



Nyland School Use of Reasonable Force to Manage Challenging Behaviour Policy

Key Document details:

Author: [T Van Der Meulen](#)

Owner: [T Van Der Meulen](#)

Date:

Ratified: [Mar 2019](#)

Approver:

Version No.:

Next review:

[LGB](#)

[Version no 1](#)

[Apr 2020](#)

Introduction

Nyland School has adopted the Swindon Borough Council (SBC) Children Services Policy on Positive Handling and the Use of Reasonable Force. The SBC policy sets out the legal framework for the use of positive handling and reasonable force, it provides definitions of terms and sets out the principles which should guide schools when interpreting the policy in their own setting.

This Nyland School Policy on The Use of Reasonable Force should be read in conjunction with the Swindon Borough Council Children Services Policy on Positive Handling and the Use of Reasonable Force and other school policies and guidance relating to interactions between adults and pupils.

This policy has been prepared for the information of all teaching and support staff who come into contact with pupils, and for volunteers working within the school, to explain the school's arrangements for managing challenging behaviour. Its contents are available to parents and pupils on request. A statement about the School's Behaviour Policy is made to parents and includes information on the use of reasonable force to control or restrain pupils.

Underpinning values

Good relationships between staff and pupils are vital to ensure good order in our school. These ensure the well-being and safety of all pupils and staff in school. It is acknowledged that in certain circumstances, staff may need to take action in situations where the use of reasonable, proportionate and necessary lawful force may be required. Nyland School acknowledges that physical techniques are only a small part of a whole school approach to behaviour management.

At Nyland School we believe that everyone attending or working in the school has a right to be safe and to be protected from violence, assault and acts of verbal abuse.

Our starting point is with the experience of the child and we and the intent is always to prevent harm and keep pupils safe.

Positive Handling, defined as the full range of strategies used to manage behaviour including, where necessary, Restrictive Physical Intervention/Positive Handling, is seen as a proactive response to meet individual pupil needs. Any such measures will be most effective in the context of the overall ethos of the school, the way that staff exercise their responsibilities and the range of behaviour management strategies used.

Every effort will be made to ensure that all staff in this school:

- (i) Clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where use of force is necessary and
- (ii) Are provided with appropriate training to deal with these difficult situations

Minimising the need to use force

We strive to create a calm environment within school which minimises the risk of incidents arising that might require the use of reasonable force or Restrictive Physical Intervention/Positive Handling. In addition to this, all pupils are subject to a risk assessment which informs and is part of their individual Positive Handling Plan. Risk assessments/Positive Handling Plans are regularly reviewed and updated and shared with parents/carers and pupils.

All school staff are trained in skills to help them to defuse situations before behaviour becomes challenging and in how to de-escalate incidents should they arise. Team Teach training is updated 1x a term (6x/year).

Reasonable force will only be used when the risks involved in doing so are outweighed by the risks involved in not using force.

We start from the premise that staff should work positively and confidently with children and find the least intrusive way possible to support, empower and keep children safe.

The foundation of good practice in working with children should be:

- Building relationships of trust and understanding.
- Understanding triggers and attempting to find solutions.
- Attempting to distract defuse children in potential incidents wherever possible.

Staff are expected to keep in mind what any reasonable parent might do in a situation.

We talk to children about Positive handling incidents to attempt to gain further insight into what might help them and also to create reflective and restorative spaces during the day.

Positive handling data is collected and analysed and this is used to both challenge current practice and inform future practice.

We also have sensory rooms, work pods and a gym as alternative spaces to support pupils who are finding things difficult and in this way we seek to provide choices and alternatives to potential positive handling situations.

Implications of the policy

As teaching and non-teaching staff work 'in loco parentis' and have a 'Duty of Care' towards their pupils, they could be liable for a claim of negligence if they fail to follow the guidance within this policy. The use of Team Teach techniques is one of our control methods for reducing risks presented by children's challenging behaviour. Pupils' Positive Handling Plans are Safe Systems of Work under Health and Safety Regulations. As such it is imperative that these plans are followed and implemented by all members of staff.

The application of any form of physical control inevitably carries an attached risk of unintended harm and this places staff and the school at risk of potential litigation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow this policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention. Staff need to be aware that they are responsible for:

- assessing risks (dynamic risk assessment) related to individual circumstances which may arise in the course of their day-to-day duties and
- making judgements about when the use of force is necessary and the degree of force which may be regarded as necessary to manage a situation.

Staff need to be aware that they are required to justify their decisions in writing through the school's recording and reporting procedures which are outlined later in this document.

