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SECTION 1 Policy document-Context

The aim of this schools policy is to assist all staff in schools to deal effectively with challenging behaviour to ensure that staff and pupils are protected from harm and to ensure that pupils are protected from any form of physical restraint or intervention which is inappropriate.

It is based on the Team –Teach framework approach to positive handling – “a holistic approach involving policy, guidance, management of the environment and deployment of staff. It also involves personal behaviour, diversion, defusion and de-escalation. Restraint is only a small part of the framework”.

This Local Authority education policy takes into account:

- The Education Act 1996
- WG Safe and Effective Intervention — use of reasonable force and searching for weapons. Welsh Assembly Government Guidance 097/2013
- SEN Code of Practice
- All Wales Child Protection Procedures 2008
- Section 61 of the School Standards Framework Act 1998 which requires that all schools have pupil behaviour and discipline policy.
- WG Keeping Learners Safe WG Guidance 158/2015
- PCC Guidance for safer working practice for adults who work with children and young people January 2016
- PSCB The management of allegations against adults who work with children January 2013

In addition, it should be considered alongside the overall suite of guidance and school policies on aspects including those for exclusions, tackling bullying and inclusion and safer working practice.
SECTION 2

Positive behaviour
Reinforcing positive behaviour is a matter of concern for all schools, ensuring pupils experience a safe and positive learning environment. These policies are more likely to be respected and adhered to where pupils are directly involved in formulating and monitoring behaviour policies and have a stake in them. Pupils can be involved in a variety of ways through:

• consultations, suggestion boxes and focus groups;
• schemes to promote and implement positive behaviour – e.g. peer mentors systems;
• involvement in revision and monitoring of a whole-school behaviour policy;
• development of codes of conduct at class levels; and
• implementation of reward and merit schemes.

Reducing situations arising where positive handling may be required
Schools should always take steps to help reduce the likelihood of situations arising where the power to use force may need to be exercised including:

• creating a calm, orderly and supportive school climate that minimises the risk and threat of violence of any kind;
• developing effective relationships between pupils and staff that are central to good order;
• adopting a whole-school approach to developing social and emotional skills
• taking a structured approach to staff development that helps staff to develop the skills of positive behaviour management, safer working practice and managing conflict. Further guidance is provided in the Welsh Government’s keeping Learners Safe Guidance 158/2015
• effectively managing individual incidents. It is important to communicate calmly with the pupil, using non-threatening verbal and body language and ensuring the pupil can see a way out of a situation. Strategies might include, for example, going with the staff member to a quiet room, away from bystanders or other pupils, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the pupil; and
• wherever practicable, warning a pupil that force may have to be used before using it.

It is very important to ensure that all possible preventative steps have been taken to negate the need for physical intervention. Strategies other than force should always be considered and the use of physical intervention should be viewed very much as the final option.

Staff should have regular training/updates on safer working practice and be aware of the school ethos and the staff code of conduct. Where supply staff are used there should be a minimum induction in terms of understanding the school positive handling policy.
SECTION 3  Policy-Positive Handling Strategies

Children have rights, including the right to an appropriate education. For some children, this right may be compromised by inappropriate behaviour. Some children will display challenging behaviour, which may or may not be associated with a disability. Some challenging behaviour can place the pupil and others at serious risk because of its intensity, frequency and duration. In order to protect a child from harming him/herself or others, or seriously damaging property, other methods should be considered first: e.g.

- Providing the disruptive pupil with a choice of locations to exit to;
- Giving clear directions;
- Allowing “take-up” time thus allowing a “face-saving” opportunity
- Removing the audience, i.e. requesting that other pupils leave the room;
- Implementing Team Teach help protocols so that another member of staff takes over the strategic lead of the incident, if he/she feels it is appropriate to do so.

Restrictive Physical Intervention should be an act of care and control, not punishment and to prevent a child from harm or from hurting another child/person. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by Section 548 of the Education Act 1986.

Every effort should be made to ensure that wherever possible at least 2 members of staff are present before applying physical intervention. If this is not possible, intervention should not be delayed whilst further assistance is being sought. Schools should be pro-active in resolving how staff can support each other and such schemes should be made clear in school policy documents. Any physical intervention should involve the minimum degree of force, maximum care and the minimum amount of time necessary. Physical intervention is only for use in extremely rare circumstances. Staff in mainstream schools would not be expected to use restrictive physical intervention strategies other than in exceptional circumstances.

