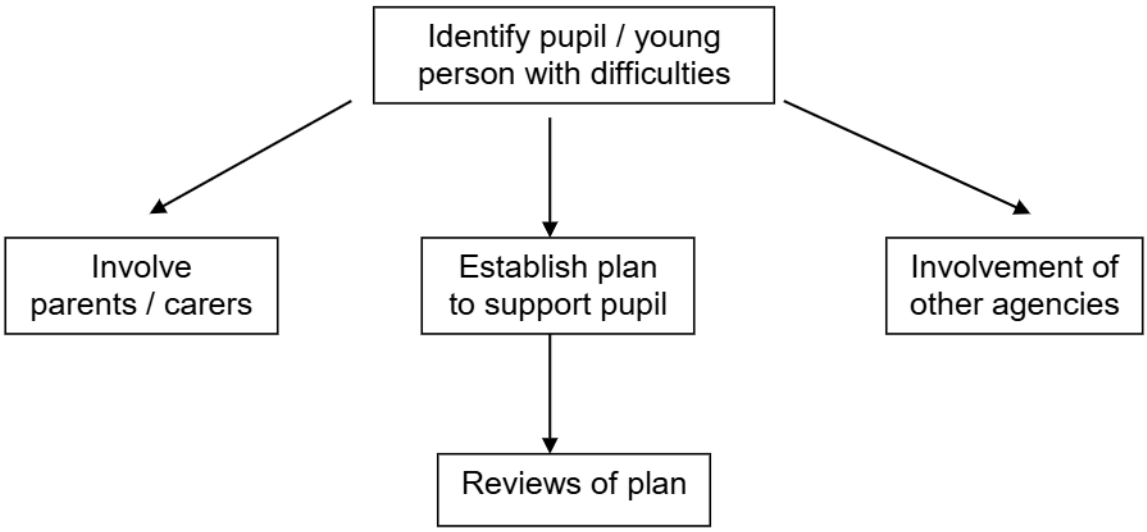
17. Further Information

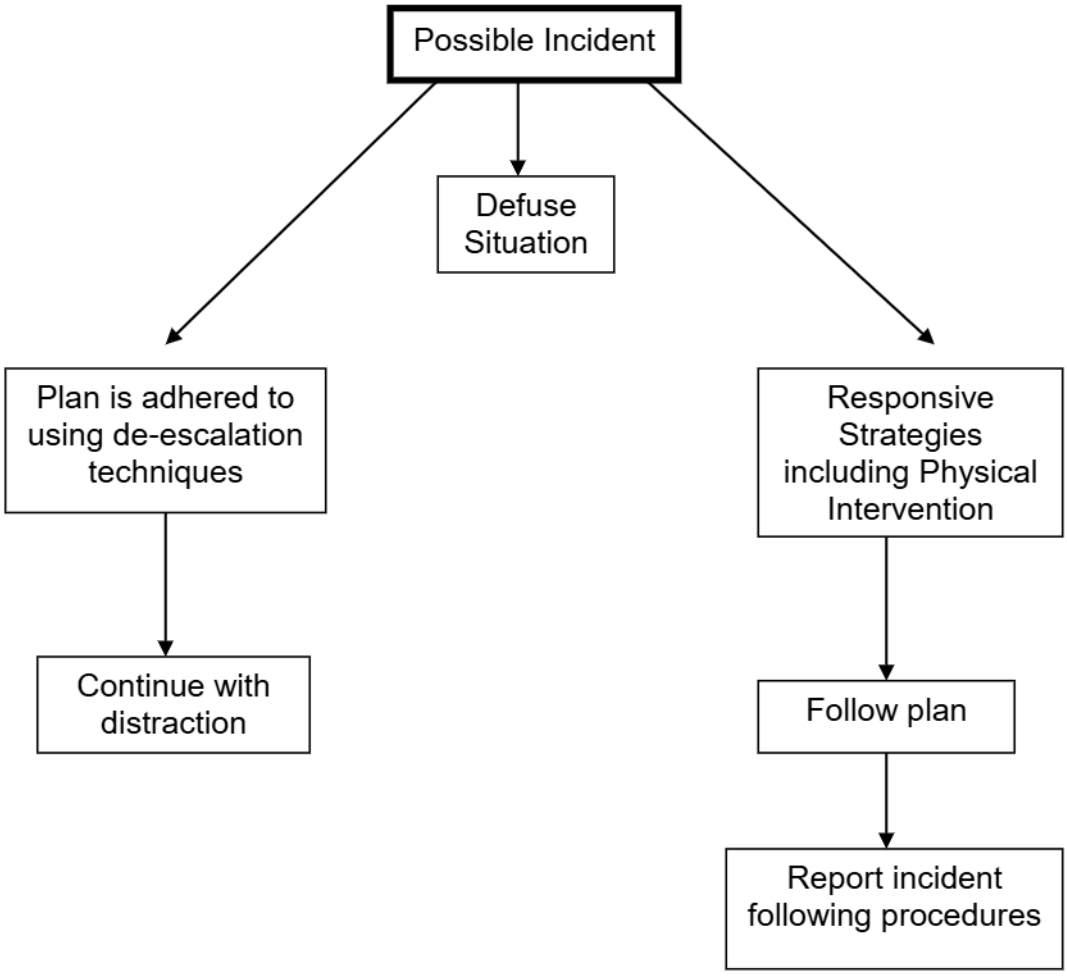
Further information on positive behaviour management and de-escalation strategies is available from the Behaviour Support Service and the Education Psychology Service.

