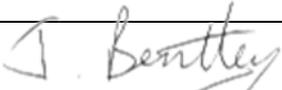


NORTHFIELD SCHOOL PHYSICAL CONTACT AND POSITIVE HANDLING POLICY

Date adopted	February 17
Signed by chair of Teaching and Learning committee	
Member of staff responsible for monitoring	Headteacher
Review frequency	Biennial

The purpose of this policy is to outline guidelines around physical contact and positive handling

1 General Considerations

1. The experience of physical contact may span a wide range of human emotions. Feelings of care, of protection, of physical comfort and sexual arousal, and of abuse, punishment and forced control, may all occur and vary according to age, context, purpose and previous experiences.

The standpoint of this document is that some forms of physical contact should be regarded not only as 'normal' and 'appropriate' but necessary for safety, care, protection, communication, learning and emotional development whilst giving due regard to relevant risks. The purpose is to support good practice.

2. According to circumstances contact is supportive of:

- a. Emotional and personal needs
- b. Effective communication
- c. The development of self-esteem
- d. Good working relationships
- e. Skill development
- f. Effective learning
- g. Focusing attention, and
- h. Establishing boundaries

Confidence in physical contact is essential for employees in reducing confusion, avoiding exploitation and possible loss of control.

3. Contacts should always:

- a. Be conscious/deliberate acts
- b. Give due regard to the child's age and sex
- c. Give due regard to the context, and
- d. Reflect knowledge and understanding of the individual child

Physical contact is one element in the wider context of personal relationships with the inevitable potential for very different experiences of the same act and the misinterpretation of intention.

This document is aimed at all educational establishments and concerns pupils of all ages. It is relevant to all employees where physical contact is a regular feature of their activities. It has particular relevance for reviews and Individual Education Plans required by the Code of Practice for pupils with special educational needs.

5. Three broad forms of contact are considered:

- a) Caring, supportive and therapeutic contacts
- b) Prompting, guiding and containing contacts
- c) Controlling and managing contacts

All three may occur in a single situation e.g. in the calming and recovery phase following physical management.

6. Avoiding the need for physical management is a crucial issue.

2 LEGAL CONSIDERATIONS

DUTIES

The law governing physical contact between adults and children is confusing. Certain duties and expectations stemming from legislation can be identified. Any contact must be justifiable against the underlying principles governing our work with children and guidance from other sources. These are:

- a) Schools have a duty to safeguard and promote the welfare of all their pupils.
- b) Schools have a duty to provide a curriculum that promotes the spiritual, moral, cultural, mental and physical development of pupils and to prepare them for the opportunities, responsibilities and experiences of adult life. (Education Act 1996)
- c) The child's welfare is the paramount consideration.
- d) Any action that constitutes corporal punishment is prohibited and is regarded as battery. (Education Act 1996)
- e) Action to avert an immediate danger of personal injury or damage to property does not constitute corporal punishment (Education Act 1996, Section 549).

However, there is little about the actual techniques of physical control that can be used. Northfield School has drawn up a framework for use of physical control.

This framework applies to all the staff at Northfield providing they have received GSA training.

The Use of Force to Control or Restrain Pupils Guidance for Schools in England

All school staff members have a legal power to use reasonable force to prevent pupils committing a criminal offence, injuring themselves or others, or damaging property; and to maintain good order and discipline amongst pupils. But everyone would agree that force should be used only as a last resort.

Policy Statement

Staff at this school are trained to look after the pupils in their care. Staff have a duty to intervene in order to prevent pupils from hurting themselves or others. There may also be situations in which a child seriously disrupts good order in the school or causes damage to property. If a member of staff ever needs to intervene physically they will follow the school's Positive Handling Policy. Any parents wishing to view this policy may do so on request.

Introduction

The term 'Positive Handling' includes a wide range of supportive strategies for managing challenging behaviour. This policy sets out the framework for the use of reasonable force or positive handling, but it must be clearly understood that this should always be set within the school's overall behaviour management framework and is only used as a last resort underpinned by sound risk assessment.

What the law says:-

Section 93 of the Education and Inspections Act 2006 enables school staff to use reasonable force to prevent a pupil from:

- a. committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b. causing personal injury or damage to property; or
- c. 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:

- i. any member of staff at the school;
- ii. any other person whom the head has authorised to have control or charge of pupils. This can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on school-organised visits); and
- iii. does not include any pupils.

