



# WORKING WITH CHALLENGING BEHAVIOUR AND DISCIPLINE (including sanctions, rewards and use of restraint)

\*previously Physical Intervention Policy and Sanctions Policy

Last review April 2017

To be Reviewed October 2018

### Introduction:

The policy begins with general guidance on working with challenging behaviour. It then looks at sanctions that are used at the school and those which are prohibited. It also looks at the use of restraint, including reasonable force.

It is essential that the approach to working with challenging behaviour is matched to the individual child's level of understanding and ability to make use of the approach. This requires staff teams to discuss and plan appropriate, helpful approaches to individuals within each group. These are then identified in each child's *Teaching and Learning Plan* and more specifically their *Individual Behaviour Plan and Risk Assessment (IBPRA)*

The underlying belief of The Marchant-Holliday School is that children are most likely to behave well when:

- Expectations are clear and achievable;
- They feel valued and cared for;
- They receive regular praise and positive feedback;
- They feel they are being successful;
- They receive consistent messages from staff, their families and carers, and their external networks;
- They feel understood.

### Important Statement:

As a general rule nobody has the right to touch, move, hold or contain another person. However, people with a duty of care (such as staff at the MHS), operate in exceptional circumstances where it is sometimes necessary to act outside the norm. Whenever they do so they should be clear about why it is NECESSARY. The best legal defence if ever challenged about an intervention is to show that any actions taken were in the client's BEST INTEREST and that they were REASONABLE AND PROPORTIONATE.

The Marchant-Holliday School trains all staff in Positive Behaviour Support

This term is used to cover a wide spectrum of risk reduction strategies. It includes an integrative holistic approach involving training, policy, guidance, management of the environment and the deployment of staff. 95% of positive handling does not involve physical intervention but in some circumstances this is necessary to ensure the safety of the child and others.

### Aims:

This policy is intended to help staff carry out tasks to create and maintain a safe environment for all, with a specific focus on working with challenging behaviour, maintaining a caring and supportive environment and within this ensuring good order and discipline.

Procedure:

**A. GENERAL GUIDANCE ON WORKING WITH CHALLENGING BEHAVIOUR**

It should always be remembered that when working with challenging behaviour, interventions of any nature should be: in the best interests of the child, reasonable, proportionate and necessary

**1. Anticipate and prevent**

Get to know each child well: a strong relationship based on trust and respect is one of the most effective preventative measures - know the content of their \*Positive Handling Plan/Risk Assessment

Involve the children: in decisions about their treatment and about reasonable limits appropriate to each child's age and understanding;

Teach by example: model respect for the children and for each other in all of our work;

Encourage age appropriate behaviour: notice and respond when children are being helpful or constructive, friendly or just quiet and co-operative;

Be consistent: all members of staff should endeavour to maintain consistent limits within the team and find out about the limits the child is used to at home and elsewhere;

Be clear: children need to be aware of what is expected of them in terms of their behaviour and responsibilities. Problems often occur when expectations are unclear or unreasonable.

Work as a Team: make use of your team to avoid unnecessary conflict and engage in ways that help the child think

Praise and positively reinforce behaviour whenever possible - remember you generally 'get more of what you talk about'. Promote positive behaviour through tokens earned feedback, celebrations and rewards such as special activities, certificates, etc.

**2. When things become difficult, what helps:**

Try and avoid head on conflict: try distraction or compromise - defuse the situation wherever you can and stop it escalating. Relaxed humour is not out of order on occasions.

Use the opportunity for the child to learn: try and teach a positive alternative to an unacceptable behaviour - i.e. "let's do this" rather than "don't do that". Always aim to increase the child's own self-control, at least until they demonstrate that they have control.

Make a distinction between the child and the behaviour: make it clear that you will go on caring for the child whatever he or she might do and recognise yourself that the behaviour is not really a personal affront to you.

Encourage children to find a way out of difficult situations: offer alternatives, make sure the child has a way out of the confrontation without losing face and make sure there are gains in getting out of the conflict.

If you have to use sanctions, make them immediate, fair and reasonable and try to ensure that the child understands why. If it does not make sense and means nothing to the child there is probably no point in doing it.

