



# LONDON SOUTH EAST ACADEMIES TRUST

---

## Positive Handling Policy

<b>Responsible post holder</b>	Deputy CEO and Group Executive Director Student Experience and Safeguarding
<b>Approved</b>	September 2022

## Contents

<b>Definition of Physical Restraint</b> .....	3
<b>Introduction</b> .....	3
<b>London South East Academies Trust Expectations</b> .....	3
<b>Positive Behaviour Management</b> .....	4
<b>Use of restrictive physical interventions in unforeseen and emergency situations</b> .....	5
<b>Pupils with SEND (Special Educational Needs and Disabilities)</b> .....	5
<b>Deciding if the use of physical intervention is appropriate</b> .....	6
<b>Assessing and Managing Risks</b> .....	6
<b>Planned and Unplanned Interventions</b> .....	7
<b>Before using Physical Intervention</b> .....	7
<b>Post-incident support</b> .....	8
<b>Reporting and recording use of restrictive physical interventions</b> .....	8
<b>Planning for the Needs of Individual Pupils</b> .....	8
<b>Appropriate Positive Physical Contact with Pupils</b> .....	9
<b>Training and Development of Staff</b> .....	9
<b>Complaints</b> .....	10
<b>Trust and Trustee Responsibilities</b> .....	10

## **Definition of Physical Restraint**

In this policy physical restraint is defined as any method of responding to challenging behaviour of a pupil that threatens their own personal safety, or safety of others, where some degree of physical force is applied against the pupil's resistance to controlling their own behaviour by limiting or restricting their movement or mobility or ability to act independently.

## **Introduction**

London South East Academies Trust (LSEAT) is committed at all times to the highest standards in protecting and safeguarding the welfare of children and young people entrusted to its care and is committed to ensuring that all our pupils and staff are able to thrive and work in a supportive and caring environment, demonstrating a mutual respect, so that teaching and learning can take place in order to maximise pupils' potential and achievement.

In the circumstances that it becomes appropriate to use physical intervention, it will be used as an act of care and not punishment and staff will follow the guidelines outlined through this policy. Staff are required, while taking any of the action detailed in this policy, to ensure that the pupil(s) understand that this is a last resort and the security of the pupil(s) is continually maintained.

In our provisions, there are some young people who may not be able to control their reaction to events and who may place themselves or others at risk through their uncontrolled behaviour. This may necessitate the use of restrictive physical interventions to prevent injury, damage to property, or to prevent major school disruption and maintain the good order of the school.

This policy outlines the Trust's approach to using physical constraint.

This policy should be read in conjunction with:

- Trust Safeguarding Policy
- School Behaviour Policy (or equivalent)

## **Under Section 93 of the Education and Inspections Act, reasonable force can be used to:**

- Prevent the committing of any offence
- Prevent personal injury to, or damage to the property of any person – including the pupil themselves or
- Maintain good order and discipline

## **Common Law powers**

The statutory power conferred by section 93 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, 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.

## **Safe Techniques**

All LSEAT staff are trained to use Team Teach or PRICE techniques for positive handling and de-escalation and the training needs of each site are regularly reviewed by the Deputy CEO.

PRICE and Team Teach techniques are both certified as meeting safety standards and comply with the requirements provided by Restraint Reduction Network.

## **London South East Academies Trust Expectations**

The use of physical restraint is not part of the disciplinary management process; it is a response, albeit a considered one, to an exceptional situation. The use of restrictive physical interventions should always be considered within the wider context of other measures; these include:

- establishing and maintaining good relationships with pupils
- using diversion, diffusion and negotiation to respond to difficult situations
- Non-physical, non-threatening and choice based strategies should always be tried first

To minimise the use of physical intervention LSEAT aim to create a culture where:

- Staff and volunteers provide a safe environment free from disruption, violence, bullying and any form of harassment
- Staff and volunteers always set an excellent example to pupils
- Pupils are helped to take responsibility for their actions
- The focus is on good behaviour which is rewarded and in which all children and young people can achieve
- Staff are clear about what children and young people need to do to behave well and what will happen when behaviour is poor or challenging. Pupils will feel secure when this happens consistently and fairly, contributing to their well-being
- Structures are in place to allow children and young people to manage their own behaviour where possible
- Staff demonstrate and teach consideration and respect for others and self
- Staff demonstrate equality and fairness of response for all
- We recognise and acknowledge that how a pupil behaves gives us important information about how they are feeling. Supporting communication effectively is important in supporting good behaviour
- Schools have defined strategies to support children and young people requiring assistance
- Positive relationships with parents and carers are encouraged and valued to develop a shared approach which involves them in the implementation of the school's procedures. Families are involved in behaviour incidents to foster good relationships between the school and pupils' home life.