Some examples of situations where reasonable force might be used are:
- to prevent a pupil from attacking a member of staff, or another pupil, or to stop a fight between two or more pupils;
- to prevent a pupil injuring themselves, or placing themselves in danger or at risk of injury;
- to prevent a pupil causing serious, deliberate damage to property;
- to prevent a pupil causing injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- to ensure that a pupil leaves a classroom where the pupil persistently refuses to follow an instruction to do so;
- to prevent a pupil behaving in a way that seriously disrupts a lesson; or
- to prevent a pupil behaving in a way that seriously disrupts a school sporting event or school visit.

What the law says
Section 93 of the Education and Inspections Act 2006, replaced Section 550A of the Education Act 1996 and enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:
- committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- causing personal injury to, or damage to the property of, any person (including the pupil himself); or
• prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise

The staff to which this power applies are defined in section 95 of the Act.

They are:
I. any teacher who works at the school, and any other person whom the head has authorised to have control or charge of pupils. This includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
II. people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff);
III. It does not include prefects.

Those exercising the power to use force must also take proper account of any particular special educational need (SEN) and/or disability that a pupil might have. Under the Equality Act 2010 schools have key duties:
• not to treat a disabled pupil less favourably, because of his/her disability, than a non-disabled pupil;
• not to treat a disabled pupil unfavourably because of a reason related to their disability, without justification; and
• not to apply a provision, criterion or practice that puts or would put a disabled pupil at a particular disadvantage compared with a non-disabled pupil, without justification; and
• to take reasonable steps to avoid putting a disabled pupil at a substantial disadvantage in comparison with a non-disabled pupil (known as the reasonable adjustments duty).

The power may be used where the pupil (including a pupil from another school) is on school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit).

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. However, deciding whether misbehaviour is trivial also depends on circumstances. For example, running in a corridor crowded with small children where there is a real danger of knocking them into walls or down steps may be dangerous enough not to be regarded as trivial.

The statutory power conferred by Section 93 of the Education and Inspections Act 2006 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.

Search for weapons
Reasonable force may also be used in exercising the statutory power, introduced under Section 45 of the Violent Crime Reduction Act 2006, to search pupils, without their consent, for weapons. This search power would apply to head teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Reasonable force could be used by the searcher and/or the second person required to be present at a search. However the Welsh Assembly Government strongly advises schools not to search pupils where resistance is expected, but rather to call the police.
Use of prone restraints
The Welsh Government is categorical in its advice and guidance on this issue and states that “under no circumstances, should any individual ever be restrained in a face down position”

Corporal Punishment
Any form of corporal punishment is unlawful. This was banned under the 1986 Education Act No.2. It is therefore unlawful for any member of staff to use any degree of physical contact which is deliberately intended to punish a child or young person or which is intended to cause pain, injury or humiliation

Health and Safety
The use of restrictive physical intervention as a Positive Handling Strategy is a health and safety issue. The Local Authority expects the Restrictive Physical Intervention to be positive handling techniques. Teachers and employers are required to do all that is reasonably practicable to safeguard the health and safety of pupils whose actions are putting themselves and others at risk.

The Management of Health & Safety at Work –Operative (Section 2(2)c) 1st January 1993 states that an employer “Has an absolute obligation irrespective of cost, time or inconvenience to provide such supervision, instruction and training to ensure the health & safety at work of employees.”

Risk assessments
Leadership teams are advised to assess the frequency and severity of incidents requiring use of force that are likely to occur in their school. Historical patterns usually provide a good starting point. These assessments will help to inform decisions about staff training. Headteachers should report to the Governing Body each term on safeguarding matters including the frequency and nature of incidents.

Schools may also need to make individual risk assessments where it is known that it is more likely to be necessary to restrain a particular pupil, such as a pupil whose SEN and/or disability is associated with extreme behaviour. An individual risk assessment is also essential for pupils whose SEN and/or disabilities are associated with:

- communication impairments that make them less responsive to verbal communication;
- physical disabilities and/or sensory impairments;
- conditions that make them fragile, such as haemophilia, brittle bone syndrome or epilepsy; or
- dependence on equipment such wheelchairs, breathing or feeding tubes

Parents should always be involved in the formulation of any risk assessment plan implemented for a pupil.

