



# Care and Control Policy

(The use of positive handling to manage physically challenging behaviour)

**Ratified by the Governing Body:**

**Signed by the Governing Body:**

**To be reviewed (annually):**

**Chair signature** \_\_\_\_\_

## **Introduction**

The policy has been developed and reviewed with regard to The School and Inspections Act 2006 section 93 which reinforces previous guidance. The policy takes cognisance of DFE guidance: The Use of Reasonable Force (July 2013) and legislation, regulations and guidance from Department of Health and the Health and Safety Executive. For young people over the age of 16 years, the Mental Capacity Act must also be considered.

The policy should be read in conjunction with other school policies relating to interaction between adults and pupils, including Behaviour Policy, Safeguarding Policy and the Use of Touch Protocol.

## **Purpose of policy**

The policy has been prepared to support all staff who will encounter children and for volunteers/workplace students working within the school to explain the school's arrangements for care and control. The purpose is to give good staff the confidence to act in the best interests of the child. This policy should be made available to parents and pupils upon request. Within this policy there will be references to the most current government guidance and legislation and includes a glossary for reference.

Good personal and professional relationships between staff and children are vital to ensure good order in our school. It is recognised that the majority of children in our school respond positively to appropriate discipline and control practised by staff. This ensures the well-being and safety of all children and staff in school. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required. We acknowledge that physical techniques are only part of a whole setting approach to behaviour management and are used as a last resort to safeguard children from self-injuring or harming others.

## **Duty of Care**

All staff have a Duty of Care towards the children and young people they look after, their colleagues and others, under Health and Safety Legislation and as identified in the latest DfE guidance to schools. They have a responsibility to familiarise themselves with policies and risk assessments, and participate in necessary training. They should look out for obvious hazards and reduce foreseeable risks wherever possible.

The Children Act 1989 makes clear that in any decision involving a child, the paramount consideration must be the child's welfare. Paramount means it should be the first thing people think about and it should take precedence over all other considerations. For that reason staff need to carefully consider what is in the best interest of the child, both in the short term and the longer term.

In exceptional circumstances, staff may need to take action in the best interest of the child and the use of reasonable force may be required to achieve this. Leycroft Academy acknowledges that physical interventions which use varying degrees of reasonable force are only a small part of a whole setting approach to behaviour management.

Every effort will be made to ensure that all staff in this school:

- Understand their responsibilities in the context of their duty of care
- Understand that the paramount consideration is the welfare of the individual child
- Understand that 'reasonable' force means that it is necessary and proportionate
- Are provided with appropriate training to manage risk and this training is maintained at an appropriate level.

### **Implications of the Policy and Legal Justification**

The Education and Inspections Act 2006 gives examples of the types of circumstances in which use of reasonable force may be legally defensible:

- Self-injuring.
- Causing injury to other children, staff, parents, and visitors.
- Causing significant damage to property.

This policy has also been written with DFE 'Use of reasonable force' advice for Head Teachers, staff and governing bodies, July 2013. This guidance states that schools can use reasonable force to:

- Remove disruptive children from the classroom where they have refused to follow and instruction to do so.
- Prevent a pupil behaving in a way that disrupts a school event, trip, or a visit.
- Prevent a pupil leaving the classroom, where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- Restrain a pupil at risk of harming themselves through physical outbursts.

In addition to the general power to use reasonable force described above, the Head Teacher and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following prohibited items:

- knives and weapons
- alcohol

- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been, or is likely to be, used to commit an offence, cause personal injury or damage to property

The paramount consideration is for staff to work in the best interests of the child. Reasonable force will only be used when no other effective alternatives are available and with the permission of the Head Teacher.

Individual members of staff cannot be required to use physical restraint. However, teaching, and non-teaching staff work in 'loco parentis' and should always operate with an appropriate 'Duty of Care', 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 places staff in a vulnerable situation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow the policy and to seek alternative strategies wherever possible to prevent the need for physical intervention.

Reasonable force will only be used as a last resort when all other behaviour management strategies have failed or when children, staff or property are at risk.

### **Identifying Hazards and Making Risk Assessments**

It is essential to make risk assessments when considering the use of reasonable force. Staff should balance the risk of acting against the risk of not acting. The Health and Safety Executive (HSE) has developed a 5-step approach to risk assessment. This can easily be applied to situations where staff need to decide whether to use de-escalation or physical contact.