#### **Core Values**

- There is a focus on the child or young person's safety and welfare at all times and this underpins any use of restraint or intervention.
- All children, young people and staff should be treated fairly and with dignity and respect.
- The minimisation of the risk of harm to children, young people and staff is a key priority.
- The needs and circumstances of individual children and young people should be considered and balanced with the needs and circumstances of others, because decisions on whether or not to restrain or intervene with an individual will affect others including staff.
- Where possible, a decision to restrain a pupil should be based on their best interests balanced against the safety and dignity of all concerned, including other children, young people or adults present.

#### **Positive Behaviour Management**

All staff should adopt a positive approach to improving behaviour in order to reward effort and application, and to build self-esteem. LSEAT work with pupils who may be at risk and therefore we look to understand the factors that influence their behaviours when they join us. A Behaviour Support Plan should be used when it is apparent that a pupil may display behaviours that challenge and physical intervention may be necessary this will then be shared with all staff. This approach will help to ensure that early and preventative intervention is the norm, and formal risk assessments can also be drawn up if and when required. These should reduce the incidence of extreme behaviours and make sure that the use of physical intervention is rare.

#### **Reducing the likelihood of situations arising where the use of physical intervention may need to be used**

Although preventative measures will not always work, there are a number of steps that are recommended to try before the use of force:

- Endeavour to create a calm working environment that minimises the risk of incidents that might require the use of force.
- Consistent Positive language.
- Consistent respect from adults: even in the most challenging situations
- Develop positive and effective relationships between pupils and staff
- Adopt a whole school approach to developing social and emotional skills
- Consistent expectations: classroom rules to be re-established termly.
- Consistent environment: consistent visual messages that echo the core values.
- Have effective staff development that helps staff to develop skills of positive behaviour management
- Effectively manage individual incidents

- Consistent follow up: agreed sanctions must always take into account the abilities of the individual. The sanction should wherever possible be carried out by the member of staff where the breach of behaviour occurred. In order to ensure that time is given to remind the pupil of expectations and to rebuild the relationship.
- Consistent positive reinforcement: positive procedures for reinforcing, encouraging and celebrating appropriate behaviour.
- Consistent working practices throughout the school and modelled by all staff

### **Use of restrictive physical interventions in unforeseen and emergency situations**

LSEAT acknowledges that, on occasion, staff may find themselves in unforeseen or emergency situations with pupils.

Staff should assess the situation and try to use diversion or diffusion to manage the situation. Verbal communication, body language and other strategies should be implemented to calm the pupil. If this fails, they should immediately send for help.

Remove audience by ensuring all other pupils are removed from the situation as quickly as possible.

Remove if you can any objects, equipment, furniture that you feel might pose a danger.

### **Use of physical intervention or Restraint**

Sometimes restraint will be necessary. Staff must have reasonable grounds for believing that restraint is necessary in order to justify its use. Staff will need to use their professional judgement in each case, assessing the risks involved and taking account of the needs and circumstances of the child or young person (as set out in relevant support plans).

Even trained and named persons who could intervene should not do so if they put themselves at an unacceptable risk or where they believe that attempts to restrain will exacerbate the situation.

### **Key points**

The use of restraint should always be proportional to the circumstances it is intended to prevent. The degree of force used must be the minimum needed for the minimum length of time, to achieve the desired result.

- There will be times when restraint is needed to safeguard the individual or others but, broadly speaking, restraint should be the last response to behaviour that challenges. De-escalation techniques, appropriate to the child or young person, set within a positive and proactive approach to behaviour, should always be used to try and avoid the need to use restraint.
- Use of restraint should be based on assessment of risk.
- There would be a real possibility of injury or harm to the child or young person, other children or young people, to staff, the public or others if no intervention or a less restrictive intervention were undertaken.
- An intervention should be in the best interests of the child or young person and balanced against respecting the safety and dignity of all concerned, including other children, young people or adults present.
- Restraint should not be used to punish or with the intention of inflicting pain, suffering or humiliation.
- The techniques used to restrain or restrict liberty of movement must be reasonable and proportionate to the circumstances, risk and seriousness of harm; and be applied with the minimum force necessary, for no longer than necessary, by appropriately trained staff.
- Use of restraint, reasons for it and consequences of its use, must be subject to audit and monitoring and be open and transparent.
- When reviewing plans for restraint with children and young people, those with parental responsibility or, where appropriate, advocates should be involved.

