



## St Michael in the Hamlet School CARE AND CONTROL POLICY (incorporating Physical Restraint)

Our school is a Rights Respecting School whereby all respect the United Nations Convention on the rights of the child and the responsibilities that come with those rights.

'The use of Positive Handling to support the management of physically challenging behaviour.'

The policy has been developed in response to DfCSF non statutory guidance, 'The Use of Force to Control and Restrain Pupil' (November 2007) issued following the enactment of Section 93 of the Education and Inspections Act 2006. 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' (July 2002). Additionally, it follows the policies and guidance of Liverpool 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: Risk Assessment, Child Protection, Health and Safety, Behaviour, Exclusion, Safeguarding etc.

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 Discipline and Behaviour policy is made to parents in the School prospectus. This statement includes information on the use of reasonable force to control or restrain pupils.

### **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 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. St Michael in the Hamlet 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)<sup>1</sup>;
- 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 staff to which this power applies are defined in Section 95 of the Act. They are:

- any teacher who works at the school;
- any other person whom the head has authorised to have control or charge of pupils, including:
  - support staff such as teaching assistants, learning support assistants, learning mentors and lunchtime supervisors;
  - people to whom the head has given temporary authorisation to have control or charge of pupils (e.g. catering or premises staff), and unpaid volunteers (e.g. parents accompanying pupils on school-organised visits). This does not include prefects.

Individual members of staff cannot be required or directed to use physical restraint. However, as teaching and non-teaching staff work in 'loco parentis' and should always operate with an appropriate 'Duty of Care', should the school's policy not be adhered to by individuals, it is not unforeseeable that claims of negligence could be levied against them.

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.**

## 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 St. Michael in the Hamlet Primary School:

'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'.

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<sup>1</sup> The age of criminal responsibility is currently 10 in England. For further information (and much else) provided by the National Youth Agency, see: <http://www.youthinformation.com> > Justice & Equality > Crime > Age of criminal responsibility.

The scale and nature of any physical intervention at (name of school) '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 (name of school). 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 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 have severe and profound learning disabilities, 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 endeavor to use 'safe hugs' and the 'friendly hold' as defined in Team Teach training.

#### Physical Intervention:

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 or small child hold'. The important factor within these situations is the compliance of the child as a result of the intervention.

#### Physical Control and Restraint/Restrictive Physical Intervention:

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 level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint. If in doubt, then staff should always record the incident using the schools standard recording form.

#### **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 are expected to ensure that their children understand and follow the schools' Behaviour Policy.

#### **Authorised staff:**

At St Michael in the Hamlet all teachers are authorised to use reasonable force within the context of DCSF non statutory guidance 'The Use of Force to Control and Restrain Pupils (November '07). Only non-teaching staff specifically authorised by the Headteacher to have control or charge of pupils may use reasonable force to manage or control pupils.

The school provides training for all authorised staff and the Headteacher retains a list of all those staff trained authorised. The list is reviewed on an annual basis (or more frequently if the context requires it).

Authorisation is not given to volunteers or parents.

Supply staff will not appear on the 'authorised persons list' unless they can offer valid certification in the T.E.A.M. T.E.A.C.H. Approach and are familiar with the schools' policy.

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. No member of staff will be expected to undertake the use of reasonable force without appropriate training. 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.

Physical techniques are not used in isolation and St Michael in the Hamlet 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 will be put 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.

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.

## **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 the sanctions are followed in order, as detailed in the behavior policy. Children who display repeated challenging behavior will have a tightly drawn up behavior plan which needs to be followed. Physical intervention will only be used as a last resort 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 before any physical techniques are 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 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 persistently refuses to follow an instruction to leave a classroom.
- A pupil is behaving in a way that seriously disrupts a lesson.
- 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.**

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

Positive Handling at St Michael in the Hamlet 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.

### **Recording:**

Where physical control or restraint has been used a record of the incident will be kept.

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

After the review of the incident, a copy of the details will be placed on the pupil's file.

A Health and Safety Accident/Incident Form will be completed and returned to the Authority in situations where injury has occurred to either members of staff or pupils.

**Action after an incident:**

Where staff have been involved in an incident involving reasonable force they should have the opportunity for a brief period of rest and relaxation and in the case of more serious incidents, access to counseling and support.

The Head teacher will ensure that each incident is reviewed and investigated further as required. If further action is required in relation to a member of staff or a pupil, this will be pursued through the appropriate procedure:

- Review of the pupil's IEP/BSP/Positive Handling Plan.
- School Behaviour Policy
- Exclusions Procedure
- Child Protection Procedure
- Staff or Pupil Disciplinary Procedure.

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

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

**Complaints:**

Any complaints about the use of reasonable force to control and restrain will be investigated through the School's Complaints Policy. If necessary the complaint will be dealt with by the Staff Disciplinary Procedures and/or Child Protection Procedures.

**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 Head teacher to the needs of any pupil(s) 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 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.

**Reviewed October 2017**

**Next review date: October 2019**