Staff Training

Swindon Borough Council and Nyland School as part of The White Horse Federation are committed to using Team Teach. Team Teach Ltd is a training provider that is accredited through the British Institute of Learning Difficulties (BILD) and adheres to their Code of Practice on physical intervention. Nyland School acknowledges that physical techniques are only a part of a whole school approach to behaviour management and Team Teach emphasises the importance of diversion, diffusion and de-escalation. It provides a gradual, graded system of response.

All permanent staff who are in regular contact with pupils receive training and regular updates in Team Teach and the very clear protocols which accompany it. Team Teach training is provided for all staff and it is then the responsibility of the Principal to ensure this training is kept up to date. We have ongoing update training once a term = 6x/year

Supply staff and volunteers are unlikely to have this accreditation and therefore should not positively handle or restrain children unless they have the relevant training and proof of this. However, the Use of Force Guidance 4/12; Who can use Reasonable Force, states that all members of school staff have a legal power to use reasonable force. This power applies to any member of staff at the school. It can also apply to people whom the head teacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit. This power should only be used 'in loco parentis' with a 'Duty of Care' towards the pupils in their care, for example if a pupil was to run out in the road.

Supporting Colleagues

At Nyland it is expected that staff will support one another to the best of their ability in all situations around the School and in particular with regard to situations that require positive physical intervention. Staff will ask if support is needed and may give immediate support regardless of the response, if they deem the situation of a nature that could cause injury or emotional distress.

Team Teach training says that a reasonable, proportionate and necessary intervention should take place in order to protect the best interests of the individuals concerned and that failure to take action could lead to a charge of negligence.

Quotes from Team Teach:

A breach of duty of care may involve [.....] failing to take reasonable action (acts of omission). Where risk is foreseeable there is no excuse for waiting until damage or

injury occurs. A responsible approach is to anticipate what could possibly go wrong and look at what steps can be taken to prevent it

Employees also have a duty to take all reasonably practicable steps to ensure that they do not take any action, or make any omission, that creates a risk, or increases an existing risk, to the health or safety of themselves, or other persons

Staff are also trained to understand that when a colleague is involved in an incident in which the pupil is being aggressive, a change in staff involved is an effective strategy in de-escalating the situation. Therefore, staff are expected to offer help to colleagues to avoid a situation escalating. This is often referred to as a 'change of face'.

Staff have the opportunity to have drop in sessions after school in directed time to speak with one of the therapists that work in the school.

Other Supporting Policies

Guidance for Safer Working Practice states that in instances where children display challenging behaviour staff are required to follow policies and strategies appropriate to the circumstances. School Policy on Reasonable Force says that staff are responsible for deciding when force may be necessary to manage a situation and that physical intervention can be used to reduce risk of pain or injury or damage to property. Chosen actions should always reduce risk to yourself and others.

The Team Teach Approach

Team Teach describes a broad range of risk reduction strategies. It 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.

Through Team Teach, Nyland School identifies Positive Handling as different levels of contact with pupils through a gradual and graded system response:

Non Physical Intervention; changes to the physical environment, use of space and an understanding of personal space, body language, facial expressions, volume , tone, pace and pitch of voice, choice of words and sticking to the script.

Control; means either passive physical contact, such as standing between pupils or blocking a pupil's path, active physical contact such as holding to reassure where there is little or any active resistance or leading/guiding a pupil out of a classroom where there is little if any resistance

Restraint/Restrictive Physical Interventions/Positive Handling ; to hold back physically or to bring a pupil under control, typically used in more extreme circumstances, for example;

- Holding someone who is actively resisting to prevent them putting themselves at risk of significant harm;

- Holding someone who is actively resisting to reduce the risk of pain or injury;
- Holding someone who is actively resisting to reduce the risk of damage to property;
- Holding someone who is actively resisting to prevent the commission of a criminal offence;
- Moving someone who is actively resisting into a reduced-risk environment;
- Preventing a person who is actively resisting from moving into an increased risk environment.

1. Physical Contact

Situations in which proper physical contact occurs between staff and pupils, e.g., in the care of pupils and in order to support their access to a broad and balanced curriculum. It would seem reasonable that young children do require opportunities for close contact and as long as this is within public view, sensitively carried out and age/person-appropriate the Governors would fully support this approach.

2. Supportive Handling

These are interventions, including contingent touch, which may be used to divert a pupil from a destructive or disruptive action, for example guiding or leading a pupil by the arm or shoulder where the pupil is compliant or supportively holding a pupil to keep them or others safe until they have regained control of themselves or can be guided to an area to calm down.