### **Pupils with SEND (Special Educational Needs and Disabilities)**

Behaviour difficulties in our pupils may arise from characteristics associated with their specific special educational need.

More challenging behaviour may be a reaction to these difficulties and an attempt for the pupil to control a situation, or communicate distress and frustration.

Those exercising the power to use force must also take account of any SEN and or disability that a pupil may have.

### **Deciding if the use of physical intervention is appropriate**

The judgement on whether to physically intervene and what type of intervention should be used will always depend on the circumstances of each case.

Decisions on whether the precise circumstances of an incident justify the use of physical intervention must be reasonable. Typically, such decisions must be made quickly with little time for reflection. Nevertheless, staff need to make the clearest possible judgements about:

- The seriousness of the incident, assessed by the effect of the injury, damage or disorder
- The chances of achieving the desired outcome by another means. The lower the probability of achieving the desired result by another means the more likely the use of physical intervention will be justified
- The relevant risks associated with physical intervention compared with using other strategies

### **Assessing and Managing Risks**

A decision on whether to use physical intervention will always require a consideration of the individual circumstances and is a matter of professional judgement.

Any use of physical intervention carries risks. Risks may be to the child or young person whose behaviour challenges, other children and young people, staff, other adults or property. They may arise because of interactions between the pupil and their environment, the direct impact of the child or young person's challenging behaviour, or measures and interventions used to limit or manage risks to the child and/or others. Those risks need to be balanced against the risks associated with other courses of action, including the risks of taking no action at all. Risks associated with applying restraint or deciding not to do so include causing physical injury, causing a flight response, psychological trauma, distress and emotional disturbance to the child or young person and to staff.

Assessing risk involves using what is known from experience to make rational judgements about risks and weighing up options. It is about trying to predict the situations in which risks may occur, estimating the likelihood of the risk and potential harm that may occur, and gauging the seriousness of any harm that could result.

This will enable decisions to be made which:

- Limit the level of inherent risk to which the child or young person and others are exposed.
- Avoid unreasonable risks for the child or young person and others.
- Ensure that an intervention is reasonable and proportionate to the risks that it presents.

In assessing risk staff should consider:

- The size, age and understanding of the pupil
- The specific hazards they face
- Any relevant disability, health problem or medication
- The relative risks of not intervening
- The child or young person's previously sought views, and those of parents and carers, on strategies and approaches they considered might de-escalate or calm a situation
- The method of physical intervention that would be appropriate in the circumstances
- The impact of the physical intervention on the future relationship with the child or young person

Options for reducing risks should be explored, and the benefits and drawbacks of each considered and, where possible, recorded. Where there are concerns that the risk reduction options being considered may themselves give rise to risks to the child or young person or others, schools may wish to seek advice from others such as:

- Local safeguarding partners and other relevant agencies
- The Health and Safety Executive
- Medical advisers

- Legal advisers
- Local authority
- Health and wellbeing Board
- Trust support for example Deputy CEO, Safeguarding and Health and Safety

Measures agreed for managing identified risks should be set out in the Behaviour Support plan for the child or young person and any risk assessments.

The pupil and their parent/carer should be fully involved in the process as appropriate. Plans should be shared with all those with a role in implementing it and monitoring its impact. Appropriate training should be provided for staff to ensure that they have the competence and skills to implement it. In some cases, training may be required as a matter of urgency so that the plan can be implemented without delay.

### **Planned and Unplanned Interventions**

Planned interventions are when staff employ, where necessary, planned and agreed approaches to challenging behaviour set out in a pupil's support plan, care plan or Risk Assessment. Action to physically intervene with a pupil will be based on a careful risk assessment, including an understanding of their needs and evidence about the risks faced.

Unplanned interventions require professional judgement to be exercised in difficult situations often requiring split-second decisions in response to unforeseen events or incidents where trained staff may not be on hand. Such decisions, known as dynamic risk assessments, will include a judgement about the capacity of the child or young person at that moment to make a safe choice. Staff training and supervision of practice should support dynamic risk assessment. Unless the situation is urgent, staff should seek assistance from appropriately trained staff. If such assistance is not available, any response must be reasonable, proportionate and use the minimum force necessary for the minimum length of time, to prevent injury and maintain safety.

