



Rainbow Horses

Learning Centre CIC

POSITIVE HANDLING POLICY (TOUCH and PHYSICAL RESTRAINT)

Introduction

This policy takes cognisance of joint guidance issued by the DfES and Department of Health, and follows the guidance for 'The Use of Reasonable Force to Control or Restrain Pupils'. This policy should be read in conjunction with other Rainbow Horses policies and guidance relating to interaction between adults and learners.

This policy has been prepared for the support of all teaching and support staff, who come into contact with learners and for volunteers working within Rainbow Horses to explain our arrangements for care and control. Its contents are available to parents and learners.

Touch

Our policy on touch has been developed with due consideration of extensive neurobiological research and other empirical studies. Our staff are trained in the use of touch, purely and entirely as a therapeutic intervention, with the thorough backing of regular supervision with senior staff and supervisory counsellors.

The appropriate therapeutic use of touch is defined by situations in which abstinence would actually be inhumane, unkind and potentially psychologically or neurobiologically damaging. Examples include the empirically backed beneficial use of touch in the comforting of a child who is in an acute state of distress. Not to reach out to the child in such circumstances, could be re-traumatising and neurobiologically damaging. Abstinence in the face of intense grief reactions, can lead to a state of hyperarousal, in which toxic levels of stress chemicals are released in the body and brain. (The severely damaging long-term effects of this have been well intensively researched worldwide and are well documented.) Moreover, in such states of distress, touch can often be the only means of maintaining a connection with the child when he or she can no longer hear or make therapeutic use of the staff member's words or soothing tone/eye contact and therefore is in danger of dissociating, with all the detrimental effects that this can bring.

Moreover gentle safe holding is appropriate if a child is hurting either him or herself or others, or is damaging property, and is so incensed and out of control, that that all verbal attempts to engage him or her have failed. Such necessary interventions are fully in line with guidelines set out in the government document, "New Guidance on the Use of Reasonable Force in School" (DfEE 1998). Once again staff are thoroughly trained in the safest and gentlest means of holding a child, which is entirely designed to enable the child to feel safe and soothed, and to bring him or her down from uncontrollable states of hyperarousal. Whilst limits and boundaries in such circumstances can be a vital corrective experience, moreover, without such an intervention, the child can be left at risk of actual physical or psychological damage.

Our staff are highly aware of the current atmosphere, where due to fears of abuse, touch as a natural and

important form of human connection has been almost vetoed in some schools. Our policy adheres to the belief that every individual needs to appreciate the difference between appropriate and inappropriate touch. Hence staff are highly aware of both the damaging and unnecessary uses of touch in a therapeutic context, e.g. touch as an avoidance of the child's feelings and emotional pain, as an avoidance of real contact, as a block to painful memories, as an ill thought-out or impulsive act of futile reassurance/gratification, as a block to important therapeutic work and conflict resolution. Equally, when a child is in deep distress, the staff member is aware when sufficient connection and psychological holding have been established *without* touching. Staff also aware of touch which is posing as therapeutic, but which is actually being used to satisfy the practitioner's own need for contact rather than that of the child's. Naturally staff are also fully cognisant of touch that is invasive or which could be confusing, traumatising, or experienced as eroticising in any way whatsoever. Should any such touch be used, it would lead to instant dismissal and referral to the LADO as in our safeguarding policy

Physical techniques are only a small part of a whole setting approach to safety management. Every effort will be made to ensure that all staff at Rainbow Horses:

- (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.

Objectives

The Education and Inspections Act 2006 stipulates that reasonable force may be used to prevent a pupil from doing, or continuing to do any of the following:

- **self - injuring**
- **causing injury to others**
- **committing a criminal offence**
- **engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether the behaviour occurs in a classroom during a teaching session or elsewhere within school (this includes authorised out-of-school activities).**

As staff work 'in loco parentis' and have a 'Duty of Care' towards learners, they could be liable for a claim of negligence if they fail to follow the guidance within this policy.

The application of any form of physical control inevitably carries an attached risk of unintended harm and this places staff and Rainbow Horses 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 must be aware that they are responsible for:

- assessing risks 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 recording and reporting procedures outlined later in this document.