Specific incidents
Wherever practicable staff are expected to:

- Use a calm and measured approach; explain that the reason for intervention is to keep the pupil and others safe and not as a punishment; make it clear that positive handling will stop as soon as the pupil calms and the risk assessment indicates it is no longer necessary;
- Tell the pupil to stop, remind them of consequences, tell them what will happen if she/he does not stop;
- Seek assistance from other colleagues at as early a stage as possible;
- Staff who become aware that another member of staff is intervening physically with a pupil have a responsibility to provide a presence, and to offer support and assistance should this be required;
- Try to defuse the situation orally and prevent escalation;
- Try to remove the pupil from the peer audience;
- Attempt to communicate with the pupil throughout the incident;
If it is not possible to control the extreme pupil without risk of injury to yourself or others, remove the other pupils who may be at risk and summon assistance.

Give the impression you are in control and that you have not lost your temper or are not acting out of anger or frustration;

Application of force during specific incidents

Methods that staff may use in appropriate circumstances where a risk assessment judgement supports this:

- Physically interposing themselves between pupils
- Blocking a pupil's path
- Using classroom furniture to restrict movement
- Leading by the arm
- Shepherding a pupil away by a light touch on the elbow or near the shoulder
- “Assertive guiding” – remembering this is the positive application of force to control a pupil and would be used in rare circumstances, e.g. if the pupil is in extreme danger and no other alternative is available, or where reasonable force is used to assist a pupil’s movement.
- Holding – for security and to reduce anxiety where there is potential risk, even if the pupil is not yet out of control. The purpose is to defuse or prevent escalation.

Staff should take care that their actions should in no way be capable of being interpreted as aggressive during an intervention. They must comply with Team-Teach training techniques. All holds are devised to minimise the risk of injury. They should not cause pain.

Where pupils are presenting with more challenging behaviour which may require more restrictive holds it is important that these techniques have been delivered by appropriately qualified trainers that are approved by the Local Authority.

Intervention without help

A member of staff should not intervene in an incident without help, unless it is an emergency. Schools should have communication systems that enable a member of staff to summon rapid assistance when necessary. Help may be needed in dealing with a situation involving an older or physically stronger pupil, a large pupil, more than one pupil or if the authorised member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other pupils who might be at risk and summon assistance from other authorised staff, or where necessary phone the police.

Reporting and Recording Incidents

Should an injury occur as a result of an incident at school, immediate steps will be taken to secure appropriate medical attention and be reported in accordance with Pembrokeshire LA policy and recorded in the school accident book. The Head or his/her deputy will tell parents about the incident by the end of the school day. However, if parents cannot be reached a letter will be sent to inform them of the incident and offer them the opportunity to discuss the matter.

The member of staff concerned will report the matter orally to the Head or a senior member of staff as soon as possible.

Staff may wish to seek advice from a senior colleague or their professional association when compiling a report. A written report should be completed within 24 hours of the incident’s occurrence, and should be signed and dated. Staff are advised to keep a copy of the report for themselves. Staff may wish to seek advice from a senior colleague or their professional association when compiling a report.

Other witnesses to the incident, staff, pupils, will also complete reports. These will be signed and dated.
An incident report will be kept of any occasion when positive handling is used at the earliest opportunity (except minor or trivial incidences). **Incidents when holds or escorts have been used should be recorded in a bound and numbered book.** The staff member should be provided with an appropriate amount of time to complete the documentation thoroughly and signed by the member(s) of staff involved and the Headteacher. It should also note that the parent has been informed. If a Positive handling plan is in place, it will be reviewed accordingly.

The Incident Reports and the bound and numbered book will be reviewed by the Headteacher on an annual basis at least to consider further control measures and possible training needs etc. The governing body will receive termly reports from the Headteacher on trends and patterns.

**Debrief Following Serious Incident**

Pupils and members of staff will be checked for any sign of injury and medical help will be administered if required

The pupil and staff member/s involved will be given time to become calm while staff continue to supervise him/her. When the pupil regains complete composure, a senior member of staff will discuss the incident with the pupil and try to ascertain any reasons. The pupil will be given the opportunity to explain things from his/her point of view. All necessary steps will be taken to re-establish the relationship between the pupil and the member(s) of staff involved in the incident. In cases where it is not possible to speak to the pupil on the same day, the debrief will occur as soon as possible after the pupil returns to school.