Recognise the child's feelings: it may be unreasonable for the child to kick, bite or scream but it is not unreasonable for them to feel cross or unhappy. Confirm the feeling with/for the child and help find acceptable ways to express the feelings. Many of our children struggle to label their feelings!

Keep your own self-control: get help and do not be afraid to go away and hand over the situation to others if you feel you are losing your own self-control.

Move confidently but calmly

Make simple clear statements to the child

Make sure your voice is quiet, firm and assured

Reduce the threat of your presence by sitting, kneeling or giving space for the child to move about. If you are challenging the child it can help to avoid direct eye contact.

Talk to the child even if it appears he/she is not listening - try to maintain eye contact and focus on being reassuring, offering comfort and security through staying with the child when distressed and out of control. Don't try to sort things out in the heat of the moment; leave that for later when the child is calmer. Together you can agree what needs to happen next in order to resolve the entire situation.

Use restraint, including reasonable force only after other alternatives have been tried: if a child is presenting a risk to themselves or others, physically intervene, with the minimum force necessary and for just long enough to calm the child down. Never use restraint or reasonable force as a form of punishment. Know and believe that restraint and reasonable force can be used positively. Don't leave a child alone when upset unless you are sure the child is safe and only use "time out" where this has been agreed as appropriate for that child. Remember, using reasonable force and / or restraining a child who is out of control can offer a sense of security and can help the child feel you

are able to control with care and concern, but this is only when your intervention is of a non-aggressive nature, however firm you must be.

### **3. When things become difficult avoid further unnecessary problems:**

- Don't take it personally or make it personal
- Don't try and deal with situations, if you feel out of your depth: ask for help or ideas or advice;
- Don't throw your weight around and make alarming, woolly or unrealistic threats you cannot carry out;
- Don't corner and overcrowd or inhibit a child's movement unless the child or others are at risk;
- Don't use sarcasm: or tease or belittle or shame a child into obeying you;
- Don't shout as a routine response, or give complicated garbled messages with a high-pitched voice;
- Don't try to sort things out by bombarding the child with statements and questions, loudly or harshly put;
- Don't use restraint or reasonable force as such a regular feature of practice that it comes to be seen by children as such an everyday method of control and one which they will come to demand/expect before accepting adult authority. Remember, children who have suffered serious physical and/or sexual abuse can react powerfully to well-intentioned efforts of reasonable force or restraint, misperceiving such actions as the prelude to further assault of either type. This is not to say that control by reasonable force or restraint should be avoided entirely, rather it indicates that this must be kept in mind by the adult who must be prepared to reassure a child of intention. It also confirms that children should be involved in discussing and identifying behaviours that might require adult intervention and reasonable force or restraint. This should occur at calm times, both prior to the need for any such intervention and as part of talking through occasions of reasonable force and / or restraint.
- Do use strategies included in the child's Individual Behaviour Plan and Risk Assessment (IBPRA).
- Do ensure that one person takes the lead in talking to the child during the interventions. This can avoid creating further confusion.

### **4. Managing very challenging situations**

Our experience has been that when managing situations where there is a high risk of somebody being seriously injured, such as children climbing on a high roof or tree, it is most effective for just one person to be in dialogue with the child, whilst other members of staff support that adult in any way that is appropriate. This support might be to get someone else who has more experience of managing this type of situation, or has a stronger relationship with the child, to take over to talk with the child. Alternatively it might be to be quietly alongside the situation. It is often unhelpful to have a series of adults giving the child attention at these times, as this can prolong the incident or intensify it.

Finally, always record incidents of reasonable force or restraint within 24 hours on the appropriate form. Also, ensure that any appropriate amendments are made to the child's Individual Behaviour Plan and Risk Assessment (IBPRA).

## B. THE USE OF REASONABLE FORCE AND RESTRAINT

It cannot be stated too often that when working with challenging behaviour, interventions of any nature should be: **in the best interests of the child, reasonable, proportionate and necessary.**

Using reasonable force - the legal position (Use of Reasonable Force advice for Headteachers, staff and governing bodies)

What is reasonable force?

