

# Positive Handling and Seclusion Policy



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## One Page Policy – Use of Restrictive Interventions

The Governors of Elmsleigh Infant and Nursery School believe that **Positive Handling** - describing the full range of strategies used to de-escalate, defuse and divert in order to reduce the risk of injury to staff, children and others, and prevent violence and aggression - empowers staff to support children who experience difficulties in managing their emotions or who present challenging behaviours.

### The main points of the policy are:

- We accept that some of the pupils at our inclusive school may display challenging behaviours for a variety of reasons.
- The use of force forms only a small part of the Positive Handling framework and will always be used as a last resort.
- Preventative approaches to risk reduction involve identifying / communicating early warning signs, situations, settings and other factors which may influence behaviour, and taking steps to divert behaviours leading to foreseeable risk.
- Physical restraint may be necessary in the following situations:
  - Where a child is putting themselves at risk of harm
  - Where a child is putting others at risk of harm
  - Where a child is causing significant damage to property
  - Where a child is committing a criminal offence
  - Where a child's behaviour is prejudicial to the maintenance of good order and discipline (in the school setting only)
- Any use of force must be **reasonable and proportionate**.
- Any use of force must be as an **absolute last resort**, having worked through non-restrictive alternatives, subject to any immediate need to keep people safe.
- Any intervention should be **the least force necessary** for the **minimum amount of time**.
- Elmsleigh Infant and Nursery School understands that physical restraint can have long-term consequences on the mental health and wellbeing of children.
- Some members of staff are Team Teach trained, and this is updated every two years with refreshers as necessary throughout
- Staff use **Positive Behaviour Management** as a way of planning for good behaviour and reducing the need for physical restraint – see behaviour policy.
- '**Positive Handling**' is the term used to describe the range of strategies used to encourage positive behaviour and reduce the need for physical restraint.
- All physical interventions will be recorded with details of who? when? where? and why?
- Parents / Social Workers for LAC must be informed when their child has been restrained
- Any physical restraints are logged through Derbyshire County Council, monitored by the Head Teacher and reviewed where necessary.
- If a pupil's behaviour triggers concerns or requires a restraint on several occasions, an individual risk assessment and positive behaviour plan will be reviewed.
- Any complaint about the use of force will be followed up through the agreed school complaints procedure.

## Background Information

### The Legal Bit

The **Children Act 1989** and the **United Nations Convention on the rights of the child** state that the welfare of the child shall be the paramount consideration – the FIRST thing that people think about, and taken precedence over other concerns.

**Duty of Care** is an important legal term. Anyone paid to work with children has a Duty of Care. We do not need to wait for damage or injury. A responsible approach is to anticipate what could go wrong and try to prevent it. A breach of duty of care may involve taking unreasonable action, or conversely failing to take reasonable action to prevent harm to another person. Elmsleigh Infant and Nursery School takes seriously its duty of care towards staff and endeavours to provide information and training to enable them to carry out their duties. Staff also have a duty to co-operate with the management about all Health and Safety Matters.

Section 93, Education and Inspections Act 2006 states that: *All members of school staff have a legal power to use reasonable force.*

#### ***Positive Environments where children can flourish – October 2021***

- Action taken to prevent a child injuring themselves or someone else may be legal and necessary
- Action taken to prevent a child injuring causing serious harm to property may be legal and necessary
- Action taken to maintain good order and discipline in a school may be **reasonable and necessary**
- Action must be the ‘**reasonable**’ in the circumstance it was used, ‘**proportionate**’ and the ‘**minimum force necessary**’ employed
- “**Physical restraint**” is used to describe circumstances where force is used to overcome active resistance. These actions are described as “**restrictive physical interventions**”

#### **Schools can use reasonable force to:**

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- restrain a pupil at risk of harming themselves through physical outbursts.

#### **Schools cannot:**

- use force as a punishment – it is always unlawful to use force as a punishment.

**Force cannot be used to search for items banned under the school rules.  
(More details in ‘Searching, Screening and Confiscation’ (DfE – Feb. 2014))**

## Risk Management

Risk management is an integral part of positive behaviour management planning.

Wherever a hazard can be reasonably foreseen, there should be an assessment of risk and a plan to reduce the risk. It is not always possible to eliminate risk and staff will need to show they have attempted to control it. Failing to take action may be negligent; for staff, there may be times when touching the pupils in their care may be **reasonable and necessary**. Reasonableness is often governed by whether or not an action was **'proportionate'**. The use of force should always be a last resort and in proportion to the consequences it is intended to prevent; for example, an action taken in response to an attack with a chair might be deemed reasonable in court, whereas the same action taken against a verbal assault would be judged to be excessive and unreasonable.