### **Before using Physical Intervention**

Before using physical intervention staff should, wherever possible, tell the pupil to stop, call for assistance and communicate calmly, displaying a measured manner throughout the incident.

The types of intervention necessary may be:

- a. Passive physical contact resulting from standing between pupils.
- b. Active physical contact such as:
  - leading a pupil by the arm
  - ushering a pupil away by placing a hand in the middle of the back
  - In more extreme circumstances, using appropriate and approved restrictive holds\*, which may require specific expertise.

*\*LSEAT staff are either trained in PRICE or Team Teach techniques.*

Staff must always ensure that every measure has been taken to reduce risk of injury.

**Working positively** – all staff must work positively to reduce risk of escalation by:

- Moving calmly and confidently
- Making clear, simple statements to pupil/s
- Keeping their voice quiet, firm and assured
- Lessening the threat of your presence by sitting down or allowing pupil space
- Talk to pupil all the time unless stated otherwise in their personal plans
- Offering comfort, reassurance and security
- Maintaining eye contact unless stated otherwise in their personal plans
- Having help nearby where possible
- Allowing pupil to 'save face'

- Communicating throughout the intervention process by telling the pupil precisely what they are doing and why and reminding the pupil continuously that the physical intervention will cease the moment they become calm, safe and in control

### **What not to do**

Methods or techniques that control by pain are forbidden. Use of pressure against joints e.g. fingers, wrists, elbows are dangerous and should not be used. Avoid the breast, upper thigh area when holding a pupil. Forcing a young person's arm up his/her back is forbidden as is squeezing the windpipe or lifting the person off the floor to intimidate, pulling hair, striking the pupil or causing actual injury.

### **Schools cannot:**

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

### **Post-incident support**

Incidents that require use of restrictive physical interventions can be emotionally upsetting to all concerned and although every care is taken to avoid injuries they may sometimes occur to both pupils and staff.

Following an incident staff should immediately implement the following:

- After any incidents staff and pupils should be allowed time to regain composure before they engage in the process of counselling, analysis and report writing.
- First aid treatment should be given for any injuries. For serious injuries pupils and staff should be taken to hospital or an ambulance called.
- Parents / carers should be informed.
- All injuries should be reported and an accident form filled in.

### **Reporting and recording use of restrictive physical interventions**

- All incidents requiring the use of physical intervention should be recorded thoroughly using Sleuth and shared with the OBLM immediately.
- All behaviour incidents must be recorded on Sleuth
- All incidents must be logged on the same day of the incident. The OBLM will review all incidents and sign off the use of physical intervention and ensure all follow up action has been implemented.
- **A member of SLT must sign off all physical holds recorded.**

### **Incident reports should include:**

- The name of the pupils involved, and when and where the incident took place
- The names of any staff or pupils who witnessed the incident
- The reason that force was necessary
- How the incident began and progressed, including details of:
  - the pupil's behaviour
  - what was said by each of the parties
  - the steps taken to diffuse the situation
  - the degree of force used
  - how that was applied and for how long
- Pupil response(s) and the outcomes of the incident
- Details of any injuries for any pupils and/or staff members and any damage to property
- The time parent / carers / police / other agencies were alerted and notes of any telephone conversation

### **Planning for the Needs of Individual Pupils**

The school aims to identify, in consultation with parents/carers, any pupil(s) whose behaviour is considered to be a potential risk and require physical intervention or response.

A Behaviour Support Plan should be put in place after the first instance of physical intervention with a pupil and then reviewed regularly. Plans should consider the needs of those pupils in relation to:

- any individual medical, social, behavioural, learning or cultural factors.



- any Individual Education Plans, Pastoral Support Programmes or Personal Education Plans which support the pupil.

Where possible all staff working with pupils with identified plans will be made aware including:

- situations that may provoke difficult behaviour, preventative strategies and what de-escalation techniques are most likely to work.
- what is most likely to trigger a violent reaction, including relevant information relating to any previous incident requiring use of force.
- if physical intervention is likely to be needed, any specific strategies and techniques that have been agreed by staff, parents and the pupil concerned.

If a member of staff considers that a particular pupil may at some time need such intervention, the circumstances and needs will be presented for discussion to the SLT, and behaviour leads.

