Wandsworth

Guidelines for positive behavioural and physical intervention

Principles

Wandsworth Council and the Wandsworth Safeguarding Children Board believe in providing services for children and young people in which they feel safe and secure, in an environment free from abuse, bullying or violence, in which boundaries and expectations are clear and provide opportunities for personal development, enabling children and young people to maximise their personal potential.

This document aims to offer clear guidance and advice to schools, settings and extended services working with children and young people, within which they should develop their own policies and operational arrangements. Throughout this document the term ‘services’ includes all of the above, unless otherwise specified.

All staff working with Wandsworth’s children and young people, paid and voluntary, whether contracted by Wandsworth or commissioned from other service providers are expected to adhere to the guidelines. Employers of commissioned staff should be informed and asked to signify that they, the employers, are content for the member of staff to work within the guidelines.

Positive and protective handling refers to the application of reasonable force with the intention of protecting a child from harming him/herself and/or others or seriously damaging property.

Positive and protective handling techniques should be used rarely and exceptionally, as a last resort when other courses of action have failed, or in extreme emergency circumstances when there has been no opportunity to employ agreed strategies. Staff should always use the minimum degree of intrusion or intervention required.

Children’s and young people’s services in Wandsworth have a central role in supporting young people across all aspects of their development. Schools, settings and extended services can and do make a difference to young peoples’ behaviour - it is the beliefs and values they hold which shape the staff’s ability to promote positive behaviour and deal more effectively with inappropriate behaviour.

Promoting positive behaviour and effective behaviour management require services to focus on three distinct areas:

- Up-to-date policies and procedures in relation to behaviour
- Effective service management and relevant activities supported by good quality staff
- Individual staff expertise in behaviour management

All services working with children and young people should have a behaviour management and discipline policy that promotes and supports positive behaviour.
The policy should set out expectations of good behaviour and how this is rewarded, but should also recognise the particular circumstances when reprimands or sanctions need to be applied. Service policies on the use of positive and preventative handling should be consistent with their behaviour policy as well as their Child Protection and Health and Safety policies.

Protocols for the use of positive and preventative handling should be included in the behaviour management policy.

A positive handling policy, or ‘the use of reasonable force’ does not authorise the use of corporal punishment.

**The use of physical interventions must never be used as a punishment and always be a last resort.**

The use of physical interventions should only be considered within the context of risk, be proportionate to that risk and appropriate given the age, understanding, gender and size of the child or young person.

There is an expectation that:
- all settings have an appropriate differentiated policy
- policies are reviewed annually and reflect current legislation
- all settings have a process for assessing and managing risk when supporting children and young people
- there are robust recording and reporting systems, and
- in all circumstances children, young people and employees should have access to appropriate support following an incident.

This guidance provides basic advice – additional guidance should be taken into account when working with children who display extreme behaviour in association with: learning disability; autistic spectrum disorders; behavioural, emotional and social difficulties; or severe behavioural difficulties.


Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders DES July 2002 Ref: LEA/0242/2002

**Legal Framework**

An employee may have lawful excuse for the use of positive handling if:
- preventing a child or young person causing harm to themselves
- preventing a child or young person committing a criminal offence
- preventing the child or young person causing harm to another person, this may include other staff, adults, volunteers or members of the public.
Or in school setting:
- preventing any behaviour which is prejudicial to the maintenance of good order and discipline. (section 93 Education and Inspections Act 2006)

**Authorised staff:** In respect of schools, the Education Act 1996 allows teachers to use reasonable force to control or restrain pupils. It also allows other people to do so, in the same way as teachers, provided they have been authorised by the Headteacher to have control or charge of pupils. Those might include teaching assistants, primary helpers, midday meal supervisors, education welfare officers, escorts, premises officers or voluntary helpers.

Those exercising the power to use reasonable force must take proper account of any special educational need (SEN) and/or disability that a young person might have.

Under the Disability Discrimination Act 1995 Children’s Services have two key duties:

1. not to treat a disabled child less favourably, for a reason relating to his or her disability, than someone to whom that reason does not apply, without justification
2. to take reasonable steps to avoid putting disabled children and young people at a substantial disadvantage to those who are not disabled.