All members of staff involved will be allowed a period to debrief and recover from the incident. This may involve access to external support. This will include a process of reflection and discussion about what lessons can be learnt from the handling of the incident. A senior member of staff will provide support to the member of staff involved.

Where possible an attempt will be made to help the pupil modify their behaviour. Referral to an appropriate support agency should be considered to help this process. Where appropriate, the pupil should apologise, this should be meaningful or appropriate. If this cannot be undertaken then other consequences/sanctions reparations and monitoring should take place. In extreme cases exclusion could be considered.

**Long term planning and training needs**

If a pupil is likely to require positive handling on more than one occasion we will plan how to respond in line with Team teach protocols and guidance. This will include involving the parents and any other relevant person to ensure they are clear about what specific action we might need to take and obtaining medical advice if the child has any specific health needs. A Risk Assessment and a Positive Handling Plan will be drawn up, in consultation with all concerned and included as part of the pupil’s Individual Educational Plan (IEP) or Pastoral Support Plan (PSP). It will be regularly reviewed by the ALNCO or assigned member of Senior Management on a termly basis. Where it is known that a pupil will require positive handling appropriate staff training will be provided.

Along with other aspects of their approach to restrictive physical intervention, schools should regularly review Risk Assessment and management measures.

**Parental Involvement**

Parents will be informed of the school policy and legal duty to maintain a safe environment and the possible use of positive handling in extreme circumstances and included in the school prospectus.

If some pupils require specific techniques to routinely manage their challenging behaviour, this will be fully discussed with parents/carers, on an individual basis, in advance of their implementation and included and any specific plans a pupil may have in place. All intervention will be routinely recorded and monitored.
All parents will be informed by telephone and in writing after an incident where positive handling is used with a pupil. The school will ensure that a record of the communication is made, with a copy of the written communication kept in the pupil’s file.

**General Physical contact with pupils**
Staff must be sensitive to matters relating to culture and gender issues and any known individual characteristics or special circumstances relating to pupils.
Some physical contact may be necessary e.g. during P.E. lessons, sports coaching or CDT, or if a member of staff has to administer first aid or medication.
Young children and children with SEN may need staff to provide physical prompts or help physical contact must always be age appropriate and done openly.
The school will ensure all staff are familiar with the local authority ‘Guidance for Safer Working Practice for Adults who work with Children and Young People’ and provide regular training and updates to staff to remind them to be mindful of their own working practice.

**Complaints**
This policy is in accordance with the *School Governing Body Complaints Procedures: Circular No. 011/2012, Exclusion from schools and pupil referral units Circular No. 171/2015 and Inclusion and Pupil Support Circular No. 47/2006.*
Involving parents when an incident occurs, and having our clear policy about physical contact with pupils that staff adhere to will help avoid complaints from parents.
All complaints will be recorded and followed up by the Headteacher or their representative in the first instance. Where appropriate the Authority will be notified/kept informed.
A complaint or dispute about the use of force by a member of staff might lead to an investigation under disciplinary procedures or by the Police/Social Care under Child Protection procedures. Staff should be made aware of the Local Authority guidance ‘PSCB The management of allegations against adults who work with children’ and on the schools whistleblowing protocol.
SECTION 4

The use of time-out/withdrawal Areas

Under the Children Act 1989 any practice or measure, such as time out or seclusion which prevents a child from leaving a room or building of his/her own free will may be deemed “a restriction of liberty”. Such a restriction of liberty is only permissible under very specific circumstances. Seclusion (where a child is forced to spend time alone against their will) involves restricting a person’s freedom of movement, it should also be considered as a form of restrictive physical intervention.

This guidance is intended to establish greater clarity regarding the use of rooms or areas in school other than the main classroom. It will be helpful to develop a common terminology covering the areas that may be used depending on their purpose. This should enable schools and the local authority to establish shared expectations about the context and environment.

Restrictive physical intervention and Time Out are not a substitute for good behavioural management practice where a variety of approaches, techniques and support systems are put in place to manage children and young people positively.