Underpinning Values

Everyone attending or working at Rainbow Horses has a right to:

- recognition of their unique identity;
- be treated with respect and dignity;
- learn and work in a safe environment;
- be protected from harm, violence, assault and acts of verbal abuse.

Learners attending Rainbow Horses and their parents have a right to:

- individual consideration of learner needs by the staff who have responsibility for their care and protection;
- expect staff to undertake their duties and responsibilities in accordance with Rainbow Horses' policies;
- be informed about Rainbow Horses rules, relevant policies and the expected conduct of all learners and staff working in Rainbow Horses;
- expect ILPs to be designed to achieve outcomes that reflect the best interests of the child whose behaviour is of immediate concern and others affected by the behaviour requiring intervention;
- be informed about Rainbow Horses' complaints procedure.

Rainbow Horses will ensure that learners understand the code of conduct for behaviour at Rainbow Horses.

Use of Physical Handling

No legal definition of reasonable force exists however for the purpose of this policy and the implementation of it at Rainbow Horses:

- Positive Handling uses the **minimum** degree of force necessary for the **shortest period of time** to prevent a learner harming himself, herself, others or property.
- The scale and nature of any physical intervention must be **proportionate** to both the behaviour of the individual to be controlled, and the nature of the harm they might cause.
- Staff would be expected to follow the learner's ILP / Risk Assessment in the first instance to manage an incident/challenging behaviour
- If this was unsuccessful and the situation continues to escalate staff would then be expected to seek the help of other members of staff.
- Only if all of the above have been tried and are unsuccessful should staff even consider any other form of restraint. The overriding consideration should still be the reasonableness and proportionality of the force used.

All the techniques used take account of a young person's:

- age
- gender
- level of physical, emotional and intellectual development
- special needs
- social context

They also provide a gradual, graded system of response.

Where behavioural records and/or risk assessment identifies a need for a planned approach, plans (ILP) are written for individual children and where possible, these will be designed through multi agency collaboration and, with parental consent, shared with other agencies/services supporting the child to facilitate consistency of approach so far as is possible.

Minimising the Need to Use Force

At Rainbow Horses we constantly strive to create a calm environment that minimises the risk of incidents arising that might require the use of force. Learners who have issues relating to trauma, autism, sensory

difficulties or other conditions that may result in increased anxiety levels, and therefore an increase in the likelihood of challenging behaviour, will have individualised support or programmes to help them to manage this.

Through the PSHE curriculum learners learn about feelings and managing conflict, where this is appropriate to their level of development. The ethos further promotes independence, choice and inclusion; learners are given maximum opportunity for personal growth and emotional wellbeing. Reasonable force will only be used when the risks involved in doing so, are outweighed by the risks involved in not using force.

Prevention of unsafe behaviour will be enabled through:

- The deployment of appropriate staffing numbers;
 - The deployment of appropriately trained and competent staff;
 - Avoiding situations and triggers known to provoke challenging behaviour;
 - Creating opportunities for choice and achievement;
 - Exploring learners' preferences relating to the way/s in which they are managed •
- Staff employ 'defusion' techniques to avert escalation of behaviour into violence or aggression

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Definitions of Positive Handling.

Positive Handling describes a broad spectrum of risk reduction strategies.

Positive handling is a holistic approach involving policy, guidance, management of the

environment, and deployment of staff. It also involves personal behaviour, diversion, diffusion, and de-escalation. Risk assessment identifies positive prevention strategies and how a learner may need to be supported in a crisis.

1. Physical Contact

Situations in which proper physical contact occur between staff and learners, e.g., in the care of learners 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, as long as this is within public view, sensitively carried out and age/person-appropriate.

2. Physical Intervention

This may be used to divert a learner from a destructive or disruptive action, for example guiding or leading a learner by the arm or shoulder where the learner is compliant. This technique cannot be emphasised enough and in the hands of a skilful practitioner, many learners 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.