1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
2. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
5. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
6. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

Section 93 of the Education and Inspections Act 2006 enables all school staff to use reasonable force to prevent pupils from:

- a) Committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- b) Causing personal injury or damage to property; or  
**During school only**
- c) 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 whom this power applies are

- a) Any member of staff at the school;

- b) Any other person whom the head has authorized to have control or charge of the pupils. This can also include people to whom the head has given temporary authorization to have control or charge of pupils such as unpaid volunteers (for example parents accompanying pupils on school organized visits); agency staff with appropriate training and

### **Role of the School Governors**

The Governors remain focussed on the effectiveness of the school in working safely with and reducing children's challenging behaviours. They review this policy annually.

### **MONITORING INCIDENTS, USE OF REASONABLE FORCE AND RESTRAINT**

All incidents of use of reasonable force and restraint are recorded and logged in a bound book.

Records should:

- Be completed after everyone has recovered but within 24 hours
- Use the systems, structure and pro forma identified in the Logging and Recording Policy
- Be factual and objective
- Be signed and dated
- Inform Positive Handling Plan/Risk Assessment
- Debriefs will be available if deemed necessary or requested by any party involved
- In all incidents of restraint the child should be given the opportunity to go through the incident with a staff member
- Restraints are monitored weekly by SLTas well as part of the monitoring done in the Reg. 20 visit.
- The LADO is consulted where the use of restraint becomes a concern.

All records are archived along with current policy and guidance.

### **Role of Staff**

Remember;

- Only use reasonable force / restraint if it is in the best interests of the child, reasonable, proportionate and absolutely necessary
- Only use reasonable force / restraint if you have been trained or if reasonable force is required in an unforeseeable event
- Only use reasonable force / restraint if a child is in danger of hurting her/himself, yourself or another person, causing non-trivial damage to property, or only if in school, seriously disrupting other children.
- Only use reasonable force / restraint if other forms of intervention have been tried and preventative steps are unsuccessful. These may include talking, comforting, calming, withdrawing yourself from the situation.

- Remember reasonable force / restraint are defensive protective techniques. They should never be used offensively.
- Only use reasonable force / restraint until the child is calming down (no longer than absolutely necessary).
- Record the incident afterwards. Allow time to evaluate the incident.

### **Incident Debriefs:**

Debriefing after a serious incident is a valuable way of reviewing practice. All parties should be given the opportunity to be involved. Learning from these opportunities should inform practice. This learning incorporated in children's positive handling plans. Debriefs should take place when there has been an injury to child or if anyone involved or observing requests it.

### **Role of Pupils**

It is intended that, through participation in groups and meetings, as well as through the reflective process, children should come to understand their own challenging behaviours and develop their capacity for verbalising feeling. This increased understanding and ability to verbalise should lead to reduction in acting out behaviour.

### **Role of Parents / Carers**

We know children make most progress when we are working well with the parents and carers. This means good clear communication and the parents and carers understanding the ways in which are working with behaviour. It also requires common expectations to have been agreed and understood.

### **REWARDS**

Staff should take every opportunity to reward children for effort and achievement. This can be done informally through verbal feedback, encouragement etc. as well as more formally through weekly assessment of their targets. Celebration Assembly is used to highlight where children have done well through certificates, weekly awards, pencils etc. and positive value feedback.

### **SANCTIONS**

As an independent, non-maintained School recognised by the Department for Education, The Marchant-Holliday School is governed by regulations under the Children Act which has the force of law. Amongst the sanctions prohibited are those specified in the Department of Health, Education Act and Children's Homes (Control and Discipline) Regulations. These are set out in detail below. In addition, the range of sanctions used in any establishment for children must be approved by the National Care Standards Commission. Any sanction imposed beyond those approved will be



unacceptable and possibly illegal. All sanctions permissible at The Marchant-Holliday School are set out in this section.