#### **Behaviour Support Plans will:**

- Involve person-centered planning – assisting the pupil to develop personal relationships and for staff to understand them as individuals.
- Include skilled assessment – to understand why a pupil presents behaviours that concern or challenge; what predicts their occurrence or causes the pupil to continue presenting them or regularly reverting to them. This can help to identify areas of unmet need.
- Describe how the pupil is to be supported, addressing aspects of their environment which they find challenging and support to help them develop strategies to better meet their own needs.
- Detail the responses used by staff when a pupil starts to become anxious, aroused or distressed and which aim to prevent the situation escalating into a crisis, for example, distraction or diversion.
- Include guidance on how staff should react when a pupil's behaviour further escalates to a point where they place themselves and/or others at significant risk of harm.
- Be kept under regular review and in response to changes, incidents, and developments.

#### **Appropriate Positive Physical Contact with Pupils**

LSEAT recognises that some use of appropriate, positive, physical contact with pupils can contribute to a culture of a safe and friendly school. Some physical contact may be necessary or unavoidable when staff are working with:

- younger children who may need encouragement or guidance.
- pupils with special educational needs who may need physical prompts or help.
- pupils requiring First Aid.
- pupils receiving coaching in sport or as part of another curriculum activity.
- pupils in distress or who need reassurance.

Our staff will make professional and sensitive judgements about the nature and extent of their physical contact with pupils. Staff will have regard for cultural sensitivities and gender differences, for the needs of adolescent pupils and of those who may be particularly vulnerable following previous trauma or abuse.

Touch to breasts, upper thigh areas, genital areas are always considered inappropriate and should not occur. Positive physical touch should be used in consultation with pupil (where possible and appropriate) to understand their preferences.

#### **Training and Development of Staff**

LSEAT recognise that training and development play a crucial role in promoting positive behaviour. Training enables staff to develop their understanding and skills to support pupils whose behaviour challenges and to support parents to secure a consistent approach to behaviour in school and at home.

Training is tailored to take account of the needs of the pupil being taught and to the role and specific tasks that staff will be undertaking. Training covers approaches to reducing and minimising the need for restraint through behavioural support.

Training includes knowledge and understanding of skills in relation to:

- The experience of pupils and their families
- Techniques for understanding non-verbal communications of children
- The thoughts and feelings of staff on being exposed to challenging behaviour
- The assessment and management of risks
- Building positive relationships and developing individual support plans
- Alternatives to physical intervention, including effective use of techniques to calm a situation or deescalate potentially restrictive options
- Safe implementation of physical intervention, including how to minimise associated risks, particularly in relation to the growth and development of children and young people
- Use of planning tools and advanced decision-making to promote safety in the use of restraint

Although there are no universally accepted standards for the use of restraint training, LSEAT provides training to staff through in-house PRICE and Team Teach Trainers who are accredited to provide behaviour support and physical intervention training for schools and enable staff to:

- Manage challenging behaviour in a classroom setting
- Prevent and de-escalate crises
- Understand the role of behaviour support plans within a behaviour management framework
- Provide effective coping strategies for pupils and staff
- Reduce the number of physical interventions
- Learn a range of breakaway and physical techniques

Staff should only use restraint techniques for which they have received training and can demonstrate competence.

Each school records the methods that a member of staff has been trained to use.

### **Complaints**

The use of restrictive physical interventions can lead to allegations of inappropriate or excessive use. In the event of a complaint being received by one of the Co-Headteachers in relation to use of physical interventions by the trained staff member the matter will be dealt with following LSEAT safeguarding procedures for handling allegations against members of staff with consultation with the LADO (Local Authority Designated Officer) where appropriate.

All complaints about the use of physical intervention will be thoroughly, speedily and appropriately investigated. Where a member of staff has acted within the law – that is, they have used reasonable force to prevent injury, damage to property or disorder, this will provide a defence to any criminal prosecution or other civil or public law action.

Suspension will not be an automatic response when a member of staff has been accused of using excessive force and school leaders will refer to the Safeguarding Policy detailing procedures for responding to allegations against members of staff. School leaders will consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate. If a decision is taken to suspend a member of staff, the school will ensure that the staff member has access to a named contact who can provide support.

### **Trust and Trustee Responsibilities**

The Deputy CEO and Group Executive Director Student Experience and Safeguarding will monitor the implementation of this policy and will be kept informed of all allegations made against staff regarding the use of inappropriate physical restraint.

Schools will submit data regularly to the Provision Boards to identify trends and use of physical intervention which will be scrutinised termly by the Safeguarding Strategic Group.