


# Care and Control Policy



## Oastlers Policy

<b>Approved by Governing Body On</b>	<b>19 Janaury 2017</b>
<b>To be Reviewed On</b>	<b>January 2019</b>
<b>Signed on Behalf of the Governing Body</b>	



## Introduction

This policy has been drawn up by the DAP Team Teach Development network and will be reviewed annually by that network. It will also be reviewed annually by the senior leadership team and the Governing Body / Trust of individual schools.

The policy has been developed in response to DfE non-statutory guidance 'The Use of Reasonable Force' July 2013 (following the enactment of Section 93 of the 1996 Education and Inspections Act). 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 Bradford Local Authority.

The policy should be read in conjunction with other school policies relating to interaction between adults and learners. These may include:-

- Positive Behaviour and Discipline
- Risk Assessments
- Child Protection/ Safeguarding
- Behaviour Support Plans
- Anti-Bullying
- Exclusions
- First aid and medical
- Health and safety

The policy has been prepared for the support of all teaching and support staff who come into contact with learners and for volunteers working within the school to explain the school's arrangements for care and control. Its contents are available to parents and learners. A statement about the School's Discipline and Behaviour policy will be made to parents in the School prospectus. This statement will include information on the use of reasonable force to control or restrain learners, including the fact that parental consent is not required for the use of physical interventions.

## Purpose of policy

Good personal and professional relationships between staff and learners are vital to ensure good order in our school. It is recognised that the majority of learners in our school/provision respond positively to the discipline and control practiced by staff. This ensures the well-being and safety of all learners 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. The school 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:

- (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 support children and staff with these difficult situations.

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

## 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, happy environment;
- be protected from harm, violence, assault and acts of verbal abuse;
- receive accredited on-going training and support.

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

- individual consideration of learner 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 learners and staff working in school;
- be informed about the school's complaints procedure.

The school will ensure that parents/carers and learners understand the need for and respond to clearly defined limits, which govern behaviour in the school. In turn parents/carers will need to commit themselves 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 schools' Behaviour Policy.

The good practice in the school is that parents are informed as soon as possible by phone of use of reasonable force (restraint) and the call is logged.

## Implications of the policy

The 'use of reasonable force to control and restrain learners' enables school staff to use such force as is reasonable in the circumstances to prevent a learner from doing, or continuing to do any of the following: Section 93 of the Education and Inspections Act (2006) enables staff to use such force as is reasonable in the circumstances to prevent a learner from doing or continuing to do any of the following:

- Placing themselves at risk
- Placing other learners or staff at risk
- Behaviour leading to serious damage to property or committing a criminal offence
- Engaging in behaviour that is prejudicial to maintaining the good order and discipline at Oastlers School or among any of its learners, whether the behaviour occurs in the classroom, during a teaching session or elsewhere within school (including authorized out of school activities.)

Examples of situations where reasonable force may be used:-

- To remove disruptive children from the classroom where they have refused to follow an instruction to do so, using their own preferred communication.
- To prevent a learner behaving in a way that disrupts a school event or a school trip or visit
- To prevent a learner leaving the classroom where allowing the learner to leave would risk their safety or leads to behaviour that disrupts the behaviour of others.
- To prevent a learner from attacking a member of staff or another learner or to stop a fight in the playground.
- To restrain a learner at risk of harming themselves through physical outbursts.

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.

**Schools CANNOT use force as a punishment: it is always unlawful to use force as a punishment.**

## Definitions of Positive Handling

This policy does more than simply outline the use of positive handling in school. It aims to provide a transparent overview of how we use physical contact to both care for and, where appropriate control our learners. Based on the principles of moving from least intrusive to more restrictive holding, we have divided interaction into two definable areas: physical contact and reasonable force.

### *Physical Contact*

Situations in which physical interaction occurs between staff and learners to either care for learners who may be distressed or have severe, complex or profound learning disabilities, or in subject areas such as physical education in order to promote inclusive learning opportunities and deliver the National Curriculum and other therapies and activities to ensure access and inclusion.

Physical guidance and prompts will be a routine part of programmes and activities for those learners who require modelling and physical support to assist their learning. Physical contact may also be necessary during intimate care, moving and handling and other activities such as First Aid.

As part of a planned routine of intimate care it is appropriate for staff to work both child: staff ratios of 1:1 and 1:2, according to the individual needs of the learner. This would be outlined in a personal plan. Consideration of the learner's dignity should be given with regard to age and gender when establishing which members of the staff team should carry out intimate care with which learners. This particularly applies when older learners and younger staff are involved.

In addition staff will also use positive touch to comfort learners in order to teach them more appropriate ways of seeking attention. Where possible, staff will endeavour to use 'safe hugs' and the 'friendly hold' as defined in Team Teach training.