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

Section 246 of the Apprenticeships, Skills, Children and Learning Act 2009 requires that governing bodies must ensure that a procedure is in place for recording each significant incident in which a member of staff uses force on a pupil; and reporting each such incident to each parent of the pupil as soon as practicable after the incident. This is to ensure that parents are kept informed of serious events at school concerning their child. It also provides a level of transparency which means that a spurious or malicious allegation based on the incident would be less likely to succeed. The member of staff must not report the incident to a parent if it appears to that member of staff that doing so would be likely to result in significant harm to the pupil. If that is the case and there is no parent of the pupil to whom the incident could be reported, then the incident must be reported to the local authority where the pupil normally lives.

There is no statutory definition of 'reasonable force'. Whether the force used is reasonable will always depend on the circumstances of individual cases. Deciding on whether the use of force is justified will depend in part upon the context in which the misbehaviour takes place. The test is whether the force used is proportionate 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 statutory power conferred by section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence or to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils. Section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006 (and re-enacted by Section 242 of the ASCL Act 2009), to search pupils without their consent for weapons. This search power may be exercised by head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force may be used by the searcher. Where resistance is expected school staff may judge it more appropriate to call the police or if they have one, their Safer School Partnership (SSP) officer. From September 2010, the power to search pupils without their consent will be extended to include alcohol, illegal drugs and stolen property ('prohibited items').

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

This policy details how we implement the guidance in this school. It should be considered alongside the most recent LA policy statements and recent local and national guidance. It is designed to help staff to ensure that any actions they take are reasonable, proportionate and absolutely necessary.

School Expectations

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

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

Positive Behaviour Management

All physical interventions at this school are conducted within a framework of positive behaviour management. The school behaviour policy is intended to reward effort and application, and encourage pupils to take responsibility for improving their own behaviour. Part of our preventative approach to risk reduction involves looking for early warning signs, learning and communicating any factors which may influence bad behaviour and taking steps to divert behaviours leading towards foreseeable risk. Parents are also encouraged to contribute. However, if problems arise, staff have an additional responsibility to support all pupils when they are under pressure and safely manage crises if, and when, they occur.

Alternatives to Physical Controls

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

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

Modifications to Environment

Ideally, staff will not be waiting until a crisis is underway before conducting a risk assessment of the environment. We know that some pupils at this school may exhibit extreme and possibly dangerous behaviour. In general it is a good rule to keep the environment clutter free. This may mean giving consideration to secure storage for a range of everyday objects when they are not being used. For example:

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

Help Protocols

The expectation at this school is that all staff should support one another. This means that staff always offer help and always accept it. Help does not always mean taking over. It may mean just staying around in case you are needed, getting somebody else or looking after somebody else's group. Supporting a colleague does not only mean agreeing with their suggestions and offering sympathy when things go wrong. Real support sometimes means acting as a critical

friend to help colleagues become aware of possible alternative strategies. Good communication is necessary so that colleagues avoid confusion when help is offered and accepted. They need to agree scripts so that all parties understand what sort of assistance is required and what is available.

Well Chosen Words

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

The Last Resort Principal

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

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

Proactive Physical Interventions

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

Reasonable and Proportionate

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

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

- How is this in the best interest of the pupil?
- Why is a less intrusive intervention not preferable?
- Why do we have to act now?
- Why am I the best person to be doing this?
- Why is this absolutely necessary?
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If staff can answer these questions it is more likely that a physical intervention will be judged to be reasonable and proportionate.

Unreasonable use of Force

It is not reasonable to use force simply to enforce compliance in circumstances where there is no risk. Nor is it reasonable to use any more force than is necessary to achieve a reduction in risk. Under no circumstances should pain be deliberately inflicted or should pupils be deliberately subjected to undignified or humiliating treatment (this should not be confused with the unavoidable discomfort associated with some approved techniques for disengaging from

assaults such as bites and grabs). Other than as a one-off emergency measure to protect health and safety, force should never be used to keep a pupil secluded. Seclusion is only lawful by specific court order and cannot become part of a planned strategy at this school.

General Services Association (GSA)

The GSA provide the school with annual Therapeutic Management of Violence and Aggression (TMVA) training for all staff. While there are close similarities between this training and the widely recognised team teach approach to positive handling and restraint, it is the view of the school and it's governors that the TMVA offers some significant advantages in terms of its therapeutic approach. It is the policy of Northfield that all staff working closely with pupils are trained in the pre-emptive and responsive positive handling strategies and techniques of GSA, to complement the behaviour management approaches and strategies reflected in the School Behaviour Policy.