There are a wide range of reasons why it is essential for pupils to spend some time outside their usual classroom. These may include:

- Additional and/or alternative curriculum activities or learning programmes that may be individual or small group work
- Specific enhanced arrangements for individual or small groups with specialist staff such as for SEN, Language assistants or Music.
- Provision for speech and language therapy, physiotherapy, school nurses and school-based counselling
- Access to sensory rooms as part of a specific programme for individuals who have additional needs or as part of a sensory curriculum for groups of children as part of, for example, the Foundation Phase
- Areas of the school used for pupils who have demonstrated challenging or disruptive behaviour and, as part of a whole school approach to positive behaviour, pupils may be placed outside their classroom.

Time –Out

There is no clear definition of “time-out” in an educational context. Time-out is delivered as part of a behavioural programme or support plan and only used as a short term measure in order to defuse a situation and reduce or remove the need for reasonable force. It might include:

- Preventing a person being involved in the activities which reinforce their inappropriate behaviour until the behaviour stops and the person engages appropriately.
- Allowing/asking/instructing the person to leave the activity and return when they feel ready to be involved and stop the behaviour that is of concern.
- Accompanying the person to another setting and preventing them from taking part in the activity they were undertaking/participating in for a set period of time.

Facilities to deliver time-out in these contexts can be wide ranging. They fit into 2 broad types of facility in general:

Quiet areas

Essentially these are places where children spend time away from other pupils supervised by a member of staff (in most cases), and are either allowed time to talk or given appropriate activities to complete. Often schools use open areas or corridors for this purpose.
Generally this is used as a **positive strategy** to help more vulnerable pupils identify their own systems for calming themselves and managing their emotions effectively through encouraging use of the facility as and when necessary. Rooms used in this way are acceptable practice in supporting the education of the child.

In these settings, these areas are utilised as a sanction for a number of reasons such as to reduce the risk of escalation of incidents or as a response to unacceptable behaviour.

**Time-out rooms**

Time-out rooms, designed to deliver a time-out experience must not be confused with the practice of seclusion. Under no circumstances should a time-out room be used to deprive a person of their liberty; this would constitute a breach of a child’s human rights. Most Secondary schools have Internal Exclusion Units (IEUs) that operate as a classroom environment, where pupils go to be supervised and complete their work away from the main class. These are good examples of the use of “time-out” and are entirely appropriate.

In very exceptional cases a very small minority of pupils with extreme behaviours can present severe risks to other pupils, to themselves, and staff and so there will be occasions (after all other strategies have failed) when some form of separation is the only viable option available, to defuse and calm pupils and so ensure the safety of all concerned. Children should not be left on their own.

Any rooms that are used for time-out/withdrawal must adhere to the following guidelines:

- Pupils must be supervised at all times in such rooms
- Rooms must have natural light (windows) and ventilation.
- Rooms must not be locked when used for time out. If the room needs to have a look for security purposes (other than use as time out), it must be fitted with an internal thumb release mechanism.
- Rooms must be a minimum size (no less than 8 square metres), unless they are designed for certain Special needs purposes (e.g. Autism), where they must meet the prescribed industry standards.
- There must not be padding on any walls or doors unless this is specifically required to ensure the safety of pupils with severe or complex needs.
- All use of such rooms must have a comprehensive logging system to record use.

**Future Arrangements**

There will be times when it is totally appropriate for a school to add to or amend its arrangements for the use of rooms and spaces outside the main classrooms. This could be as a result of changes in demographics or in the curriculum and support needs of pupils.

When a change in the use of accommodation that affects the delivery to children is being planned, it is essential that Headteachers work closely with their governing body to explain the proposed change and to receive the agreement of the governing body or relevant committee. It would be good practice for the governors to visit the accommodation and approve the proposal.

It is also essential that the Local Authority are made aware of the proposal and are able to agree to both the purpose and context of the change including any implications for safeguarding. The school should write to the Director of Education who will action a joint Directorate review of the proposal with Social Services. The Director of Education must issue written approval before the change to the use of such accommodation can commence.

In voluntary aided schools, where the responsibility for buildings rests with the governing body, it is recommended that the approval of the Director is still required for safeguarding purposes and the
governing body can implement the change with the knowledge that it does not constitute a safeguarding risk.

Governing Bodies must monitor the use of any time-out rooms on an annual basis. This should be undertaken as part of the standing agenda item on safeguarding to the Governing Body. The Headteacher’s report will indicate:
   1. How rooms have been used.
   2. Any change of use or structure of rooms.

This policy will be reviewed and ratified annually at a full governing body meeting at least once a year and recorded in the minutes.

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Review Date
