

Care and Control Policy (incorporating physical intervention)
Date approved
July 2022
Review Period
Every 2 years
Principle
The use of Positive Handling to support the management of physically challenging behaviour.'

The policy has been prepared by the senior leadership team. The responsible person for the implementation of the policy is A. Braven, Executive Headteacher. The policy will be reviewed every 2 years by the Executive Headteacher and the Governing Body.

The policy has been developed in response to DfE guidance, 'The Use of Reasonable Force (July 2015). It also takes cognisance of DfES, DOH Guidance for Restrictive Physical Interventions, 'Guidance on the use of restrictive physical intervention for children who display Extreme Behaviour in association with Learning Disability and/or Autistic Spectrum Disorder' (February 2015). Additionally, it follows the policies and guidance of MSCB Local Authority and will be drawn to the attention of the Local Safeguarding Children Board.

The policy should be read in conjunction with other school policies relating to interaction between adults and pupils, including Safeguarding and Behaviour Management Policies

The policy has been prepared for the support of all teaching and support staff who come into contact with pupils and for volunteers working within the school to explain the school's arrangements for care and control.

Its contents are available to parents and pupils. A statement about the School's Behaviour Policy is made to parents on the school website and within the Home School Agreement. This statement includes information on the use of reasonable force to control or restrain pupils. By signing the admissions document, parents are acknowledging the school's power to use reasonable force in the circumstances described in this policy. Parental consent is not required to restrain a pupil.

Purpose of policy:

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school. It is recognised that the majority of pupils in our school/provision respond positively to the discipline and control practiced by staff. This ensures the well-being and safety of all pupils and staff in the school/provision. 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. The Federation of EBSD Schools acknowledges that physical techniques are only part of a whole setting approach to behaviour management.

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

- (i) Clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where reasonable force is necessary and
- (ii) Are provided with appropriate training to deal with these difficult situations.

Implications of the policy:

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable

in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- committing any offence (or, for a pupil under the age of criminal responsibility what would be an offence for an older pupil) ;
- causing personal injury to, or damage to the property of, any person (including the pupil himself);
- 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. (Section 93 of the Education and Inspections Act 2006 makes it clear that force may be used to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

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 this policy and to seek alternative strategies wherever possible in order 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 pupils, staff or property are at risk.

Policy Statement

Definitions of Positive Handling:

No legal definition of reasonable force within a schools context exists, however for the purpose of this policy and the implementation of it in The Federation of EBSD Schools:

‘Reasonable Force uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming himself, herself, others or property’.

The scale and nature of any physical intervention at The Federation of EBSD Schools ‘must be proportionate to both the behaviour of the individual to be controlled and the nature of the harm they might cause’. (DfES/DOH Guidance for Restrictive Physical Interventions, July 2002).

This policy does more than simply outline the use of physical intervention at The Federation of EBSD Schools. It aims to provide a transparent overview of how we use physical contact to both care for and, where appropriate control our pupils. Working within the philosophy of ‘Every Child Matters’ with a particular focus in relation to the strands of ‘staying safe’ and ‘enjoying and achieving’, our Care and Control policy describes the acceptable physical interaction between staff and pupils on a daily basis. Based on the principles of moving from least intrusive to more restrictive holding we have divided interaction into three definable areas.

Physical Contact:

Situations in which physical interaction occurs between staff and pupils, to either care for pupils who may be distressed or, in subject areas such as physical education, in order to promote inclusive learning opportunities and deliver the National Curriculum. In addition, staff will also use positive touch to comfort pupils and as part of the PSHCE/social curriculum in order to teach them more appropriate ways of seeking attention. Where possible, staff will always endeavour to use ‘safe hugs’ and the ‘friendly hold’ as defined in Team Teach training.

Physical Intervention/Control:

This may be used to divert a pupil from a destructive or disruptive action, for example guiding or leading a pupil by the arm or shoulder with little or no force. The techniques implemented here will include ‘turn, gather, guide’ and the ‘friendly hold’. The important factor within these situations is the compliance of the child as a result of the intervention.

Restrictive Physical Intervention/Restraint:

This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. **It is important to note that the use of 'reasonable force' should be seen as a last resort.** All such incidents are recorded and will be stored in an accessible way.