Reasonable force may also be used by staff in schools in exercising the statutory power (section 45 violent crime reduction act. 2006) to search young people without their consent for weapons, where there are reasonable grounds for suspecting the young person is in possession of a weapon. A second person is required to be present at the time of the search.

However services are advised not to search young people where resistance is expected, but rather to call the police.

**Emergency physical interventions** - on occasion it may be judged by a member of staff or team that the use of a physical intervention may be appropriate given a level of relative risk in a situation that could be described as unforeseeable. Staff remain responsible and accountable for their actions or inaction and must still act within current legislation and guidance.

Complaints received from service users or their advocates that they have suffered inappropriate, excessive or unlawful Physical Intervention will be investigated under the WSCB’s Procedures for Managing Allegations against Staff. If evidence is found of such an offence, action will be taken under the Disciplinary Code. In cases of serious abuse, assault, maltreatment or violent/dangerous/reckless behaviour, this may lead to dismissal. It is therefore, essential to read and follow these guidelines closely.

**Risk assessment**

In order to ensure the health, safety and wellbeing of children, young people and staff, it is essential that a risk assessment approach is adopted for all physical interventions.
When assessing risk the following must be considered
- the environmental context of risk
- personal vulnerability factors affecting individual children and young people
- the probability of emerging risk and the seriousness of potential outcomes
- how preventative and proactive measures may affect the level of risk
- the potential outcomes of not intervening

Individual risk assessments will be needed where it is known that a child has difficulties or additional needs or disabilities that either increase the risk of challenging or risk taking behaviours or make them particularly vulnerable to interventions:
- communication impairments that make the child less responsive to verbal communication
- physical difficulties and / or sensory impairments
- conditions that make the child fragile, such as haemophilia, brittle bone syndrome or epilepsy
- dependence on equipment such as wheelchairs, breathing or feeding tubes

There may be occasions when a member of staff should not intervene in an incident without help, unless it is an emergency. Communication systems should be in place to enable a member of staff to summon assistance when necessary, and agreements made that in certain circumstances steps should be taken to remove other children potentially at risk and assistance summoned either from within the staff group or, in extreme cases, the police.

Insurance

The Council’s Insurance Manager advises that the school or service need to contact him / her for any claims made against the school / service / Council and/or their staff alleging inappropriate physical restraint. In the event that a claim situation arises, the service manager must immediately forward all information and letters of claim to the Council’s Insurance Manager at the Town Hall who will then advise the service concerning response to the claim. Decisions on whether the Council are legally liable in terms of compensation will be made by the Council’s Liability Insurer. This is subject to service establishments operating within these guidelines.

Training and Development

All staff in schools and settings are expected to be provided with appropriate levels of training and to be aware of this guidance and the policy within their organisation.

Wandsworth Council requires that only trainers who are currently accredited by the British Institute of Learning Difficulties be commissioned to provide training. The Council will arrange for there to be an appropriate number of suitably accredited trainers to offer training for all services.
When commissioning training managers must ensure that the training will:

- meet current service need based on a recent behaviour audit and risk assessment
- deliver training in the skills of prevention, de-escalation and diversion
- promote positive relationships
- offer alternative actions and responses
- promote and discuss the rights of children and young people
- promote and discuss the rights, responsibilities and legal protection for employees
- establish links to health and safety legislation
- discuss ethics and the legal framework
- deliver information in an appropriate context taking account of the individual service users with specific reference to need
- enable staff to develop their personal skills
- enable staff to respond to incidents that occur frequently in the service,
- provide necessary protection against litigation.

Training provided should cover ways of avoiding or defusing situations in which physical intervention might become necessary, as well as training in appropriate methods of physical intervention.

It is good practice for such training to be provided for all members of staff and updated regularly.