1. Look for hazards
2. Decide who might be harmed and how
3. Evaluate the risk and decide on the necessary and proportionate action
4. Record your findings
5. Review and revise if necessary

It is not always possible to predict all risks relating to a specific behaviour of a child. When an unforeseeable risk presents itself a "dynamic risk assessment" can be undertaken. This means that staff do a mental risk assessment and then act in the best interests of the child. Once a risk has been identified, or if the risk is already known, then a planned risk assessment needs to be put in writing. If physical touch or

restraint is required, a Behaviour Support Plan (BSP), Risk Reduction Plan (RRP), Restraint Risk Reduction Plan (RRRP) can be recorded by staff who work closely with the child, using their knowledge of the child's behaviour and the environment they are working in.

The Health and Safety Executive is keen to stress that risk assessment is a simple process. They should focus on the most likely and serious risks. Formal risk assessments should be clear and concise so that staff can recall useful information. Information should be explicit and honest. Parents need to be informed and involved with this process as they need to be notified of why and how reasonable force is being used in the best interests of their child. Where possible the child's views should be sought and included in the risk assessment.

Assistance can be sought from other members of staff to help reduce the risk. Physical intervention is seen as a proactive response to meet individual pupil needs and any such measures will be most effective in the context of the overall ethos of the school, the way that staff work together as a team, share their responsibilities and the holistic behaviour management strategies that are used.

### **1. Physical Contact**

There are a range of circumstances in which positive physical contact occurs between staff and pupils in order to support equal opportunities to access to a broad and balanced curriculum such as using PE equipment. Examples of physical contact covers a wide range of positive physical interactions ranging from light touch to firm pressure. Physical contact is necessary to provide provision of care, give comfort, and convey communication, reassurance and safety. Physical contact should be considered positive and part of the adult role-modelling what good touch or contact is. The purpose of any physical contact should be to meet the needs of the child. Where children have special needs their individual requirements should be detailed in a BSP, RRP or RRRP. (Refer to "Use of Touch Protocol").

### **2. Physical Intervention**

There needs to be a gradual and graded approach from staff when considering the use of reasonable force. Examples of low-risk physical interventions could be guiding or escorting a child to a safer place. Medium to high-risk physical intervention could be separating a fight.

### **3. Restraint**

Restraint involves the restriction of freedom and movement in circumstances in which the child is resisting. It is reasonable to use proportionate force when there is a significant risk to children, staff, or property. It should be used as a last resort when no effective alternatives are available. All incidents involving restraint must be recorded and reported. The level of force and/or positive handling techniques used towards the child determines whether it is classified as restraint.

### **4. Positive Handling:**

Positive handling uses the minimum degree of force for the shortest period necessary to achieve the desired result.

The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual and the nature of the harm they might cause.

Positive handling techniques are intended to ensure the safety and wellbeing of the child, maintain dignity for both adult and child and allow for communication. Where a child is held, and movement is restricted this then a physical restraint.

### **Seclusion, Time Out and Withdrawal**

The most recent non statutory advice, 'Advice for Head teachers and staff in all schools' (DfE, 2014) suggests schools could adopt a policy which allows disruptive pupils to be placed in an area (an isolation room) away from other pupils for a limited period. **Our school does not advocate the use of seclusion at any time.**

### **Consideration must be made to clarify the distinction between:**

**Seclusion:** the term used where a child is forced to spend time alone against their will in a locked room or restricted space which they cannot leave. Staff are advised to follow guidance on the use of seclusion. Seclusion of a child should only be considered as an emergency response and where it is in the best interests of the child. Staff working with young people aged 16 years and older should consider an application to the Court of Protection under the Mental Capacity Act (2005) if they believe that planned use of seclusion may be required in the future.

**Our school does not advocate the use of seclusion at any time.**

**Time Out:** This is a planned positive behavioural approach that needs to be part of the child's BSP, RRP or RRRP This method usually involves a child accessing a safe space/place, usually with less intense adult supervision but always monitored.

**Withdrawal:** This strategy is implemented to support a child during a situation which may be causing anxiety or distress with continuous adult supervision/observation, which allows the child to resume the activity, task, or routine at a later time.