### *Reasonable Force*

No legal definition of reasonable force within a schools context exists, however for the purpose of this policy and the implementation in school:

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

Reasonable force is usually used either to **control**, for **physical intervention**, or to **restrain**. (DfE, July 2013, pg.4 and Allen, 2012 pg.9) This can range from guiding a learner to safety by the arm, through to more extreme circumstances such as breaking up a fight or where a learner needs to be restrained to prevent violence or injury.

- 1. Control** – Control means either passive physical contact, such as standing between learners or blocking a learner's path, active physical contact such as leading a learner by the arm out of a classroom. The Team Teach techniques implemented here will include 'turn, gather, guide' and 'the friendly hold'.
- 2. Physical intervention** – This is used to describe the use of 'minimal force to briefly prompt, guide, contain or direct free movement, in circumstances in which there is no extended or extreme resistance. For some individuals, these may not be regarded as significant incidents, and, in some settings, may not require recording and reporting.' (Allen, 2012, p. 9)
- 3. Restraint** – Restraint means to hold back physically or to bring a learner under control. It is typically used in more extreme circumstances for example when two learners are fighting and refuse to separate without physical intervention. Whenever possible, the following Team Teach techniques will be used, 'single elbow hold', 'figure of 4 hold', 'double elbow hold', 'T wrap', 'Team Teach breakaways' and 'half shield.'

Reasonable force used should be proportionate to the age, gender, special educational needs, medical conditions, and state of physical, emotional and intellectual development of the young person.

The scale and nature of any positive handling at school must be proportionate to both the behaviour of the individual and the nature of the harm they might cause; it cannot be used to respond to misbehaviour unless there is a risk of harm or the breakdown of good order.

## Team Teach techniques

All Team Teach techniques are accredited and authorised for staff to use by the Headteacher.

The following strategies are employed as a means by which to deal proactively with challenging behaviours and so ensure that restrictive physical interventions are used as a last resort and only when absolutely necessary. Where it is found that a young person's challenging behaviour presents a foreseeable risk and that restrictive physical interventions are necessary then a Behaviour Support Plan (including positive handling plan) will be drawn up. (Appendix 1) Where appropriate, Behaviour Support Plans will be designed through multi agency collaboration.

Some or all of these strategies will appear in a young person's Behaviour Support Plan

- *De-escalation, diffusion and distraction activities*
- *Reassurance*
- *Calm talking / communication*
- *Help script for learner*
- *Clear, firm, verbal instructions to offer or direct options, which may include:*
  - *Supervised time out of the situation*
  - *Withdrawal of class/school privileges*
- *Positive handling techniques such as prompts, guides and escorts that are taught through Team-Teach training*

Behaviour management strategies are discussed with parents and children (if appropriate) and an indication of the positive handling techniques (Prompts, guides and Escorts.) that may be used.

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 should identify the benefits and the risks associated with the strategies being proposed.

## Authorised staff

All members of school staff have a legal power to use reasonable force. (Section 93, Education and Inspections Act 2006, cited in DfE, July, 2013) It can also apply to people whom the Head teacher has temporarily put in charge of learners, such as volunteers or parents. (DfE, July 2013, pg. 4)

The Head teacher 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. Support Services and other agencies will have their own policies for Care and Control of learners. When working within school it is the Head teacher's responsibility to ensure that colleagues from Support Services are aware of school policy and practice.

## Training

In line with Local Authority Guidance, BILD accredited approach and in agreement with the DAP, this school is committed to implementing the accredited Team Teach Approach. Further information in relation to Team Teach can be found at [www.team-teach.co.uk](http://www.team-teach.co.uk)

Training for all staff will be made available and is the responsibility of the Head Teacher in conjunction with the Lead Tutors. 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.

Training will need to include a comprehensive review of the agreed standard incident monitoring forms and any school-specific learner level recording that is being used for planning and evaluating behaviour modification strategies.

Training in physical restraint given to staff is a small part of the holistic approach to positive handling. This will include sections on the current legal framework, background, theory and rationale behind the Team Teach approach as well as an understanding of personal space, body language and a personal safety curriculum before any positive handling techniques are taught.

Wherever possible, assistance will be sought from another member of staff, when dealing an incident. A specific script used by Team Teach trained staff at school in order to support each other is the 'Help Script for staff'. If a situation arises where it is evident that support is required but is refused, the incoming member of staff will use the phrase 'more help is available'. All trained staff must recognise that this phrase is a signal to extricate them from a situation in which their presence may be a block to the learner's recovery, and act according to the offer of 'more help'. After the situation, when all is calm, the effect of this help protocol can be evaluated.

Team Teach techniques seek to avoid injury to the learners, 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 learner remains safe.