There will be particular training needs for staff whose jobs entail them working with particularly challenging pupils or those with additional needs. The level of training recommended is related to the level of risk faced by the member of staff. It is recommended that the whole staff team be trained on preventative and positive approaches. Office staff may not require the same level of training in physical techniques as those working directly with the most challenging pupils.

In cases where a Positive Handling Plan is in operation, selected staff will be trained in any physical interventions to be used. These staff will be trained by the accredited provider and will be the only staff authorised to use the intervention.

**General Physical Contact**

Some physical contact may be appropriate or necessary in the context of working with children and is obviously dependent on the age and understanding of the child, the particular situation within which the child and staff member come into contact and the nature of the relationship. For example:

- It can be used in order to congratulate or offer praise.
- It may be used where a child is in distress and needs comforting
- It may be necessary to demonstrate exercises or techniques during PE lessons or sports coaching
- It will be necessary where a member of staff is giving first aid
Some young children, or those with SEN or disabilities, may need staff to provide physical help. Care must be taken at all times to ensure that the physical contact is welcome and does not give cultural offence, apprehension of harm or arouse sexual feelings or expectations.

Preventative strategies

Although preventative measures may not always work, there is a need to ensure that behaviour management strategies and de-escalation techniques are known and understood by staff and consistently applied.

The following measures will help:

- developing effective relationships between staff and children and the creation of a calm, orderly and supportive environment that minimises the risk and threat of violence of any kind and where children, young people and staff feel safe and secure
- adopting an approach which develops social and emotional skills – in schools the SEAL programme provides a structure and curriculum materials for helping children develop skills such as those necessary to manage strong feelings
- taking a structured approach to staff development that helps all staff to develop skills around positive behaviour management and managing conflict
- having an ethos which enables staff to support each other during and after an incident
- recognising that challenging behaviours are often foreseeable and can therefore be avoided or deflected
- effectively managing individual behaviours – it is important to communicate calmly with the child, using non-threatening verbal and body language and ensuring the child can see a way out of the situation
- monitoring and evaluating behaviour and continuing to review interventions accordingly
- working closely with parents and carers and encouraging effective and consistent support from families
- involving children and young people in their plans, listening to their views and taking these into account as much as possible
- avoiding getting “locked into” confrontation with a child in which neither child nor adult can “back down”
- avoiding the use of sarcasm or demeaning or derogatory comments
- having a variety of strategies which will assist in calming a situation; eg use of a quiet space/ room; removing the child from an “audience”; listening to the child’s point of view; involving a key adult with whom the child has a positive relationship etc.
- using warnings, within a clearly understood structure, so that the child knows that his/ her actions have a consequence and that if he/she fails to respond physical intervention may have to be used
assessing the reasons why children and young people use particular challenging behaviours
• ensuring access to appropriate professional support for children and young people

As part of an effective strategy for supporting positive behaviour and preventing an incident escalating staff members should:
• actively foster a positive relationship
• be familiar with and identify early warning signs
• call for assistance from other members of staff, and alert senior manager
• talk to the young person
• be sensitive, flexible and consistent
• appear calm, keeping the pitch, volume and pace of their speech down
• feel confident that they are in control and that they will manage the situation through to a peaceful conclusion
• stay close to the young person, to one side, about an arm’s length away. Give more space if needed.
• stay seated as long as the young person does: avoid ‘crowding’
• remove other young people from the immediate area
• use strategies that have been successful before
• attempt to divert the young person or diffuse the situation
• encourage the young person to make positive choices and develop self control
• give clear directions for behaviour to stop.
• remind them about rules and likely outcomes.
• make the environment safer by moving furniture and removing objects which could be used as weapons.
• guide or escort pupils to somewhere less pressured.
• make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.
• be patient

Physical intervention

Types of physical intervention which may be employed include:
• passive physical contact, e.g standing between children to prevent physical interaction between them; blocking a child’s path
• active physical contact, e.g leading a child by the hand or arm; ushering a pupil away by placing a hand in the centre of the back
• restrictive holds – training should be given to staff about appropriate techniques to use

Risk assessment and planning for use of restrictive physical interventions

Schools should acknowledge that some children behave in ways that make it necessary to consider the use of restrictive physical intervention as part of a behaviour management plan. All identified behaviours necessitating use of
physical intervention should be formally risk assessed. The resulting risk management strategy must be compatible with a positive behaviour management approach. Planned use of physical intervention must be clearly shown to be in keeping with the pupil’s statement and his or her individual education plan. It should also be properly documented within school records. All staff should be aware of the distinction between physical contact or touch, used appropriately in everyday situations to support, encourage, guide or comfort a pupil, and the use of force to restrict movement or to disengage from pupils whose behaviour presents a clear risk of injury.