This technique cannot be emphasised enough and in the hands of a skilful practitioner many pupils can be deflected from a potentially volatile situation into a less confrontational situation i.e. it may be possible to “defuse” a situation by a timely intervention.

Nyland school requires that all such incidents be recorded (within 24 hours) on the schools Behaviour Watch system.

3. Restrictive Physical Intervention/Positive Handling

This will involve the use of reasonable force when there is an immediate risk to pupils, staff, property or good order/discipline in the school. All such incidents must be recorded (within 24 hours) on the Behaviour Watch system. If anyone is injured the appropriate accident form(s) (available in the reception office) must also be completed. Records of incidents must be given to the Admin Assistant as soon as possible, and within 24 hours at the latest.

The level of compliance from the pupil determines whether or not the interaction is a Positive Handling incident or a Restrictive Physical Intervention/Restraint. Restraint is defined by Team Teach as the positive application of force by staff, in order to overcome rigorous resistance, completely directing, deciding and controlling a person’s free movement.

Risk Assessments and Positive Handling Plans

A risk assessment and positive handling plan is a plan for the positive management of pupils’ challenging behaviour and identifies positive prevention strategies and how a pupil may need

to be supported in a crisis. For each child, the likely risks are identified in a risk assessment and appropriate interventions are suggested. These assessments and plans are available in each classroom. Both parents and pupils have the opportunity to contribute to these.

Where there is clear documented evidence, such as a risk assessment, that particular sequences of behaviour escalate rapidly into violence, the use of a Positive handling/Restrictive Physical Intervention at an early stage in the sequence may be justified and will be included in the Plan.

Planned and emergency physical interventions

A **planned intervention** is one that is described/outlined in the pupil's risk assessment and positive handling plan. This should cover most interventions and may include the use of Team Teach techniques.

An **emergency physical intervention** may be necessary if a situation arises that was not foreseen or is uncharacteristic of the pupil. Members of staff retain their duty of care to pupils and any response, even in an emergency, must be proportionate to the circumstances. Staff should use the minimum force necessary to prevent injury and maintain safety, consistent with the training that they have received.

Deciding whether to use Positive Handling/Restrictive Physical Interventions

Every effort is made to resolve conflicts positively using a gradual, graded system of response. The school's Behaviour Policy describes a range of Positive Handling strategies which may be employed to de-escalate a situation and may include 'time out' or 'withdrawal'. Pupils are encouraged to use these strategies with minimal support from staff. When a situation continues to escalate, it may be necessary to control the incident or use positive handling/Restrictive Physical Interventions. In each case the decision will have been made

- Where action is necessary in self-defence or because there is an imminent risk of injury.
- Where there is a developing risk of injury, or significant damage to property.
- Where a pupil is behaving in a way that is compromising good order or discipline.

It is recognised that challenging behaviour and positive handling/Restrictive Physical Interventions can both involve a risk to staff and pupils and therefore in these circumstances staff will consider

- Is this intervention in the best interests of the child?
- Is it necessary?
- Is it reasonable and proportionate?

In all instances, positive handling/Restrictive Physical Intervention uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming himself, herself, others or property; wherever possible assistance will be sought from another member of staff.

The physical techniques are intended to reduce risk and Team Teach techniques always seek to avoid injury to the pupil, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the service user remains safe. Where it is considered possible that an injury has occurred the pupil will be given the opportunity to show a member of staff the extent of any injury, wherever possible in view of a CCTV camera. Any such injury will be reported using the appropriate accident form and recorded on the Behaviour Watch system.

In some circumstances, following the use of more restrictive holds, it is acknowledged that pupils may encounter some minimal discomfort when appropriate release techniques are used. However, this is very brief and transient and poses less of a risk than the behaviour they are employed in response to.

Alternatives to Positive Handling/Restrictive Physical Interventions

Sometimes, when faced with extreme behaviour, the judgement may be that by becoming physically involved the member of staff will increase the risk of somebody getting hurt. In this case the correct decision is to hold back but this does not mean that staff can choose to do nothing. They must decide on the most appropriate course of action which might be to make the environment safer, give clear directions to children, remove the audience, take vulnerable children to a safer place, ensure that colleagues know what is happening or get help. The chosen actions should always be designed to reduce the risk to others and to yourself.

Staff from external agencies working within the school

External agencies may have their own policies for the care and control of pupils. When working within Nyland School it is the Principal's responsibility to ensure that colleagues from support services are aware of school policy and practice, and comply with this. A summary of school policy and practice will be provided for staff from support services who are working within the school.

