



# CS28 – Positive Handling and Intervention



<b>Last Review Date</b>	November 2022	<b>Next Review Date</b>	November 2024
<b>Leader of Policy Review</b>	Headteacher, Deputy Headteacher		
<b>Associated Policies</b>	Safeguarding Policy, Health And Safety Policy, Challenging Bullying Policy		

## Rationale

The most effective way to manage challenging behaviour is to use identified whole school approaches to positive behaviour management. This is based upon a stepped series of preventative strategies which must be applied before there is a need to use physical intervention.

The management of challenging behaviour is a difficult and sensitive aspect of work with students. Therefore this policy gives paramount importance to the human and legal rights of students.

## Definitions

1. 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.
2. Physical Intervention is defined in the WAG 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.’
3. Challenging behaviour describes behaviour of such frequency, duration or intensity that the *safety of the person or others is placed in jeopardy*.

## Reasonable force

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.

There is no legal definition of reasonable force, but three criteria are established for guidance:

- **REASONABLE:** where the action taken is reasonable in the context
- **PROPORTIONATE:** where the degree of force is in proportion to the circumstances;
- **NECESSARY:** if the circumstances of the particular incident warrant it. 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.

## Preventative Strategies

If a student is exhibiting difficult or challenging behaviour the school's Behaviour Policy should provide guidance 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.

### 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. 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 our own behaviour.**

1. 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.
2. 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.
3. The child or young person's self-esteem and dignity should be considered at all times.
4. Hesitation and sudden movements should be avoided. Movement needs to be slow and purposeful.
5. Allow the student to save face by giving them an escape route. Token concessions can work, admit they have a point.
6. Personal boundaries of approximately one to three metres should be respected, unless approaching the person seems helpful.
7. Speech and other forms of communication should remain as normal as possible i.e. quiet and clear.
8. Aggressive or overtly defensive postures should be avoided.
9. Avoid excessive eye contact and remember that the student may not want to engage in eye contact – do not make this an issue.
10. Nervous laughter should be avoided. Never suggest anger or disgust. A neutral or empathic facial expression is safest.
11. Take the discussion with the student to somewhere away from the peer group, but not away from a third party otherwise you may be vulnerable.
12. Deferring potential discipline and having time out to reflect can help to defuse situations.

### Responsive Strategies

There are occasions when there is a need for immediate and direct interventions. For example to prevent a student from running across a busy road or to prevent self-injury. The Welsh Assembly Government Framework 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 students, who frequently display challenging behaviours, then the potential need for physical interventions can be planned for, and communicated, in an Individual Behaviour Plan, ensuring that staff, students and parents / carers are aware of the potential use.

## **Circumstances justifying the use of Positive Handling and Physical Intervention**

Reasonable force (see definition above) can 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

### Acceptable use of Physical Intervention

Ideally this should only be used by staff who have had adequate and appropriate accredited training. However, 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 students
- standing in the way of a student
- leading a student away from an incident by the hand or by gentle pressure on the centre of the back

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

Authorisation to use physical intervention.

- Under the Education Act 1996, the head teacher may authorise all teachers in the school to use Positive Handling or Physical Intervention.

## **Actions following the use of Restrictive Physical Intervention**

1. 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 with written statements of witnesses: (seeking union advice and support should be considered at this stage)
  - names of students involved

- the time of the incident
  - the place where the incident occurred
  - the names of staff or other authorised adults involved
2. 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 students and their parents/carers and those agencies with a legal right to access such information.' (Welsh Assembly Government Framework )
- a) names of all witnesses, students and adults
  - b) signed witness statements
    - c) the reason for physical intervention being used
    - d) a description of the way the incident developed;
    - e) details of the outcomes of the incident including injuries and damage
    - f) when the parent/carer was told and how
    - g) names of external agency officers who were informed
3. A post incident de-brief should be held after all involved have had sufficient time to be calm. This should include the student so that lessons can be learned by students and staff. There should be a designated space and time allocated to a debrief. Any such de-brief should be recorded. Students 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.' (Welsh Assembly Government Framework). Access to counsellors is available for our students if necessary.

### **Investigating Complaints about the use of Positive Handling and Physical Intervention**

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 students, 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.

#### 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 student 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 student 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 student, and ask the student to sign and date the report where possible. The student 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 Head teacher 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 Head teacher confirms to the complainant that the matter will be dealt with in line with the All Wales Child Protection Procedures, 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 head teacher will need to ensure that all appropriate evidence is considered. If, having examined all the facts, the head teacher is satisfied that there are no child protection concerns, she must deal with the matter as part of the school's agreed policy on the use of Positive Handling and Physical Intervention.

If the head teacher 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:

- a) notify the complainant of the outcome of the investigation
- b) notify the student's parents or guardians, or responsible person or agency, of the outcome of the investigation
- c) notify the Director of Lifelong Learning and Chair of Governing Body
- d) record the outcome of the investigation, sign the record of the incident, ensuring a copy is placed on the appropriate file
- e) consider whether any disciplinary action is required against the member of staff or student 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 or the Police. This is done in line with Child Protection procedures.

In these cases, Head teachers 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.

#### Looked After Children

The Welsh Assembly 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.'

**All staff must be made aware of this policy and practice.**