The following techniques are accredited by Team Teach and authorised for staff to use by the Headteacher. Whenever possible the following techniques will be used:

- (Caring C guides/ escorts).
- Help hug.
- Friendly Hold.
- Single Elbow.
- Figure of Four.
- Double Elbow.
- Small Person Hold
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Depending on the individual situation it may be necessary to use a range of strategies always remember continue to use de-escalation techniques in resolving a situation.

Underpinning values:

Everyone attending or working in this school 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.

Pupils attending this school and their parents have a right to:

- individual consideration of pupil needs by the staff who have responsibility for their care and protection;
- expect staff to undertake their duties and responsibilities in accordance with the school's policies;
- be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school;
- be informed about the school's complaints procedure.

The school will ensure that parents/carers and pupils understand the need for and respond to clearly defined limits, which govern behaviour in the school. In turn parents/carers will have committed themselves through the 'Home School Agreement' to promote the good behaviour of their child and that efforts have been made by them to ensure that he/she understands and follows the school's Behaviour Policy.

Authorised staff:

At The Federation of EBSD Schools the power to use reasonable force applies to any member of staff, and any other person to whom the head has authorised to have control or charge of pupils. This can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as

unpaid volunteers.

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 (e.g. a trip or visit).

The school provides training for all staff and the Headteacher retains a list of all those staff trained.

Supply staff may appear on the 'authorised persons list' and are made aware of the school's policy. Where possible, they are requested to provide valid certification in the T.E.A.M. T.E.A.C.H. approach.

The Headteacher is responsible for making clear to whom such authorisation has been given, in what circumstances and settings they may use force and for what duration of time this authorisation will last. The Headteacher will ensure that those authorised are aware of, and understand, what the authorisation entails. Those whom the Headteacher has not authorised will be told what steps to take in the case of an incident where control or restraint is needed.

Support Services will have their own policies for Care and Control of pupils. When working within school it is the Headteachers responsibility to ensure that colleagues from Support Services are aware of school policy and practice. The head teacher in the school will be accountable for their actions while in the school.

Training:

Training for all staff will be made available and is the responsibility of the Headteacher. Prior to any practical training theoretical aspects of effective behaviour management will have been delivered and arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going continued professional development for staff.

As an accredited provider with the British Institute of Learning Disabilities (BILD), The Federation of EBSD Schools, is committed to implementing the T.E.A.M. T.E.A.C.H. Approach, 'working together to safeguard people and services'. Further information in relation to T.E.A.M. T.E.A.C.H. can be found at www.team-teach.co.uk. All training provided at The Federation takes into account the need for awareness around elevated risks in association with restrictive physical interventions. This aspect is a core element of the curriculum provided by Team Teach.

Physical techniques are not used in isolation and The Federation, is committed to ensuring that as a result of incidents learning opportunities are created for children that allow them to 'own' and take responsibility for their behaviour.

In addition, procedures are in place to ensure that appropriate support is provided for staff and that following an incident pupil/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

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 appropriate Positive Handling Plans are written for individual children.

Risk Assessments are completed against each child when physical restraint may need to be used in the context of the identified target behaviour(s) and environments in which they occur. The assessment identifies the benefits and the risks associated with the strategies being proposed.

Training in this area includes a comprehensive review of the agreed standard incident monitoring forms and any school-specific pupil level recording that is being used for planning and evaluating behaviour modification strategies.

Teachers or other staff whose job includes responsibility for pupils cannot lawfully be prevented from using reasonable force. The absence of accredited training does not preclude a member of staff from using reasonable force when needed.

Strategies for dealing with challenging behaviour:

As endorsed in the school's Behaviour Policy, staff utilise consistent positive strategies to encourage acceptable behaviour and good order.

Every effort will be made to resolve conflicts positively and without harm to pupils or staff, property, buildings or the environment. Where unacceptable behaviour threatens good order and discipline and provokes intervention, some or all of the following approaches should be taken according to the circumstances of the incident.

- Verbal acknowledgement of unacceptable behaviour with request for the pupil to refrain; (this includes negotiation, care and concern)
- Further verbal reprimand stating:
 - that this is a repeated request for compliance;
 - an explanation of why observed behaviour is unacceptable;
 - an explanation of what will happen if the unacceptable behaviour continues.
- A statement of intent that physical intervention may well be used alongside a reminder that holding will cease when the child shows compliance. If possible summon assistance from (cite school support structures).
- Physical intervention. Reasonable force being used to prevent a child harming him or herself, others or property.