### PROHIBITED SANCTIONS

The following sanctions are those prohibited by law and may never be used on any child in the School:

- i. Corporal Punishment
- ii. Deprivation of Food and Drink
- iii. Restriction or refusal of visits / Communication from family and/or external authorities
- iv. Requirement to wear distinctive or inappropriate clothes
- v. Withholding or Use of Medication
- vi. Restriction of liberty of children in care

The Children Secure Accommodation Regulations defines secure accommodation as "accommodation provided for the purpose of restricting the liberty of children". Under this regulation the Secretary of State's approval is required before accommodation may be used for the restriction of a child's liberty.

The Marchant-Holliday School has no such approval and therefore the following are not permitted:

- i. The locking of a child or children in a single room at any time, even when accompanied by a responsible adult or adults;
- ii. The locking of internal doors to confine a child or children in certain sections, even when accompanied by adult or adults; (locking of external doors in order to provide safety for the children and prevent unauthorized persons from accessing the building is permitted)
- iii. the intentional deprivation of sleep
- iv. Imposition of fines above 1/2 of pocket money
- v. Intimate physical searches
- vi. Seclusion is 'forcing a person to spend time alone'. At The Marchant-Holliday School no child is forced to spend time alone as a consequence of challenging behaviour or as a punishment. Any separation from the child group in the company of or close proximity to an adult.

In addition to these sanctions prescribed by law, the School itself prohibits the use of the following:

- threats of unacceptable punishments;
- any verbal abuse intended to humiliate or degrade a child, his/her family or other important person - whether in relation to race, sex, religion or any other respect;
- removal of curriculum entitlement for any reason other than health and safety;
- removal of rewards that have already been earned;

- the whole group being sanctioned as the result of individual children's behaviour.

### Permitted Sanctions

Agreed sanctions are routinely used by staff teams to promote appropriate behaviour, and to help individual children accept responsibility for their actions. Staff teams should regularly review the use of sanctions for individual children to ensure that they are helping them to learn and become more responsible. If a sanction is not appropriate or effective it should not be used.

### Guidance on the use of sanctions

Sanctions should:

- fit the inappropriate behaviour.
- be seen to be fair in the eyes of children and discussed with them so that they know clearly what sanctions are and are not permitted.
- not be seen as revenge or getting even.
- be for a specific period where applicable.
- be used with thought/consideration.
- be tailored to the individual.
- be discussed with the staff team.
- be applied as soon after the event as possible.
- be reviewed periodically; if seen to be unworkable other methods applied.
- be recorded - Sanctions Log

### Sanctions used include:

1. Vehicle ban following dangerous behaviour in a vehicle.
2. Attend Catch-Up Session, to catch up on missed school work or address issues of aggressive behaviour in class. (This may or may not be recorded as a sanction depending on its use)
3. Not being allowed to use specific pieces of equipment following their misuse e.g. computer ban or attend a particular activity following inappropriate or dangerous behaviour
4. Early bedtime e.g. as a consequence of a difficult bed time the night before, for being aggressive during the day, or at the end of a generally difficult day.
5. Attend a meeting with a Senior Member of staff following high levels of unacceptable or concerning behaviour.
6. Time away from the group or activity

It is the school's policy that children will be included in any educational or planned activity outside of school if they are safe and able to do so - these things are not withdrawn as part of a particular sanction. If a child being part of a regular activity does not fit with appropriate boundaries for that child it will be discussed by the

Senior Management team and may be withdrawn or changed following appropriate discussion with the child.

8. Grounding. This can be to the school or to the house (not including class time or after school clubs). This would be the result of a child behaving in a very uncontained manner over a period of a few days, or as a result of specific behaviour such as jumping out of a window, climbing on a roof or leaving the school grounds without permission.

9. Internal exclusion for time limited period - This means being supervised 1 to 1 in a place away from the other children following a very serious incident e.g. setting the fire alarm off, going off site without permission/missing/absent or serious physical assault.

10. Fixed term or permanent exclusion (see Exclusion Policy).

### **Note**

- Positive handling is the range of strategies used to defuse, avoid or intervene in challenging behaviours
- Teaching & Learning Plan ,Individual Behaviour Plan & Risk Assessments are documents prepared for each child detailing the agreed and recommended strategies that are most effective when working with that child .