### **Staff Training and Authorised staff**

The provisions of the Education and Inspection Act 2006 apply by default to all school staff who are authorised to have care and control of children. The Head Teacher is responsible for making clear to whom such authorisation has been given. The Head Teacher must consider the training needs for all staff and then retain a list of all staff that have been trained and when the training needs to be refreshed. This list is reviewed within a regular time-frame and consideration given to new members of staff. Authorisation is not given to volunteers, students, or parents. Those whom the Head Teacher has not authorised will be told what steps to take in the case of an incident where control or restraint is needed.

Training for all staff will be made available and will be the responsibility of the Head Teacher. Training needs should be assessed in relation to foreseeable risks. Training

that contains physical interventions should be accredited. Our school has adopted a **Team Teach approach**.

Our school acknowledges that physical techniques are only a part of a whole setting approach to behaviour management.

All training will include theory on at least the following:

- Causes of challenging behaviour
- Prevention strategies
- Positive behaviour management
- De-escalation
- Risk Assessment
- Behaviour Support Planning
- De-brief following incidents

Physical techniques are not treated in isolation and our schools are committed to ensuring that as a result of incidents, appropriate positive learning opportunities are created for children that allow them, where possible, to take responsibility for their behaviour.

All the techniques used take account of a child's:

- Age
- Gender
- Level of physical, emotional, and intellectual development
- Special needs
- Social context

Also, they provide a gradual, graded system of responses.

### **Visiting Staff Working Within the School**

Support Services e.g., school nurses, speech and language therapy, physiotherapy etc. will have their own policies for care and control of children. When working within our school it is the Head Teacher's responsibility to ensure that colleagues from Support Services are aware of school policy and practice.

### **Reporting and Recording**

Whenever a physical intervention has been used a record of the incident needs to be kept. If the physical intervention does not involve a restraint, the prompt or guide only needs to be recorded as an incident on Child Protection Online Monitoring System (CPOMS), and it also needs to be outlined on the child's Risk Reduction Plan (RRP) e.g. 'Caring C'. If a restraint has been administered then the incident needs to be recorded on CPOMS and also in the Bound and Numbered Book. This can be in the

form of a hard-backed book, with numbered pages, retained by the Head Teacher. It should be considered reasonable and good practice for staff to collaborate when recording an incident in order to ensure the most accurate and complete record possible. If staff do not agree on details of an incident, they should write separate reports. The aim is to promote clear, accurate and useful records.

Records should normally be completed within 24 hours, but the welfare of those involved takes precedence over paperwork. If this is not possible the Head Teacher needs to be informed as soon as possible, with the reason for the delay. Records should be kept for at least 25 years. After the review of the incident, a copy of the details will be placed on the pupil's file. Parents/carers of the child need to be informed following the use of reasonable force. A record of this communication should be kept.

A Health and Safety Accident/Incident Form will be completed and returned to the Forward Education Trust and their procured Safety Services in situations where injury has occurred to either members of staff or pupils. Where staff have been involved in an incident, they should be given time to recover and have access to support such as counselling and debriefing.

### **Monitoring incidents**

Monitoring of incidents by the Head Teacher will help to ensure that staff are following the correct procedures and will alert staff to the needs of any children whose behaviour may require the use of reasonable force.

Monitoring of incidents will take place on a regular basis and the results used to inform planning to meet individual child and school needs. The Forward Education Trust (FET) also strategically monitors all incidents.

### **Support for staff and children after an incident**

The Head Teacher will ensure that each incident is reviewed and take action as necessary, such as:

- Reviewing rewards and sanctions
- Reviewing the child's BSP/RRP/RRRP
- Reviewing curriculum access
- Reviewing staffing levels
- Considering the involvement of outside agencies
- Reviewing provision

If further action is required in relation to a member of staff or a child, this will be pursued through the appropriate procedure.

- Safeguarding Procedure (this may involve investigations by Police and/or Social Services)
- Staff Disciplinary Procedure

- Exclusions Procedure in the case of violence or assault against a member of staff. 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.

### **Listening and Learning**

Incidents provide opportunities for teaching and learning. Staff should explain the reasons for any use of reasonable force according to the level of understanding of the child. They should clearly distinguish between restraint, which is designed to keep people safe, and sanctions or consequences. Staff should reinforce simple messages:

- We hold children to keep them safe from harm.
- We hold children to prevent them doing something they will regret.
- We care about children too much to let them be out of control.

### **Complaints**

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complains but may not eliminate them. Any complaints about staff will be investigated through the appropriate trust procedure.