After an Incident

Physical techniques are not used in isolation and the school is committed to ensuring that as a result of incidents, learning opportunities are created for children that allow them to be honest and take responsibility for their behaviour at a level appropriate to their stage of development. Where appropriate reflective discussions should be employed and recorded on the Behaviour Watch system.

Support Following Incidents

Any member of staff or pupil at the school involved in or witnessing a serious incident involving the use of positive handling/Restrictive Physical Intervention may require additional support following the incident.

Staff should ensure that they are fully recovered from an incident before resuming their duties and colleagues are encouraged to seek and offer support where it is deemed necessary.

Pupils who may be distressed by events can be offered the following support:

- Quiet time taking part in a calming activity
- Quiet time away from the incident/trigger
- Resuming their usual routine/previous activity as soon as possible
- Time with a member of staff to debrief the incident

Recording incidents

Where Supportive Handling or Where positive handling/Restrictive Physical Intervention has been used, a record of the incident will be kept. This record should be made and signed by the member of staff who initiated the Intervention on the schools Behaviour Watch system.

Appropriate documentation will be completed as soon as possible after the incident, and certainly within 24 hours. An accident form will be completed and appropriate procedure followed in situations where injury has occurred to either members of staff or pupils.

Reporting incidents

All incidents will be recorded on the Behaviour Watch system and where appropriate will be reported to parents. This may be by telephone an email or in the home-school diary, depending on the nature of the incident and the procedure agreed with parents.

We **do not** use advanced techniques such as 'ground recovery holds'.

Monitoring incidents

Whenever a member of staff has used Restrictive Physical Intervention/Positive Handling with occasion to use reasonable force, this will always be recorded and documented following agreed procedures. The behaviour lead and/or the Team Teach instructors on staff will review reports of incidents to ensure that staff are following the correct procedures and to be alert to any pupil(s) who's risk assessment and Positive Handling Plan/Risk Assessment may require amending. Incident level are discussed at governors termly and strategies for reducing positive handling are scrutinised.

Monitoring of incidents by the MAT SLT will take place on a regular basis and the results will be used to inform planning to meet pupil and school needs. To support the MAT SLT & school and ensure objectivity, a school governor can be involved in the monitoring process.

Complaints

The availability of a clear policy about the use of reasonable force, and early involvement of parents, should reduce the likelihood of complaints but may not eliminate them. Where a complaint or allegation is made, the school will follow the LSCB protocol, as explained in the section 'Allegations Against Staff' in the South West Child Protection Procedures.

The matter will be reported to the WHF CEO and Local Authority Designated Officer (LADO) in accordance with Local Authority procedures.

In such circumstances the investigation of the complaint/allegation and any resulting action in respect of child protection, disciplinary or other procedures will be carried out in accordance with the guidance received from the Local Authority.

Use of Force 4/12: Pupil Complaints has updated guidance that if a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably. Suspension must not be an automatic response when a member of staff has been accused of using excessive force.

Use of Force 4/12: Suspension states that if a decision is taken to suspend a teacher or member of staff, the school should ensure that the teacher has access to a named contact who can provide support. Governing bodies should always consider whether a teacher or member of staff has acted within the law when reaching a decision on whether or not to take disciplinary action against them. As employers, schools and local authorities have a duty of care towards their employees, it is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

Parents have a right to be informed about the school's complaints procedure.

Whistle Blowing

Whilst the training in Team Teach provided to all staff, encourages the use of help protocols and reflective practice, it is acknowledged that under some circumstances, physical intervention can be misapplied. Staff are reminded that part of their duty of care to pupils includes the requirement to report any such matters which cause them concern in relation to pupil management and welfare. Any such concerns should be raised with the Principal or with the Chair of Governors in order to allow concerns to be addressed and practice improved.

Reference documents

DCSF, The Use of Force to Control or Restrain Pupils – supersedes Circular 10/98 - http://www.teachernet.gov.uk/_doc/12187/ACFD89B.pdf

Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties, Joint Guidance DfES and DoH, 2003 – www.teachernet.gov.uk/wholeschool/sen/piguide

The Children's Act 1989

http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890041_en_1.htm

Children Services, Schools & Learning Policy on Positive Handling and the Use of Reasonable Force 2008 <http://www.swindon.gov.uk/>

Use of reasonable force Advice for head teachers, staff and governing bodies 4/12 <http://www.education.gov.uk/schools/pupilsupport/behaviour>

Date when policy was last reviewed: July 2013 Date policy was approved by the WHF

Governing Body: Date next review is due: July 2014 Signed: