

## SECTION TWO

# BEHAVIOUR MANAGEMENT POLICY (INCLUDING SANCTIONS, REWARDS AND USE OF RESTRAINT)

Date	Review Date	Coordinator	Nominated Trustees
January 2018	November 2019	Claire McCarthy	EC&T Committee

### 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 Placement Plan within which is their Positive Handling Plan/Risk Assessment.

The underlying belief of the Mulberry Bush 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 MBS), 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 Mulberry Bush trains all staff in 'Team Teach', a system that promotes positive handling. 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 therapeutic environment and within this ensuring good order and discipline.

### **Procedure**

#### **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

#### **I. 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 Placement Plan and positive handling plan;

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 feedback, celebrations and rewards such as special activities, certificates etc.

Measures to combat bullying –see bullying policy

#### **II. 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:

**Regulation 20 Children's Homes (England) Regulations 2015 sets out the only purposes for which restraint can be used:**

- **preventing injury to any person (including the child who is being restrained);**
- **preventing serious damage to the property of any person (including the child who is being restrained)**
- if a child is presenting a risk to themselves or others or causing serious damage to property,

then 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.

III. When things become difficult you should avoid further unnecessary problems by following these guidelines:

- 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;
- Be very aware of your body language and positioning so that it will not be seen as threatening and so that the child may have safe ways out of the situation;
- During the incident is not the time to be putting in sanctions, this should wait until the situation is calm and all involved can effectively participate;
- Be very aware of language used in order to match the age and understanding of the child;
- Don't raise your voice 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 Risk Assessment and Positive Handling Plan
- Do ensure that one person takes the lead in talking to the child during the interventions. This can avoid creating further confusion

#### IV. 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 using Clear Care (on-line recording system) and ensure that any appropriate amendments are made to the child's Risk Assessment/Positive Handling Plan.

**After any physical intervention a visual check of the child needs to be completed to check for injuries and ensure any medical treatment that is required is actioned.**

### THE USE OF REASONABLE FORCE AND RESTRAINT DURING THE EDUCATION DAY

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 during the education day)**

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 education day 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
- c) Does not include any pupils

The power may be used where the pupil (including a pupil from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (for example on a school visit). (*DFE Use of Reasonable Force. Advice for Headteacher, staff and Governing Bodies 2013*)

Reasonable force may also be used in exercising the statutory power, introduced under section 45 of the Violent Crime Reduction Act 2006 (and re-enacted by section 242 of the ASCL Act 2009), to search pupils without their consent for weapons. This search power may be exercised by head Teachers and staff authorised by them, where they have reasonable grounds for suspecting that a pupil has a weapon. Force may be used by the searcher. Where resistance is expected school staff members may judge it more appropriate to contact the police. From September 2010 the power to search pupils without their consent has been extended to include alcohol, illegal drugs and stolen property ('prohibited items')

(*DFE Further sources of information: Searching, screening and confiscation. Advice for Headteacher, staff and Governing Bodies 2014*)

### **Role of the Trustee Body**

The Trustees remain focussed on the effectiveness of the school in working safely with and reducing children's challenging behaviours. They have received training in Team Teach and review this policy annually. Trustees should not become involved in physical restraint.

### **Role of the Management Team**

#### Authorisation of staff to use Team Teach

All staff at the Mulberry Bush are trained in Team Teach at a level appropriate to their job description. Where staff have responsibility for the teaching, care and management of the children they are trained to Intermediate Level with Dedicated Advanced Modules. Where they do not have any responsibility in their job descriptions for the children they are trained at Foundation Level.

Authorisation is given to staff to use the techniques included in their training as indicated in their training records.

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

All incidents of use of reasonable force and restraint are logged (see logging and recording policy), and transferred weekly onto a whole school tracking sheet.