Health and Safety

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

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

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

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

Risk Assessment

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

Factors which might influence a more immediate risk assessment, and therefore a decision about how to intervene, might include the state of health and fitness of the staff member, their physical stature, competence, confidence and relationships with the pupils concerned. Confidence and competence are often related to the level of staff training. Other than in an emergency, staff should only attempt physical controls when they are confident that such action will result in a reduction of risk. When faced by extreme behaviour, or even in a fight situation, the judgement may be that by becoming involved, the member of staff will increase the chance of somebody getting hurt. In this the correct decision is to hold back from the physical controls.

Getting Help

At this school the following support structures are in place:

- Pupil profile and SEN register/ EHCP
- Risk assessments on all pupils
- Daily briefing day sheets in the morning to update staff on current issues and share information.
- Use of help protocols and language to remind all staff of availability of colleagues to offer help including change-overs of staff during a crisis situation with a pupil.
- Debrief sessions after a crisis with the pupil(s) involved, reflecting on how crisis was managed by all involved and identifying any points for review or learning.
- Daily debrief sessions for all staff to share experiences, concerns and access support from each other, led by a member of the SMT.
- Refresher meetings in the GSA strategies and techniques for all staff, and continuous review by SMT to inform these.

Risk assessments

Risk management is regarded as an integral part of behaviour management planning. All pupils who have been identified as presenting a risk should have a completed Risk Assessment. The plan details any strategies which have been found to be effective for that individual, along with any particular responses which are not recommended. If particular physical techniques have been found to be effective they should be named, along with alerts to any which have proved ineffective or which caused problems in the past. Risk assessments should be considered alongside the Statement and any other planning documents which relate to the pupil. They should take account of age, sex, level of physical, emotional and intellectual development, special need and social context.

Responding to Unforeseen Emergencies

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

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

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

The Post Incident Support Structure for Pupils and Staff

Following a serious incident, it is the policy of this school to offer support for all involved. People take time to recover from a serious incident. Until the incident has subsided the only priority is to reduce risk and calm the situation down. Staff should avoid saying or doing anything which could inflame the situation during the recovery phase. Immediate action should be taken to ensure medical help is sought if there are any injuries which require more than basic first aid. All injuries should be reported and recorded using the school's systems. It is important to note that injury in itself is not evidence of malpractice. Even when staff attempt to do everything right, things can go wrong. Part of the post incident support for staff may involve a reminder of this, as people tend to blame themselves when things go wrong. Time needs to be found to repair relationships. When careful steps are taken to repair relationships a serious incident does not necessarily result in long term damage. This is an opportunity for learning for all concerned. Time needs to be given to following up incidents so that pupils have an opportunity to express their feelings, suggest alternative courses of action for the future and appreciate other people's

perspective. When time and effort are put into a post incident support structure the outcome of a serious incident can be learning, growth and strengthened relationships. Restorative justice meetings will be chaired by an appropriate member of staff.

Complaints

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

Training

Teachers and anyone authorised by the Headteacher who are expected to use planned physical techniques should be trained. This school has adopted a GSA Model of training. All training courses have been fully accredited by the British Institute of Learning Disabilities (BILD) in accordance with DCSF and Department of Health guidance. Positive handling training is always provided by qualified instructors with rigorous guidelines.

The level of training recommended is related to the level of risk faced by the member of staff. Our preferred approach is for whole staff team training. Office staff may not require the same level of training in physical techniques as those working directly with the most challenging pupils, however all staff benefit from the whole school training. The level of training required is kept under review and may change in response to the needs of our clients. Once trained, staff should practice regularly guidance of our in-house instructors and bring any problems or concerns to them.

Recording

Whenever overpowering force is used the incident must be recorded using the approved forms on the schools intranet. The. All staff involved in an incident should contribute to the record which should be completed within 24 hours.

Staff should:

- Read through the school recording form carefully
- Take time to think about what actually happened and try to explain it clearly.
- Complete all names in full.
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Bear in mind these records will be retained and cannot be altered. They will be kept for many years and could form part of an investigation at some time in the future.

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

Monitoring and Evaluation

The Headteacher will ensure that serious incident are reviewed and investigate further action as required.

Follow Up

Following an incident, consideration may be given to conducting a further risk assessment, reviewing the Positive Handling Plan, behaviour management policy or this positive handling policy. Any further action in relation to a member of staff, or an individual pupil, will follow the appropriate procedures. (See staff and pupil disciplinary policy)

Other considerations regarding physical contact

Other Relevant Policies

This policy should be read in conjunction with:

Behaviour Policy

Staff/Pupil Disciplinary Policy

Health & Safety Policy

Child Protection Policy

Teaching Learning and Assessment Policy