Training in physical intervention given to staff will include sections on the current legal framework, background, theory and rationale behind the T.E.A.M. T.E.A.C.H. Approach as well as an understanding of personal space, body language and a personal safety curriculum prior to any physical techniques being taught.

Team Teach techniques seek to avoid injury to the pupils, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as failure of professional technique, but as a regrettable and infrequent side effect of ensuring that the pupil remains safe.

Types of Incident:

Examples of situations that may call for judgments of this kind include:-

- A pupil attacks a member of staff or another pupil.
- Pupils are fighting, causing risk of injury to themselves or others.
- A pupil is committing, or on the verge of committing, deliberate damage to property.
- A pupil is causing, or at risk of causing, injury or damage by accident, through rough play, or by misuse of dangerous material(s) object(s).
- A pupil absconds from a class or tried to leave school other than at an authorized time. Refusal of a pupil a pupil to remain in a particular place is not enough on its own to justify use of force. It would be justifiable where allowing a pupil to leave would:
 - Entail serious risks to the pupil's safety(taking account age and understanding), to the safety of other pupils or staff, or damage to property; or

- Lead to a behaviour that prejudices good order and discipline, such as disrupting other classes.
- A pupil is behaving in a way that seriously disrupts a lesson and is placing others at risk.
- A pupil is behaving in a way that seriously disrupts a school sporting event or school visit.

It is important to note that the use of reasonable force will only be applied at this school as a last resort, when all other alternatives have been exhausted and that any force used will be reasonable, proportionate and absolutely necessary.

Preventative and pro-active strategies to deal with challenging behaviour

Strategies for dealing with challenging behaviour.

Staff working with pupils experiencing a range of emotional and behavioural difficulties must be aware that these difficulties may mean that in some instances pupils will not be in control of their behaviour.

The school's SENCO, under the 2015 Code of Practice (SEN) will ensure that all staff are aware of the needs of individuals who are at risk of exhibiting poor behaviour and strategies to avoid or deal with this.

Those pupils can be helped to develop self-control through the use of appropriate behavioural programmes and by staff consistently using positive strategies to encourage acceptable behaviour and good order. All staff should be aware of these programmes and the strategies to be used as determined by risk assessments and positive handling plans. Good communication between staff is essential particularly at breaks/ lunchtimes and evenings where less structured situations can allow behavioural issues to surface.

Staff working as a team should create:-

- *a calm, secure atmosphere throughout school and use consistent approaches*
- *opportunities for pupils to earn praise/rewards. It is important to praise good behaviour as often as possible especially from a student who often misbehaves. It is especially important to notice and reward behaviour that matches the targets of any individual behaviour plans developed for pupils.*
- *opportunities to identify problem behaviour or triggers in order to avoid creating further difficulties i.e. by anticipating behaviour before it occurs*
- *awareness of pupil behaviour so that attention seeking behaviour is seen but ignored where it is safe to do so*
- *opportunities for discussion with the pupil where discussion can take place in order to set targets designed to deal with the difficult or attention seeking behaviour. One behaviour at a time can be moderated through this process alongside support in situations which he/she is likely to find difficult*
- *opportunities for explanation of the actions/sanctions to the pupil.*
- *as few organisational changes as possible such as the timetable to minimise the potential for pupils to become unsettled*
- *potential for staff to be rotated to lessen strain on staff – some members of staff may be able to deal with behaviours that others find upsetting*
- *opportunities for regular contact between teaching staff, care staff and parents/carers to share plans and spread the strategies over a 24-hour period. Parents/ carers must be involved in a behaviour programme which has indicated that restraint may be needed and informed if the physical intervention of their child has taken place.*
- *Liaise with outside agencies for support and involvement in the programme to ensure that joined up approaches are in place*

Every effort will be made to resolve conflicts positively and without harm to pupils or staff, property, buildings or the environment.

At The Federation pupils are never secluded i.e. where they are forced to *spend time alone against their will in a locked room or room which they cannot leave.*

However, 'Time out' which involves restricting the pupil's access to all positive reinforcements as part of the

behavioral programme in a room or area which they may freely leave and 'Withdrawal,' which involves removing the person from a situation which causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities are used in line with individual plans.

The Federation recognises the distinction between planned physical interventions (where incidents are foreseeable) in that they have occurred previously and a response planned following an appropriate risk assessment and the use of force in emergency situations (which cannot reasonably be anticipated). Such incidents are recorded accordingly.