Records should:

- **Be completed within 24 hours**
- All incidents of control, discipline and restraint are subject to systems of regular scrutiny.
- Use the systems, structure and pro forma identified in the Logging and Recording Policy
- Be factual and objective
- Be dated
- Inform risk assessment and positive handling plans
- The prone Front Ground Recovery intervention can only be used for named children where the Treatment Team, a Team Teach instructor and the referring authority has agreed that it is appropriate. This will be clearly recorded on the child's risk assessment and positive handling plan
- **After any physical intervention a visual check of the child needs to be completed to check for injuries and ensure any medical treatment that is required is actioned and this needs recording on the report.**
- Debriefs will be held if a FGR has been used on a child who is not on the agreed list
- In all incidents of restraint the child should be given the opportunity to go through the incident with a staff member. This needs to take place within 5 days of the incident.
- Any restraint resulting in a ground hold must lead to medical checks at 5, 30 and 60 minutes after the end of the incident.
- Restraints are monitored weekly by Head of Group Living and Deputy Head of Group Living and half termly by the Trustees and Team Teach as well as part of the monthly monitoring under Regulation 44.
- 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 in the use of Team Teach 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 serious damage to property, **or only 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.
- All staff are trained to identify positional asphyxia and should ensure that practitioners monitor risk both during the restraint and afterwards.

**Prone Restraint** – Staff at the MBS are trained in one Team Teach prone restraint – Front Ground Recovery (FGR)

- The FGR can only be used on named children
- Only the Treatment Team in consultation with an Advanced Team Teach trainer and the referring authority can identify and sanction the FGR for use on a child. This must then be stated in their RA.
- Any restraint resulting in a ground hold must lead to medical checks at 5, 30 and 60 minutes after the end of the incident.

**The duration of a prone restraint (front ground recovery and shield to front ground recovery) should not exceed 15 minutes without the staff involved making a dynamic risk assessment. This risk assessment should consider the likely outcome of the restraint and balance this against the risk. Using this type of restraint can be a highly charged emotional experience. If at all possible, ask a colleague or senior staff member to help you make a dynamic risk assessment. The detail of this assessment should be included in the written report.**

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 is incorporated in children's positive handling plans. Debriefs should take place when there has been an injury to child, if anyone involved or observing requests it, or if a FGR has been used.

### **CHILDREN SPENDING TIME AWAY FROM THE CLASS AND HOUSE PEER GROUP**

Following very serious incidents children can be looked after away from their peer group, for periods of up to 24 hours. The director needs to give consent for longer periods of time away. This is **not** isolation or seclusion - children will always be with members of staff. The reason for children spending time away would include:

- To emphasise the seriousness of what has happened for the child concerned and the rest of the peer group
- To provide the rest of the group with time away from a child who has been acting out very dangerously
- To provide the child with the most suitable environment to support them to re-regulate

It is recommended that staff who are looking after a child during this period should remain fairly neutral with the child, i.e. engaging in a way so as to neither reward the child nor be punitive towards them. It is important that staff are clear with the child why they have been separated. If the staff member concerned has a relationship with the child where they feel it would be helpful to encourage an in-depth conversation with the child about what has happened this should take place. Staff members need to make their own decisions about what activities are appropriate during the separation time so long as they become neither rewarding nor punitive. Giving things that the child can do independently is often most appropriate. It is not reasonable for children to be given nothing to do for extended periods of time.



During term time the ball pool, Shifford and other whole school spaces or the child's bedroom may be the most appropriate spaces to use for this. It is a good idea to use different spaces for the child throughout the 24 hours. In most cases a child should sleep in their own bedroom. Some physical activity should be planned in, such as time in the hall.

### **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 the School Council**

The school council play an important role in role modelling the behaviour expected of well-functioning community members. When things don't go so well the school council members should hold one another to account? They should discuss concerns about behaviour within their meetings and take their thoughts and ideas for change to sharing.

### **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 we are working with behaviour. It also requires common expectations to have been agreed and understood.

### **Other Specific Policy Detail**

#### **POSITION STATEMENT ON THE USE OF PAIN**

Team Teach does not advocate the use of pain or locks.

However, Team Teach recognises that with regard to personal safety responses, getting away from bites, hair grabs, etc... there may be some slight and momentary discomfort and surprise experienced by the service user. However, the intention of the person applying the taught response is not to deliberately hurt the person who is holding or biting them, but to effect a release from a situation with the potential for significant injury in which they are experiencing pain themselves.