- The term **'reasonable force'** covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
- Force is usually used either to **control** or **restrain**. This can range from encouraging a pupil to move in a given direction by touching a shoulder or elbow, through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
- **'Reasonable in the circumstances'** means using no more force than is needed.
- **'Control'** means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm/hand out of a classroom.
- **'Restraint'** is a restrictive intervention involving direct physical contact to prevent, restrict or subdue movement of the body, or part of the body.
- Techniques seek to avoid injury to the child (and staff), but it is possible that bruising scratching may occur accidentally. These are not to be seen as a failure of the technique, but a regrettable and infrequent consequence of ensuring that the child remains safe.

If any staff member restricts a child's human rights through restraint, it must be **'absolutely necessary'**. When staff are honest in their attempts to do the right thing, this is said to be acting in "good faith".

Key questions can help staff to maintain focus on core values and principles whenever the use of physical restraints is being considered. Staff are legally empowered to control a child's behaviour through the use of force in order to prevent injury or damage as described on the previous page but the rights and interests of the child are paramount. Whenever a member of staff chooses to use a physical intervention they should consider 3 key questions:

- Is this intervention in the best interest of the child or young person?
- Is it absolutely necessary?
- Is it reasonable and proportionate?

Staff need to act in a reasonable, proportionate and unemotional way. If the situation is prompting emotional responses in staff, they should consider withdrawing. Further, staff should also ask:

- Do I have to act now?

- Am I the best person to be doing this?
- Is my intervention likely to reduce risk?

Only if the answer is YES to all of these questions it is more likely that a physical intervention will be judged to be reasonable and proportionate. Physical intervention should always be accompanied by a verbal warning, although there are circumstances where action is necessary, and this may not be possible. Wherever possible, distraction, diversion and diffusion are preferable to physical intervention.

## Positive Handling

Children who present a risk should have a Behaviour plan.

The plan outlines key information about the pupil, along with settings and situations which increase risk. It also details any strategies which have been found to be effective in reducing risk for that individual, including positive handling, along with responses which are not recommended for that pupil or alerts about strategies that have proved ineffective or caused problems in the past.

Behaviour plans should be considered alongside other documents outlining a pupil's needs such as Education Health Care Plans or Educational Psychology reports.

We implement a Behaviour plan in response to emerging concerns around a pupil's behaviour which will have been logged using as follows:

- Low level disruption is logged using paper-based class behaviour tallies
- Notable behaviour is logged using internal MS forms. At this stage, behaviour reports and tallies should be constantly reviewed to see if any patterns of triggers for the behaviour or outcomes for the child are discernible.
- Concerning behaviour is logged onto our internal behavioural system.

Concerning behaviour should trigger the development and review of the Behaviour Plan and Individual Risk Assessment.

Even the best planning systems cannot cover every eventuality and there will always be times when staff need to use dynamic risk assessment and think on their feet. The same questions should be asked in these situations to ensure that any action is in the best interest of the child, reasonable and proportionate to the consequences it is intended to prevent, intended to reduce risk and the minimum necessary to achieve the desired result.

## **Creating Positive Environments:**

Staff at Elmsleigh Infant and Nursery school have worked hard to:

- Create a calm environment that minimises the risk of incidents that might require using force, including the use of low-stimulation displays and environmental controls to support calm environments
- Monitor pupil's behaviour and the causes of concerning behaviours as above
- Create and adhere to behaviour plans where necessary
- Produce risk assessments for vulnerable children with behaviour difficulties.
- Use Emotion Coaching approaches alongside the Zones of Regulation to teach pupils how to manage conflict and strong feelings.
- Work to pre-empt and divert situations
- De-escalate incidents as they arise using distraction, diversion, and diffusion
- Ensure that adults do not offer choices or make threats and demands that cannot be enforced, may not be complied with or followed through

## **Team Teach**

Elmsleigh Infant and Nursery School uses Team Teach as a training model for the management of behaviour. Some pupils use challenging behaviour as part of their way of communicating. Staff are trained to recognise the signs that a child is in crisis and respond in ways to reduce their anxiety. The Team Teach approach is at least 95% de-escalation and less than 5% physical intervention. At Elmsleigh Infant and Nursery School, we strive to create a safe learning environment where positive behaviours are promoted, anxieties are reduced and risks are minimised. The Team Teach training with regular updates and refreshers means that staff are highly skilled at supporting pupils through the early stages of a crisis, avoiding wherever possible in reaching the point where a restrictive intervention is necessary.