Wherever possible, assistance will be sought from another member of staff.

Positive Handling at The Federation of EBSD Schools 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 exercise their responsibilities and the behaviour management strategies used.

A specific script used by staff at The Federation of EBSD Schools) in order to support each other is the 'Help Protocol'. The following provides an aide memoir of this script:

Help Protocol

'Hello Mr.Mrs (name of staff)', where appropriate the pupil should also be engaged by the use of their name. **'Help is available'**.

The response from the member of staff should always be – 'Yes please'. You can help by

'How can I help?' is the question that should then be posed allowing the member of staff originally involved in the incident to retain control of the situation.

'You can help by.....' enables effective support to be provided for all concerned.

Accepting help in Team –Teach involves telling colleagues exactly what they are required to do.

If you hear the **"More help is available"** this signals that the person offering help is in charge of the situation.

The person offering help needs to give a clear direction e.g. 'I would like you to go to the staff room and finish off that report please John.' This enables the member of staff a get out with dignity option.

Staff from the Authority working within the school

Educational support services and Health Service staff working in schools will have their own policies regarding physical intervention. Such staff will, whilst on the school premises, be expected to be aware of and operate within the policy of this school. The school will ensure that all visiting professionals have access to this and other relevant school policies. Visitors have a responsibility to read these and act accordingly.

Visiting staff would not be expected to use physical intervention.

Training

Training for all staff will be made available and will be the responsibility of the Headteacher. No member of staff will be expected to undertake the use physical restraint without appropriate training.

Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development. The school has decided to follow the TEAM TEACH model and training will be provided/ has been provided for all staff. Members of staff have been additionally trained in order to become approved trainers. This will facilitate annual refresher training for all staff and initial training for new staff.

Sanctions and rewards as an alternative to physical intervention

A system of positive rewards and incentives should be developed to encourage appropriate behaviour such as:

- Praise and encouragement
- Awarding of points
- Choice of activities
- Star of day nomination
- Appropriate edible rewards
- Certificates
- Privileges
- Report Card
- Weekly target review

Undesirable behaviour can be stopped by a reminder of the consequences. Shouting to intimidate should not take place.

Further sanctions may be necessary. The following may be utilised;

- Loss of points
- Expectance that the pupil will clear up a mess, repair damage where possible and take responsibility for their actions
- Reparation work
- Catch up
- Late bus
- Catch Up work
- Home Visit
- Exclusion

Acceptable measures of physical intervention

The use of any degree of force can only be deemed reasonable if:

- a) it is warranted by the particular circumstances of the incident;
- b) it is delivered in accordance with the seriousness of the incident and the consequences which it is intended to prevent;
- c) it is carried out as the minimum to achieve the desired result;
- d) the age, level of understanding and gender of the pupil are taken into account;
- e) it is likely to achieve the desired result;

Wherever possible assistance should be sought from another member of staff before intervening.

In extreme circumstances, trained staff may need to use more restrictive holds.

Often holding a pupils' lower arm will be sufficient to prevent further unacceptable or dangerous behaviour.

Physical Intervention will **stop** if the child has;

- difficulty in breathing/child says they are having difficulties breathing
- vomits
- has a fit or seizure
- experiences swelling or change of hue of skin
- the child has gone to ground (unless the staff have been trained in using ground holds and it is deemed appropriate)

Any such measures will be most effective in the context of the overall ethos of the school, the way in which staff exercise their responsibilities and the behaviour management strategies used.

Wherever physical intervention is used staff must keep talking to the pupil in a reassuring and positive manner unless their positive handling plan states otherwise, (for instance that talking to the pupil during the physical intervention will increase the pupils' anxiety and/or aggression level). It is desirable that when a physical intervention is occurring and there is an additional member of staff available that the additional member of staff, not physically involved in the intervention, should direct and lead the staff (using the overview vantage point they have) to a safe release as soon as possible.

Unacceptable measures of physical intervention.

In accordance with the Local Authority Guidelines and the NMS for RSS the following are unacceptable methods of sanctioning a pupil and not allowed by the school:

- Use of prone (face down) restraint
- Locking a child in a room
- Physical punishment
- Deprivation food/ drink/ medical /sleep
- Distinctive clothing
- Restriction to breathing/ circulation
- Pressure on joints
- Use of a mechanical or therapeutic device

Recording

Where physical intervention has been used to manage a pupil, a record of the incident **will** need to be made on the school's recording system and physical intervention record.

