

The Bliss Charity School



*The Bliss Charity School aims to provide a caring, secure and enriching experience;
each child is encouraged to develop strong personal, academic, physical and creative skills for lifelong learning.*

Policy for the Restrictive Intervention and Positive Handling of Pupils/Students (2024-2026)

Signature: **(Chair of Governors)**

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Rationale

The Bliss Charity School is committed to ensuring that all staff and adults with responsibility for pupil/students' safety and welfare will deal professionally with all incidents involving aggressive or reckless behaviour and use physical intervention only as a last resort. If used at all it will be in the context of a respectful, supportive relationship with the pupil/student, and be reasonable and proportional to the circumstances of the incident. We will always aim to ensure minimal risk of injury to pupil/students and staff.

It is recognised in both statute¹ and Common Law that there is a need to intervene when there is an obvious risk of safety to pupil/students, staff and property.

This policy is based on The Department for Education guidance Use of Reasonable Force Advice for Head Teachers, staff and Governing Bodies 2013 which states.

Objectives

The key objectives of this policy are to:

- Maintain the safety of pupil/students, staff and visitors.
- Prevent serious damage to property.
- Prevent serious breaches of school discipline.

Deciding if the use of restrictive physical intervention is appropriate

School staff have a legal power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action. However, staff will view physical intervention of pupil/students as a last resort. If pupil/students are behaving disruptively or anti-socially, every effort will be made to manage behaviour positively to prevent the need for restrictive physical intervention.

In the following situations staff must judge whether or not physical intervention would be reasonable or appropriate:

- Where a pupil/student is self-harming.
- Where there is a risk to the safety of staff, pupil/students, or visitors.
- Where there is a risk of serious damage to property.
- Where a pupil/student's behaviour is seriously prejudicial to the maintenance of good order and discipline.
- Where a pupil/student is committing a criminal offence.

Restrictive physical interventions can be employed to achieve a number of different outcomes:

- To break away or disengage from dangerous or harmful physical contact initiated by a pupil/student.
- To separate the person from a 'trigger', for example, removing one pupil/student who responds to another with physical aggression.
- To protect a pupil/student from a dangerous situation – for example, the hazards of a busy road.
- Remove disruptive children from the classroom where they have refused to follow an instruction to do so.
- Prevent a pupil/student behaving in a way that disrupts a school event or a school trip or visit.
- Prevent a pupil/student leaving the classroom where allowing the pupil/student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- Prevent a pupil/student from attacking a member of staff or another pupil/student, or to stop a fight in the playground.

¹ Section 93 of the Education and Inspections Act 2006

- Restrain a pupil/student at risk of harming themselves through physical outbursts.

The vast majority of physical Intervention will be part of a planned response but there may be occasions when it is unplanned. A planned intervention is one in which staff employ, where necessary, pre-arranged strategies and methods which are based upon a risk assessment, Positive Handling Plans and recorded following the procedures as outlined in this policy. An unplanned response occurs in response to unforeseen events.

Any member of staff who undertakes a restrictive physical intervention should be clear as to why it is necessary and be able to show that it was in the pupil/student's best interest and that it was reasonable and proportionate. For those pupil/students assessed as being at risk of restrictive physical intervention Positive Handling Plans will be developed. These plans outline what techniques should, at best be used in association to the perceived threat, along with previously determined de-escalation strategies based on a sound knowledge of the identified pupil/student.

The judgement on whether to use physical intervention and what physical intervention should be used should always depend on the circumstances of each case. In the case of pupil/students with Special Educational Needs information about the individual concerned is of paramount importance and school takes into account its legal duty to make reasonable adjustments for disabled pupil/students and those with special educational needs.

Staff need to make the clearest possible judgements about:

- a. The seriousness of the incident, assessed by the effect of the injury, damage or disorder which is likely to result if force is not used. The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified.
- b. The chances of achieving the desired result by other means. The lower the probability of achieving the desired result by other means, the more likely it is that using force may be justified.
- c. The relative risks associated with physical intervention compared with using other strategies. The smaller the risks associated with physical intervention compared with other strategies, the more likely it is that using force may be justified.

Staff should also be aware of guidance which states

- Reasonable force can be used to prevent pupil/students from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupil/students or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

- Remove disruptive children from the classroom where they have refused to follow an instruction to do so.
- Prevent a pupil/student behaving in a way that disrupts a school event or a school trip or visit.
- Prevent a pupil/student leaving the classroom where allowing the pupil/student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.
- Prevent a pupil/student from attacking a member of staff or another pupil/student, or to stop a fight in the playground.
- Restrain a pupil/student at risk of harming themselves through physical outbursts.
- School does not use force as a punishment – it is always unlawful to use force as a punishment.