When encountering a situation where Restrictive Physical Intervention might be required, staff will try to summon assistance from a colleague or colleagues using Team Teach help protocol and help scripts. If there are other pupils present, and possibly being put at risk, it is good practice to remove the other pupils from the area until assistance arrives if this is dynamically risk assessed by Staff as the safest option.

Positive handling is the full range of Team Teach strategies used to de-escalate, defuse and divert in order to prevent violence and reduce the risk of injury to staff and pupils.

Escorts – The use of Contingent Touch to encourage a pupil to walk to a new location

Guides – The positive application of force to overcome minimal resistance prompting and encouraging a person's free movement.

Controls – The positive application of force to overcome moderate resistance, guiding and directing a person's free movement.

Restraint- The positive application of force by staff, in order to overcome rigorous resistance; completely directing, deciding and controlling a person's free movement.

All Physical interventions have the purpose of safeguarding the person, other people, or prevent significant damage to property.

## **Positive Behaviour Management**

Positive Behaviour Management is an intrinsic part of our behaviour policy. Elmsleigh Infant and Nursery School has a positive and proactive approach to behaviour based on support and understanding. The detail of this is in the Behaviour Policy. All behaviour is a form of communication and has a cause, and a purpose. Challenging behaviour often signals the need for support and it is essential to understand its underlying cause.

All staff need to develop strategies and techniques for dealing with challenging pupils. The best strategies are built on good relationships with, and knowledge of, pupils.

Team Teach remains committed to the term "Positive Handling" to describe a broad spectrum of risk reduction strategies. Positive Handling is a holistic approach involving policy, guidance, management of the environment, and deployment of staff. It also involves personal behaviour, diversion, defusing and de-escalation.

## **Use of Physical Interventions off-site**

To keep children safe on activities off-site it may be necessary to use Restrictive Physical Intervention in a public place. It is important therefore that supervising members of staff have some way of identifying themselves (i.e. ID cards) to members of the public who may be concerned.

## **A well-chosen word**

A well-chosen word can sometimes avert to escalating crisis. When children become angry, there is no point in getting into an argument. Repeatedly telling people to calm down can actually wind them up. Pointing out what people have already done wrong can make things even worse. The only purpose in communicating with an angry person is to prevent a further escalation. Sometimes it is better to say nothing. Take time to choose your words carefully, rather than saying the wrong things and provoke a further escalation. The time to review what has happened and look at ways of putting things right is after everyone has completely calmed down and recovered.

## **Post Incident support structure for children and staff**

Restrictive interventions can be traumatic events for both children and staff. This can include damage to a child's physical, psychological, social and emotional wellbeing as well as their neuro-cognitive, behavioural and emotional development. Children with Autism and mental health difficulties may display behaviour that some would describe in environments where they cannot easily cope or for which they are unprepared.

The repeated use of restraint can cause long-term, damaging effects on these pupils. Where restraint is used, it is closely monitored and post-incident support is important for both pupils and staff. It is important that all parties involved in a restrictive intervention have the opportunity to discuss their feelings, repair their relationships and find ways of reducing any long-term trauma.

Following a serious incident, it is the policy to offer support to all involved. People take time to recover from a serious incident. Until the incident has subsided, the priority is to reduce the risk and calm down the situation. Staff should avoid saying or doing anything which could inflame the situation during the recovery phase. Immediate action should be taken to ensure that medical help is sought if there are any injuries that require more than basic first aid. All injuries should be reported and recorded using the school process.

It is important to note that an 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 reminding them of this through a de-brief session 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 provided to be given to following up incidents so that children have an opportunity to express their feelings, suggest alternative courses of action for the future and appreciate colleagues perspectives.

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. Children should come to an understanding that the reason staff hold them is to keep them safe. The concept of restorative justice can help in this process.

Where necessary, the Headteacher will be able to direct staff to sources of further emotional support.

## **Seclusion**

### **Rationale**

At Elmsleigh Infant and Nursery School, we support some of the most complex pupils in the county who display a variety of complex needs including learning, communication difficulties attachment and trauma. Many pupils have complex behaviour difficulties also and as a result, they do not respond in predictable ways.

Staff and pupils have a right to feel safe and secure in school. The best interests of the child will override and inform any actions undertaken by staff to modify inappropriate or dangerous behaviour. Actions must be proportionate, reasonable and necessary.

### **Legal considerations**

The 2010 Guidance, referring to the 2002 Guidance principles states:

The use of seclusion (where a person is forced to spend time on their own against their will) is a form of physical intervention and should only be considered in exceptional circumstances. The



right to liberty is protected by criminal and civil law and seclusion outside the Mental Health Act should always be proportionate to the risk presented by the pupil.