3. Physical Control / Restraint / Restrictive Physical Intervention

This will involve the use of reasonable force when there is an immediate risk to learners, staff or property. All such incidents must be recorded. If anyone is injured an accident/incident report must also be completed. Records of incidents must be given to the Headteacher as soon as possible, and by the end of the day at the latest.

The level of compliance from the learner determines whether or not the interaction is an intervention or a control/restraint/RPI. Restraint is defined as the positive application of force by staff, in order to overcome rigorous resistance, completely directing, deciding and controlling a person's free movement.

Types of Incident

The incidents described in The Education and Inspections Act 2006 The Use of Reasonable Force to Control and Restrain Pupils fall into three broad categories: -

- 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.

Examples of situations which fall within one of the first two categories, are:

- A learner attacks a member of staff, or another learner;
- Learners are fighting;
- A learner is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- A learner is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- A learner is running in a corridor or on a stairway in a way which he or she might have or cause an accident likely to injure him or herself or others;
- A learner tries to leave Rainbow Horses (NB this will only apply if a learner could be at risk if not kept in the room or at Rainbow Horses).

Examples of situations which fall into the third category are:

- A learner persistently refuses to obey an order to leave a classroom;
- A learner is behaving in a way that is seriously disrupting a lesson.

The Violent Crime Reduction Act 2006 effective from September 2007, gives schools powers to screen or search learners for weapons. At Rainbow Horses it is extremely unlikely that learners would conceal weapons and therefore staff have not received training in weapons disarmament. Staff will not be requested to undertake searches.

As the power to search should only be used where it is judged to be safe, if Rainbow Horses decides that a search may be necessary then the police would be called.

Strategies: Time-Out / Withdrawal / Planned and Emergency Physical Interventions / Recovery

Time out .

This involves restricting the child's access to positive reinforcements in a room or area which they may freely leave. It is a specific behaviour management technique and does not necessarily mean time spent out of the session/group, but rather refers to a withdrawal of attention and/or things they find rewarding. It could be as simple as turning away from a child who is attention-seeking, or positioning a child away from the session/group. This withdrawal of attention could also be achieved by sending a learner to another group or a quiet area.

Withdrawal

Involves removing the child from a situation that causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities. This can mean removing a child from the session/group, to allow them time to calm down or to prevent a situation from escalating. They may need time away from staff and learners (either on their own or in another group) in order to break the cycle/pattern of their behaviour or to reduce their level of anxiety/distress. The arrangement of "quiet time" can be negotiated between the child and staff involved. Planned Physical Intervention

Any such intervention is described/outlined in the learner's ILP/Risk Assessment. This should cover most interventions, as possible scenarios will be identified and planned for when the ILP is drawn up.

Emergency Physical Intervention

May be necessary if a situation arises that was not foreseen or is uncharacteristic of the learner. Members

of staff retain their duty of care to learners 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. Following any such incident, a risk assessment will be devised (or the existing one updated) to support effective responses to any such situations which may arise in the future. Wherever possible assistance will be sought from another member of staff.

Positive Handling at Rainbow Horses (defined as the full range of strategies used to manage behaviour including where necessary physical intervention) is seen as a proactive response to meet individual learner needs and any such measures will be most effective in the context of the overall ethos of the Rainbow Horses, the way that staff exercise their responsibilities and the range of behaviour management strategies used.

Recovery

Learners 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, especially for learners with special needs
- Time with a member of staff to debrief the incident

Injury to the Child

Whilst the physical techniques are intended to reduce risk, there is always risk when two or more people engage to use force to protect, release or restrain. We will always seek to avoid injury to the child, 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 child remains safe. Any such injury will be reported to the Headteacher and parents / carer. Almost all staff are trained in First Aid. Any may be called upon to implement First Aid or seek further guidance in the event of an injury or physical distress arising as a result of a physical intervention.

Staff: Authorised Staff / Health and Safety / Training / Support

Authorised Staff

All staff are authorised to have control or charge of learners automatically, they have the statutory power to use reasonable force within the context of The Education and Inspections Act 2006 and the subsequent guidance

'The Use of Reasonable Force to Control and Restrain Pupils'.