#### **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. Weekly sharing is used to highlight those children who have done well through certificates, YGS awards and positive value feedback.

#### **BEHAVIOUR MANAGEMENT AND DISCIPLINE/SANCTIONS**

As an independent, non-maintained School recognised by the Department for Education and a Registered Children's Home, the Mulberry Bush is governed by regulations under the Children Act which has the force of law.

Amongst discipline/sanctions prohibited are those specified in the Department of Health, Education Act and Children's Homes (England) Regulations. These are set out in detail below. Any sanction imposed beyond those approved will be unacceptable and possibly illegal. All forms of discipline/sanctions permissible at the Mulberry Bush School are set out in this section.

#### **PROHIBITED SANCTIONS**

The following measures may not be used to discipline any child -

- (a) any form of corporal punishment;
- (b) any punishment involving the consumption or deprivation of food or drink;
- (c) any restriction, other than one imposed by a court or in accordance with regulation 22 (contact and access to communications), on—
  - (i) a child's contact with parents, relatives or friends;
  - (ii) visits to the child by the child's parents, relatives or friends;
  - (iii) a child's communications with any persons listed in regulation 22(1) (contact and access to communications); or
  - (iv) a child's access to any internet-based or telephone helpline providing counselling for children;
- (d) the use or withholding of medication, or medical or dental treatment;
- (e) the intentional deprivation of sleep;
- (f) imposing a financial penalty, other than a requirement for the payment of a reasonable sum (which may be by instalments) by way of reparation;
- (g) any intimate physical examination; (*see intimate search section in the Intimate Care Policy, p.4*)
- (h) withholding any aids or equipment needed by a disabled child;
- (i) any measure involving a child imposing any measure against another child; or
- (j) any measure involving punishing a group of children for the behaviour of an individual child.

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 Mulberry Bush School has no such approval and therefore the following are not permitted:**

- The locking of a child or children in a single room at any time, even when accompanied by a responsible adult or adults;
- 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)

Seclusion is 'forcing a person to spend time alone'. At the Mulberry Bush no child is forced to spend time alone as a consequence of challenging behaviour or as a punishment. Any separation from the child group is in the company of or close proximity to an adult.

In addition to these sanctions proscribed 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;
- being asked to change into pyjamas before 5.30pm;
- 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.

#### Sanctions used include:

1. Vehicle ban following dangerous behaviour in a vehicle.
2. Attend Class Workshop, 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. Removal of up to 2 thirds of pocket money to pay towards damage. This requires a child's treatment team to discuss and approve the sanction. It should not be used regularly or for more than a small number of children.
4. 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
5. Early bedtime e.g. as a consequence of a difficult bedtime the night before, for being aggressive during the day, or at the end of a generally difficult day.
6. Attend a Panel Meeting following high levels of unacceptable or concerning behaviour.
7. 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 or their placement plan for that child it will be discussed by the treatment team and may be withdrawn or changed following appropriate discussion with the child.
8. Grounding. This can be to the school, to the house, or to the house and garden (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 24 hours – 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).

**Major sanctions include, vehicle ban, equipment ban, groundings, loss of pocket money, panel meetings. These are monitored for appropriateness of use.**

#### **Raising Awareness of this Policy (those responsible)**

Induction training, Team Teach training,

#### **Monitoring the Effectiveness of the Policy**

The data on this sheet is monitored every Week morning by the Head Teacher and Head of Group Living. Patterns are noted and shared with treatment teams for thought and action. House Managers and trustees regularly monitor log books.

Every 6-8 weeks data on the number of times ground hold restraints have been used is sent to Team Teach (this is the responsibility of the Head of Group Living).

#### **Appendices:**

Definitions of terms used in this policy:

- Positive handling is the range of strategies used to defuse, avoid or intervene in challenging behaviours
- Positive handling plans are documents prepared for each child detailing the agreed and recommended strategies that are most effective when working with that child and are found in each child's Placement Plan
- Seclusion is 'forcing a person to spend time alone'. At the Mulberry Bush no child is forced to spend time alone as a consequence of challenging behaviour or as a punishment. Any separation from the child group would be in the company of or close proximity of an adult.