The *Inclusion & Pupil Support* Guidance document no: 47/2006 offers further guidance and support on whole school approaches to behaviour.

The WG Guidance document *Safe and effective intervention – use of reasonable force and searching for weapons* provides support and guidance to schools on the development of a suitable Physical Intervention policy.

Positive Handling and Physical Intervention





APPENDIX A

Behaviour Plan

Name _____ **Year Group** _____

Date of Plan _____ **Review Date** _____

Risk

Disruption ☐ Damage to property ☐ Fighting ☐ Violence and Aggression ☐

Absconding ☐ Impulsive / dangerous ☐ Self Harm ☐

Additional information (include any information relating to the safety of the individual and others)

What might happen? (Describe any triggers and behaviour seen)

Preferred supportive and intervention strategies.

Verbal Advice and Support		**Distraction**		**Time Out**	
Take Up Time		**C.A.L.M.**		**Supportive Touch**	
Negotiation		**Withdrawal**		**Planned Ignoring**	
Limited Choices		**Humour**			
Reminder of Consequences		**Change Face**			
Success Reminders		**Reassurance**			

Other ……

(it is preferable to divert negative attention please note here any proven strategies / subjects of conversation which build bridges with the student).

APPENDIX B

SCHOOL NAME **Log No:**

Positive Handling and Physical Intervention Form

Name _____ Year _____

Date _____ Time _____ Time Span (mins) _____

Location _____ Activity _____

Report compiled by _____

Name(s) of staff involved:

Name(s) of witnesses (staff)

Name(s) of witnesses (pupils)

Incident book completed yes/no

Reason for intervention

Immediate danger to: pupil ☐ other pupil(s) ☐ Member(s) of staff ☐

To avoid damage to property ☐ To prevent or disrupt a criminal act ☐

Behaviour prejudicial to good order ☐ In response to a known trigger ☐

Antecedents **(a brief description of events leading up to the incident / behaviour)**

Behaviour

persistent refusal ☐ verbally abusive ☐ disruption to lesson ☐

property damage ☐ pushing ☐ kicking ☐ hitting ☐ spitting ☐

head butting ☐ self-harm ☐ biting ☐ other (give details below) ☐

……

De-escalation techniques used:

Help Script/ verbal advice and support ☐ reassurance ☐ distraction ☐

changing face ☐ option/get out with dignity offered ☐

limited choices offered ☐ time out ☐ planned ignoring ☐

choices boundaries and consequences ☐ other …….

Can you explain why the above did not have a positive effect?

…….

Intervention strategies used:

None ☐ Escort ☐ Help Hug ☐ Friendly hold ☐ Single elbow ☐

Figure 4 ☐ Double Elbow ☐ Shield ☐ other strategy …….

Total duration of all holds (mins): …….

Effectiveness of holds: …….

Who held which body part…….

Were de-escalation techniques used prior to hold yes/ no

Has a debrief taken place for the student(s) involved yes/no

Medical Intervention

Checked by first aider yes / no

Details ……..

Injury to student yes/no

Nature of injury ……..
Is referral to GP necessary? yes/no

Injury to others
Checked by first aider yes / no

Details ……..

Nature of injury ……. Is referral to GP necessary? yes/no

To whom was the incident reported?

Reported to ……. Time ……..

Where physical intervention strategies have been used the compiler should record the incident in the bound and numbered book. This book is to be found with Headteacher or Deputy. Parents should be informed at this stage.

Monitoring by appropriate personnel—Head, Deputy, Assistant Head

Was sufficient/appropriate de-escalation undertaken? [ ]
Were there grounds for use of physical control? [ ]
Were approved physical controls used? [ ]

Has appropriate/sufficient post incident action been taken? [ ]
Is the record keeping comprehensive and complete? [ ]
Were all relevant people informed? [ ]
Were there any staff/pupil complaints about the incident? [ ]
Other comments:

Signed: _____ Date: _____

Head Teacher's monitoring

Parents informed ☐ Name: _____ Time: _____ Date: _____

Parental comments: _____

Any further action taken : _____

Head Teacher to sign that the above is completed appropriately and that appropriate action/consequence has been taken.

Signed …….

****Incidents of use of restrictive physical intervention should be monitored to check whether regular patterns of the particular intervention techniques are emerging. Continued use of any interventions should be subject to review.**