Techniques and methods for controlling and restraining pupils using restrictive physical interventions must be assessed to ensure they are safe, suitable and appropriate for use with the named pupil. They should be agreed in partnership with the pupil, his/her parents (or those with parental responsibility) and other statutory agencies working with the pupil. This is especially the case when children are looked after by the local authority, in respite care, or cared for by others with legal responsibility in order to ensure that there is a consistent approach to the use of force in and out of school.

In the event of disputes over, or concerns about, techniques and methods being considered, an interim school strategy should be agreed and the matter referred to the LA. If necessary, adjudication might be offered by an independent officer nominated by the Wandsworth Safeguarding Children Board.

If physical intervention is used it is important to ensure that:
- the force used was commensurate with the risk presented
- the child was restrained for the shortest time possible until calm, or until the risk of harm had reduced significantly
- account was taken of the particular characteristics of the child, including any special or additional needs he/she may have

**De-Brief and Support for staff member and child or young person**

Following the use of restrictive physical interventions de-brief should be offered to the child/young person, anyone present including other children and the staff involved in holding the child or young person.

De-brief may be offered in a formal or informal manner. It is the responsibility of managers to ensure that de-brief is offered to people affected by incidents.

Serious incidents that require use of physical intervention can be upsetting for those involved and may have resulted in injuries to either a child or a member of staff. Immediate action should be taken to provide first aid for any injuries and to access medical help if necessary. It is also important for both child and member of staff to be offered emotional support.

Parents and, where appropriate, other professionals should be involved in discussions to set out subsequent actions and support for a child. Such plans
may include strategies to prevent any recurrence of the behaviour that could lead to similar incidents and the development of strategies to avoid such crisis points in future.

The child needs to be given an opportunity to reflect on their actions and gain an understanding of the harm caused or which might have been caused.

Staff and children affected by an incident should be given continuing support in respect of any physical consequences, emotional stress or loss of confidence; and the opportunity to analyse, reflect on and learn from the incident.

**Recording and reporting**

All significant incidents should be recorded, following the procedures for the particular work place.

The purpose of recording incidents is to ensure guidelines have been followed as well as to inform parents, to inform future planning, to prevent misunderstanding or misinterpretation of the incident and to provide a clear and contemporaneous record in case of enquiry or complaint.

Any incident involving a physical intervention by a member of staff should be recorded

Recordings should include:
- personal information relating to the child or young person
- context of the incident
- a factual account of the incident
- whether the incident caused any injury or distress to a child or member of staff
- who else was present
- why the decision was made to use physical intervention
- outcomes
- subsequent discussions with managers, parents or the child about the incident

If there are differing accounts of an incident they should all be recorded.

Senior staff, including the designated person for safeguarding, should be informed of any serious incident.

Parents should be informed of any significant incidents, including what subsequent action (whether support, medical or disciplinary) was taken in relation to their child.
Monitoring and evaluation

A designated senior leader must scrutinise the records of incidents on a regular basis, at least half-termly. The leader should be monitoring

- The level of incidents across the school or service
- Patterns of incidents: are they occurring disproportionately with particular pupils, particular teachers or members of staff, in particular year groups?
- The accuracy of recording
- The extent to which approved interventions are being used
- The extent to which all aspects of this policy have been followed

The senior leader should liaise with the relevant service head or (in the case of a school) governor responsible for pastoral care, provide him/her with results of this monitoring and ensure appropriate reporting systems within the school or agency are followed.