Using physical interventions

Before using restrictive physical intervention staff should, wherever practicable, tell the pupil/student to stop misbehaving and communicate in a calm and measured manner throughout the incident. The member of staff will, where practicable, implement the school Behaviour Policy by the implementation of a range of strategies and interventions before using a physical intervention.

Alternative types of physical intervention could include:

- a. Passive physical contact resulting from standing between pupils/students or blocking a pupil's/student's path.
- b. Active physical contact such as:
 - i. Leading a pupil/student by the hand or arm;
 - ii. Ushering a pupil/student away by placing a hand in the centre of the back;
 - iii. Guiding a pupil/student with caring C's placed just above the elbow
 - iv. In more extreme circumstances, using appropriate restrictive interventions, which require specific expertise and training.

Should a restrictive physical intervention be absolutely necessary then staff should make it clear to the pupil/student that physical contact or restraint will be for the minimal amount of time and will stop, as soon as it ceases to be necessary.

School wish to model best practice by considering physical intervention in consideration with other relevant policies in school, specifically those policies involving behaviour, bullying and health and safety.

The restrictive physical interventions authorised by the school are those techniques in which members of staff have received appropriate training and development through 'Team Teach'.

The core principles of 'Team Teach' include:

- Minimum of two staff involved.
- Last resort minimum force and time.
- Techniques that do not rely on pain or locks and allow for verbal communication.
- Staff safety and protection addressed.
- Planned responses and techniques are written out and included in positive handling plans for individual pupil/students.

Guidance states "School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil."

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

Alternatives to physical intervention

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 to the pupil/students to stop.
- Remind them about rules and likely outcomes.
- Remove an audience or take vulnerable pupil/students to a safer place.
- Make the environment safer by moving furniture and removing objects which could be used as weapons.

- Use 'positive touch'² to guide or escort pupil/students to somewhere less pressurised.
- Ensure that colleagues know what is happening and get help.

Staff will understand the importance of listening to and respecting children to create an environment that is calm and supportive especially when dealing with pupil/students who may have emotional and behavioural needs which may increase their aggression. All staff will understand the importance of responding to the feelings of the pupil/student which lie beneath the behaviour as well as to the behaviour itself.

Reducing the likelihood of situations arising where physical intervention may be required

All physical interventions at the school are conducted within a framework of positive behaviour management. The Behaviour Policy rewards effort and application and encourages pupil/students to take responsibility for their own behaviour. It also outlines the steps the school undertakes to ensure a calm, orderly and supportive school climate which minimises the risk and threat of violence of any kind, thereby reducing the need for physical intervention.

A structured approach to staff development is adopted through the 'Team Teach' programme and other Professional Development training opportunities, which allows staff to develop the skills of positive behaviour management and de-escalating incidents.

Staff should recognise the need to effectively manage individual incidents. It is important to communicate calmly with the pupil/student, using non-threatening verbal communication and body language which is likely to reduce the risk of escalation. Staff should offer positive choices to ensure that the pupil/student can see a way out of the situation. Strategies might include, for example, going with the staff member to a quiet room, away from bystanders or other pupil/students, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the pupil/student.

Wherever practicable a pupil/student should be warned that physical intervention may have to be used before applying it.

Authorisation of staff to use physical intervention and staff development

As stated in The Department for Education guidance Use of Reasonable Force Advice for Head Teachers, staff and Governing Bodies 2013, "All members of school staff have a legal power to use reasonable force".

School believes in ensuring that staff are trained in specific physical interventions and de-escalation strategies through the 'Team Teach' approach. Once staff have received their full training, refresher training will take place 2-3 years following initial training.

The names of staff that have been trained to use physical intervention techniques along with the dates they received their training are kept centrally in the school office.

Positive Handling Plans

Individual pupil/students assessed at being at greatest risk of requiring restrictive physical intervention will be identified through the member of staff with responsibility for Positive Behaviour. These pupil/students will be placed on Positive Handling Plans developed in consultation with the school, parents/ carers, and the pupil/student.

Positive Handling Plans set out the situations that may provoke difficult behaviour, preventative strategies and the de-escalation strategies that are most effective. Specific strategies and techniques that have been agreed by staff when physical intervention is required are also included.