Supply staff must ensure that they are familiar with this policy.

Authorisation is not given to volunteers, students on placement, visitors or parents as they will not have control of learners who may present with challenging behaviour, but will be supervised at all times.

Health and Safety of Staff

Under the Health and Safety at Work Act, employees have a responsibility to report any circumstances which give rise to an increased risk to their Health and Safety.

Staff who have, or acquire, permanently or temporarily, any medical condition that may impact on their ability to carry out learners' plans have a duty to report these to the Headteacher immediately, as there may be an impact on their own safety and that of colleagues and/or learners. This information will be shared with other members of staff.

Following the above guidelines, the risk of harm towards staff is reduced but it is possible for some injury

to be received. All such occurrences should be treated and subsequently recorded, on an Accident Form.

Staff Training

It is the responsibility of the Senior Facilitator to ensure all staff understand the methods outlined in this policy. All staff are required to attend CRB (Coping with Risky Behaviour) training provided by the local authority. Annual updates and reviews will be undertaken. Any new member of staff will be asked to demonstrate their understanding of the policy as part of their induction training. Keeping all staff up to date is important as they are expected to be able to actively support each other, and learners, if an incident occurs and a child needs physical intervention to keep themselves and/or others safe. However, if staff are unable to support physically they are expected to support with de-escalation.

Staff Support Following Incidents

Any member of staff or learner at Rainbow Horses involved in or witnessing a serious incident involving the use of physical hold, 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.

At Rainbow Horses we have a debrief procedure which should be utilised if staff need to debrief after an incident. Where staff have been involved in an incident involving reasonable force, they should have access to support; this will be made available/supported through the Senior Facilitator.

Recording and Monitoring Incidents

Recording

Where physical control or restraint has been used, a record of the incident will be kept. This record should be kept in the learner's Safeguarding file on CPOMS

Appropriate documentation will be completed as soon as possible after the incident, prior to staff going off duty and be signed by all staff involved and the Senior Facilitator.

After the review of the incident, a copy of the details will be placed on the learner's file as part of their educational record.

Monitoring

Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Headteacher to the needs of any learner(s) whose behaviour may require the use of reasonable force. Monitoring of incidents will take place on a regular basis (at least termly) and the results used to inform planning to meet individual learner and Rainbow Horses' needs. The Senior Facilitator will present an annual summary of incidents that have involved the use of force to the Directors. The Senior Facilitator will ensure that each incident is reviewed and investigated further as required. If further action is required in relation to a member of staff or a learner, this will be pursued through the appropriate procedure:

- Review of IEP/Risk Assessment

Visits Off-Site

Our equal opportunities policy states that all learners should be included in all curriculum activities. However, Health and Safety remains a priority and staff should carry out risk assessments for learners that may be a possible danger prior to each visit into the community. Due consideration should be given to the following:

- Is the learner able to cope with the demands of the proposed visit?
- Are there sufficient, suitably trained staff - particularly if there should be an incident?
- How will you contact Rainbow Horses to get extra help if necessary and how will you

get back?

Whistle Blowing

It is acknowledged that under some circumstances, physical intervention can be misapplied. Staff are reminded that part of their duty of care to learners includes the requirement to report any such matters which cause them concern in relation to learner management and welfare. Any such concerns should be raised with the Senior Facilitator, or with the Directors, in order to allow concerns to be addressed and practice improved. The following documents will be taken into consideration:

- Child Protection Procedure (this may involve investigations by Police and/or Social Services)
- Staff or Learner Disciplinary Procedure
- Rainbow Horses Behaviour Policy

The member of staff will be kept informed of any action taken. In the case of any action concerning a member of staff, he/she will be advised to seek advice from his/her professional association/union.

Complaints

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but may not eliminate them.

Where the nature of any complaint made by a learner, parent or other person in relation to the use of physical hold at Rainbow Horses indicates that an allegation of mishandling by a member staff is warranted, the Rainbow Horses' complaints policy will be followed.

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 LA.

Adopted 21st March 2014

Signed S. Coombes

Last reviewed September 2023

Next review due September 2024