## Strategies for supporting children 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 learners or staff, property, buildings or the environment. Where behaviour threatens good order and discipline and requires intervention, some or all of the following approaches should be taken, according to the circumstances of the incident and the communication needs of the child:

- Dynamic risk assessment of the environment using the CALM checklist (Communication, Assessment, Listening, Movement).



- Verbal (and/or the accepted communication system / transactional support for the child e.g. signing, symbols, positive touch, etc.) acknowledgement of the problem behaviour with request for the learner to refrain; (this includes negotiation, care and concern)
- Further communication, stating:
  - that this is a repeated request;
  - an explanation (using communication system above) of why desired behaviour is preferable;
  - an explanation of the consequences of the continued inappropriate behaviour.
- A statement (using communication system above) of intent that physical intervention may well be used alongside a reminder that holding will cease when the child shows emotional regulation.
- Physical restraint. Reasonable, proportionate and necessary force being used to prevent a child harming him or herself, others or property. The needs of the child are paramount.

With reference to the DOH/DFES guidance of July 2002, the strategies of ‘time out’ and ‘withdrawal’ may be used. The use of the ‘small group room’ as part of this strategy i.e. removing a distressed child to a location away from distraction, audience or stressors where they can be observed and supported to resume their engagement with their educational programme.

**At no time should this practice become “seclusion” – where a child is forced to spend time alone against their will.**

It is important to understand the distinctions between:

- *Seclusion*- where an adult or child is forced to spend time alone against their will
- *Offered time out* – positive reinforcements are available to encourage emotional regulation
- *Directed time Out*- which involves restricting the young person’s access to all positive reinforcements as part of the behavioral programme
- *Withdrawal*- which involves removing the young 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.

## Action after an incident

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

After every incident/crisis, the process that should take place for positive listening, learning and debriefing are to support staff and children. Relationships should be rebuilt and repaired to ensure that a positive learning environment is maintained.

- **Reflection:** What did we do?
- **Repair:** Is there anything we can do to repair the relationship?
- **Re-build:** What we can do next time – learning opportunities.

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 counselling 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 learner, this will be pursued through the appropriate procedure:

- Review of the learner's Behaviour Support Plan (including positive handling plan)
- Risk Assessment
- School Behaviour Policy / Care and Control Policy
- Child Protection/ Safeguarding Procedure
- Health and Safety
- Exclusions 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.

## Recording and Reporting

All staff will follow this school's recording and reporting procedure. Staff will receive training and guidance in the completion of recording and reporting documentation for this school.

Appropriate documentation will be completed as soon as possible after the incident by all staff involved. In the cases of restraint, staff **must** report the incident to a senior member of leadership team, as soon as possible and before going off duty.

The distinction between *planned* physical restraint, (where incidents are foreseeable) in that they have occurred previously and a response planned following an appropriate risk assessment, and the use of physical restraint in *emergency* situations (which cannot reasonably be anticipated), should be reflected when recording and reporting incidents.

Any injury to staff or learners must also be recorded in the Accident Book with details of any treatment provided. Injuries which result in staff taking additional time off work after the day of the initial incident will be reported to CBMDC Occupational Safety Section, on a Reportable Injury Form (RIF1).

If the incident is felt to have exceeded the level of anticipated risk to staff associated with the job role that they undertake, and the training that they have received, then this will be the trigger for completing a 'Violent Incident Report' (VIR2) for reporting to CBMDC Occupational Safety Section.

All incidents of physical restraint will be reported to parents, unless there is a signed agreement otherwise in the positive handling plan. Experience has shown that different families prefer to receive information in a variety of formats; we will seek to respond to parental preference and this may include a mixed menu of reporting mechanisms including standard letters, texts and phone calls. All reports to parents will be logged.

## **Monitoring of learner behaviour**

Monitoring of learner behaviour will take place on a regular basis and the results used to inform planning to meet individual learner and school needs. This will be included in the Head teacher's report to governors, along with any concerns about the impact of behaviour on learners and staff.

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 SLT to the needs of any learner(s) whose behaviour may require further intervention.

## **Complaints**

Any complaints about staff will be investigated through the School's Complaints Policy or under the BSCB policy for Managing Allegations against Staff. If necessary, staff disciplinary procedures may be used to respond to any concerns of misconduct.

Policy agreed by the Governing Body \_\_\_\_\_

## **References**

Allen, B. (2012) Bound and Numbered Book, Vol. 5

DfES & DOH (July 2002), 'Guidance on the use of restrictive physical intervention for children who display Extreme Behaviour in association with Learning Disability and/or Autistic Spectrum Disorder'

DfE (July 2013), non-statutory guidance 'The Use of Reasonable Force'

[www.team-teach.co.uk](http://www.team-teach.co.uk)

Ofsted Inspection Framework, Sept 2014