This record will be made as soon as possible after the incident and will include:

- name of the child
- date and location of the incident which led to the sanction being applied
- details of relevant behaviour
- the nature of the sanction; the name of the staff member giving the sanction
- the name(s) of any other staff present
- the effectiveness and any consequences of the sanction
- the signature of the staff member concerned

In addition, specific details of the use of physical intervention will be recorded which will include:

- how the incident developed;
- attempts made to calm the situation
- names of staff or pupils who witnessed the incident;
- the outcome of the incident including any injuries sustained, by any pupil or member of staff;
- any damage to property which had resulted;
- whether/how parents have been informed;
- (where possible) pupils' view of the incident and whether they wish to make a complaint.

Staff may find it helpful to seek advice from a senior colleague or representative of their professional association/union when compiling a report.

After the review of the incident by at least one of the team teach trainers or the headteacher (or their nominated person) the incident log will be closed and remain on the pupil's file. The review of the incident may include recommendations to update the pupils positive handling plan and/or individual risk

assessment.

A Health and Safety Accident/Incident Form will be completed and returned to the Authority when an injury has occurred during Physical Intervention.

The school will review such records at least every half term to ensure that:

- Records are being appropriately kept
- That patterns of behaviour in individual pupils or at particular times of the day/ certain lessons are being identified and problems addressed
- That training issues arising from the above are being identified and addressed.

Action after an incident

The Head teacher or nominated member of staff will ensure that each incident is reviewed and investigated further as required.

In the case of every physical intervention, a debrief of the child and the member of staff leading the physical intervention will take place. The child debrief, wherever possible should be completed by a member of staff other than the one who instigated the physical intervention. This debrief should be completed as soon the pupil is ready and can occur at an unplanned moment.

The staff debrief should be completed by the either the line manager of the member of staff (or their nominated person) one of the Team Teach trainers and should explore whether or not any other action could have been taken to prevent the physical intervention, what has been learned about the pupil and their behaviours, whether the physical intervention was appropriate, proportionate and necessary, whether the physical intervention was successful and whether or not any amendments to the pupil's positive handling plan or individual risk assessment needs to be made,

If further action is required in relation to a member of staff or pupil, this will be pursued through the appropriate procedure which may be:

- Child Protection Procedure (this may involve investigations by other agencies such as Social Services.
- Staff Disciplinary Procedure
- School Behaviour Policy
- Exclusions Procedure

The member of staff will be kept informed of any action taken.

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

Where staff have been involved in an incident involving physical intervention they should have access to counselling and support. Within the school, this will be made available at the member of staff's request through the Head teacher.

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.

Any complaints received by the Head teacher from parents, staff or any other persons regarding alleged ill-treatment of pupils or injuries received by a student during the course of physical intervention must be investigated fully by the Head teacher using the complaints procedure.

The Chair of Governors will be informed of complaints.

Support

The school is committed to providing regular professional development on behaviour strategies/management for all staff in order to maintain the ethos of the school, its values and the boundaries of acceptable behaviour.

Staff who have been involved in difficult incidents will be offered the full support of the Head teacher and SLT in talking through the incident. In this follow up work senior managers and staff will look for “lessons to be learnt” and alter procedures or develop training as the result of these insights.

Children who have been subject to physical intervention will be given the opportunity to discuss the incident with a member of staff at the first reasonable opportunity following the incident. Such discussions will offer pupils and school fresh opportunities to work together and to renew relationships that may be strained by the incident. Pupils will be informed of ways in which their behaviour could change in order to prevent a repetition of the incident.

Pupils who have witnessed an incident of Physical Intervention and who are distressed will be counselled by an appropriate member of staff.

Monitoring incidents

Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documented following agreed procedures. Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the staff to the continually changing needs of pupils.

Monitoring of incidents will take place on a regular basis and the results used to inform planning to meet individual pupil and school needs. A Register of False Accusations made against staff will be maintained as an additional safeguard for staff working in this difficult area.

To support the Headteacher and school and ensure objectivity the School will be monitored externally by an independent person who will review this process by means of a Standard 20 visit and report. The named Governor who supports this process will undertake termly audits of incidents and feedback findings to the Headteacher and Governing Body.