The use of seclusion must be seen as restrictive physical intervention. It is only used as part of a holistic broad approach to the management of extreme challenging behaviour.

The inappropriate use of seclusion may be unlawful, as will any unreasonable use of force where there is no legal justification. Therefore, seclusion should only be used when:

- It is in the best interests of the person being secluded – and never for ease of management.
- It is in the least restrictive response and its use is proportional to the level of risk presented.
- It is used for the minimum period of time to restore safety.
- Other strategies such as de-escalation have been used or are considered to be inappropriate in the circumstances.

## Reporting and Recording

When overpowering force (restraint) is used, the incident must be recorded. All incidents of Restraint are reported, recorded and reviewed at Elmsleigh Infant and Nursery School. The system for logging of incidents is as follows:-

All incidents are logged as outlined above on class tallies, through online reporting (internally on the behaviour log).

If positive handling has been carried out, this must be recorded as soon after the incident occurred on: <https://staffordshirecc.info-exchange.com/Default.aspx?ReturnUrl=%2fSecure%2fApp-5>

The above form must also be completed if any adults have been physical assaulted.

If restraint is used, a senior member of staff should be notified as soon as possible.

Pupils should be seen by a senior member of staff before going home and medical checks completed.

Staff involved in the incident should be offered support before the end of the day.

A person, wherever possible other than the individuals involved, should offer the child a well-being check, with any findings recorded.

Parents/carers are not given a copy of the incident record as a matter of course, but they are told when and where the incident took place, why it was decided that force had to be used, whether there were any injuries and what follow up action was being taken, if any, in relation to their child.

This often will be done in a telephone call from a member of staff involved in the incident. Social Workers also need to be informed for pupils in LA Care.

If it is likely that reporting an incident to a parent will result in significant harm to the pupil, then the incident should be reported to the local authority- for instance the social services department or the family or children department. The Head Teacher/ deputy Head teacher is responsible for deciding whether an incident is significant or not.

The incident is recorded on the pupil's chronology via MyConcern.

The pupil involved in a situation involving restraint should be given the chance to record their feelings with respect to the incident.

### **Monitoring use of restrictive physical interventions**

The Headteacher will check the written reports and monitor the content. They will investigate incidents as appropriate and share best practice or concerns with the staff involved. Procedural reviews will be undertaken where there are examples of good practice, lessons to be learned or concerns around the use of restraint. These reviews will be written up and the Head/Deputy will take appropriate action which may include sharing with the staff team as part of ongoing training.

### **Responding to Complaints**

Elmsleigh Infant and Nursery School is aware that the use of Restrictive Physical Intervention is a very emotive subject and is happy to discuss any concerns that interested parties may express.

If a complaint is made the communication is logged and an investigation into the circumstances of the complaint will be carried out according to Entrust guidelines, and the schools' complaints procedure.

## Staff training

Elmsleigh Infant and Nursery School has trained members of staff (currently Mrs Powel, Mrs Fantarrow, Mrs Mansfield, Mrs Keeling, Mrs Chapman, Mrs Duggins, Miss Lyons, Mrs Hodgkins, Mrs Hall and Mrs Smith) who have all completed a 6-hour training course with Team Teach on the safe use of Positive Handling which is updated 2-yearly.

It is advised on behaviour plans that a member of Senior Management is notified as soon as practicably possible when an incident occurs, preferably when it is ongoing.

Further updates and training on a consultation basis have been sought for staff working with particularly challenging pupils between training renewal periods.

## Other matters

All members of school staff are authorised by law to use reasonable force. The Head Teacher can also authorise Supply Staff to use reasonable force if felt necessary. Such individuals should be given clear instruction on its use and will be monitored closely. All employees at Elmsleigh Infant and Nursery School are authorised by the Headteacher to use physical intervention with minimum force should the **urgent need** arise to ensure safety of staff and pupils. Only use reasonable force when the risks involved in doing so are outweighed by the risks involved in not doing so as outlined previously in this policy. The aim of physical restraint is to support and safeguard and not to overpower or intimidate. The dignity of the pupil must be maintained.

## Physical contact with pupils in other circumstances

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by section 93 of the Education and Inspection Act 2006. Guidance on this is included in the July 2013 Advice, 'Use of Reasonable force'. Some physical contact may be necessary to demonstrate exercises or techniques during P.E lessons, sports coaching, or DT, or if a member of staff has to give first aid. Young children and those with SEN may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is being congratulated or praised, or where the child is in distress and needs comforting. School staff will use their own professional judgement when they feel a pupil needs this kind of support.