² 'Positive touch' is a 'Team Teach' technique where the pupil/student is guided by touching the arm above the elbow. Please refer to the Team Teach training manual for specific guidance on the technique.

Positive Handling Plans:

- Should inform risks assessments where necessary and alert people to risks.
- Should warn against strategies which have been ineffective in the past.
- Should include preferred strategies and suggest ideas for the future (tied into Behavioural Risk Assessment Reduction Plans)
- Should bring together contributions from key partners working in partnership and signed by all concerned.
- Should be reviewed regularly and especially following restraint incidents.

Recording and reporting incidents

All incidents that result in non-routine interventions will be recorded in detail on CPOMS. Contemporaneous notes (i.e. written within 24 hours of the incident's occurrence) will be made by the staff member involved in the original incident. The school keeps a record of all physical interventions in 'The Bound and Numbered' incident book. It is located in a locked cupboard in the school office. All records will be kept for 75 years from the date of birth of the pupil/student. They should be completed after everyone has recovered, state briefly exactly what happened, be signed and dated, be monitored and evaluated, inform behavioural risk assessments and positive handling plans.

The purpose of recording is to ensure that policy guidelines are followed, to inform parents/ carers, to inform future planning as part of the school improvement process, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

Accounts of the incident should be taken from the member of staff who undertook the physical intervention, the pupil/student/s involved and any third-party witnesses.

Parents will be informed of the school's policy regarding physical intervention in the following ways:

- At the outset of the introduction of this policy, all parents/carers will be sent a letter outlining its introduction with information about obtaining a copy for their own information.
- Thereafter, a section about the school's legal obligations to maintain a safe environment and the possible use of physical intervention (as a very last resort) with pupil/students, will be included in the school information.
- Staff who work with particular children who have learning or physical disabilities (and who have Individual Education Plans, Individual Behaviour Plans and/or Pastoral Support Plans) may need to use specific techniques routinely to manage challenging behaviour. Such arrangements will be discussed with parents/carers in advance on an individual basis. All interventions will be routinely recorded as specified in 'The Bound and Numbered Book'.
- All parents will be informed after a non-routine incident where physical intervention is used with a child as soon as possible after any recordable incident. Parents/carers will be informed of when and where the incident took place, which members of staff were directly involved (anonymised where necessary), why they decided physical intervention had to be used, what physical intervention was used, whether there were any injuries and what follow up action was being taken in relation to their child. Parents/carers will also be given a copy of the 'Policy for the Restrictive intervention and Positive Handling of pupil/students.'

The Headteacher will be informed at the earliest possible opportunity that a physical intervention has taken place. The Headteacher will initiate the recording process and review each incident.

Governors will be informed of the number of physical interventions on an annual basis.

Post-incident support

The school recognises the need to ensure that staff and pupil/students have appropriate emotional support.

The pupil/student and the member of staff will be checked for any sign of injury after an incident. Immediate action will be taken to provide first aid for any injuries requiring attention.

The pupil/student will be given time to become calm whilst staff continue to supervise. When it is deemed that the pupil/student is composed, a senior member of staff will discuss the incident with the Pupil/student and ascertain the reason for its occurrence. All necessary steps will be taken to re-establish a positive relationship between the pupil/student and the member of staff involved in the incident.

All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. A senior member of staff (or his/her nominee) will provide support to the member of staff involved.

Parents/carers will be engaged in discussing the incident and for setting out subsequent actions and support.

Complaint procedure

If a parent/carer or pupil/student is concerned about any aspect of the management of an incident requiring physical intervention, the Headteacher should be informed of their concern. The headteacher will respond to the complaint in accordance with school procedure. If concern relates to action by the Headteacher, the parent/carer should contact the Chair of Governors.

This guideline should be read in conjunction with the following

Offences Against the Person Act 1861

The Children and Young Persons Act 1933

Health & Safety at Work Act 1974

Violence at Work 2003

Manual Handling Regulations 1992

The Children Act 1989 / National Minimum Standards

United Nations Convention on the Rights of the Child (ratified 1991)

Human Rights Act 1998

Disability Rights Act 2001

The Children Act 2004

Mental Health Act 2007 Part 2 made amendments to The Mental Capacity Act 2005(MCA) by the introduction of deprivation of liberty safeguards(MCA Dols)

Section 93 Education & Inspection Act 2006

Section 45 Violent Crime Reduction Act 2006

Use of Force Guidance April 2012 (England)

National Minimum Standards Sept 01 2011 (England – Residential Special Schools and Children's Homes)