



<p style="text-align: center;">Forefield Community Infant and Nursery School Care and Control Policy (incorporating Physical Restraint)</p>
--

‘The use of Positive Handling to support the management of
Physically Challenging behaviour.’

The policy has been developed in response to DfE guidance, ‘The Use of Reasonable Force’ (July 2013). 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 Sefton 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 Behaviour and Discipline Policies, Risk Assessments, Health and Safety and Safeguarding 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 Discipline and Behaviour policy is made to parents in the School prospectus and within each Home School Agreement. This policy includes information on the use of reasonable force to control or restrain pupils. By signing Home School Agreements parents are acknowledging the school's right and responsibility 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 behavior management strategies practised by staff. This ensures the well-being and safety of all pupils 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. Forefield Community Infant & Nursery School acknowledges that

physical techniques are only part of a whole school 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)¹;
- 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.

¹

Physical Contact:

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. Examples of where touching a pupil might be proper or necessary:

- Administering first aid
- Holding the hand of the child at the front/back of the line when going to assembly
- When walking together around the school
- When comforting a distressed pupil; when a pupil is being congratulated or praised; to demonstrate how to use a musical instrument
- To demonstrate exercises or techniques during PE lessons or sports coaching.

(Page 8, Use of Reasonable Force – Advice for head teachers, staff and governing bodies – July 2013)

Definitions of Reasonable Force:

No legal definition of reasonable force within a school's context exists, however for the purpose of this policy and the implementation of it in Forefield Community Infant & Nursery School:

'Reasonable Force uses the least restrictive degree of force necessary for the shortest period of time to prevent a pupil harming themselves, others, property or compromising the good order or discipline of the school.'

All staff working within the school have a 'Duty of Care' to the children and as such, may face a situation where physical intervention is the only option left available to them, in order to ensure safety. Staff who have a Duty of Care have lawful justification for taking reasonable physical steps to prevent injury to any person, or damage to property. Taking no action which results in a person being injured, could leave a member of staff open to an allegation that they were in neglect of their Duty of Care.

Staff will always follow the principles enshrined in The Children's Act whereby the safety and wellbeing of the children is paramount. Staff will act in accordance with the 'best interests principle', acting honestly and in good faith to protect what they perceive to be the best interests of the child/children.

The scale and nature of any physical intervention at Forefield Community Infant & Nursery School 'must be proportionate to the risk presented by 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 Forefield Community Infant & Nursery School. It aims to provide a transparent overview of how we use physical contact to both care for and, where appropriate support our pupils to engage with an emotional baseline. 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.

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 and the Early Years Foundation Stage Curriculum.

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. This will be a judgment call by staff. Furthermore an Individual Behaviour Support Plan will highlight agreed physical intervention as consented by parents should the behaviour continue.

Forefield Community Infant and Nursery School have staff trained in Team Teach who can respond to instances of challenging behavior, stabilising, calming and reflecting when appropriate. Reflection and repair is essential to support behaviour change.

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 disruption or harm to pupils or staff, property, buildings or the environment. Where unacceptable behaviour threatens good order and discipline and demonstrates a need for intervention, a graduated response will be used. This will follow the structure below

- Verbal communication using predictable and agreed script
- Offer clear choices "you can do ... or this..."
- Tactical ignoring or limited engagement in communication and interaction
- Assessing the risk posed to pupil and others and make environment safe
- Using caring c's to guide away
- Reminding pupil of consequences of their behaviour
- Offering quiet space in classroom
- Time out offered away from classroom supported by staff

- Time out directed to remove the audience by staff requesting that children move to another classroom within year group
- Physical intervention - reasonable force being used to prevent a child harming him or herself, others or property
- Reflect, repair and re build following incident so as to support child to move on from incident

Should it be deemed necessary, training in physical intervention for key staff 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 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.

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

Acceptable measures of physical intervention:

Strategies for preventing the occurrence of behaviours which precipitate the use of a physical intervention e.g. planned avoidance of trigger situations

Strategies for 'de-escalation' or 'diffusion' which can avert the need for a physical intervention e.g. diversion to subject of intrinsic interest

The concept of reasonable force where 'reasonableness' is determined with reference to all the circumstances, including

- The seriousness of the incident
- The relative risks arising from using a physical intervention compared with using other strategies
- The age, cultural background, gender, stature and medical history of the child concerned
- The application of gradually increasing or decreasing levels of force in response to the child's behaviour

-The approach to risk assessment and risk management employed

The distinction between:

- 'Seclusion' where a child is forced to spend time alone against their will in a locked room or room which they cannot leave.
- 'Time out' which involves restricting the child's access to all positive reinforcements as part of the behavioural programme in a room or area which they may freely leave
- '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

(Section 3.13 DfES/DOH, July 2002)

- 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)
- First aid procedures to be employed and those responsible for implementation in the event of an injury or physical distress arising as a result of a physical intervention

Wherever possible, assistance will be sought from another member of staff. Positive Handling at Forefield Community Infant and Nursery School 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 Forefield Community Infant and Nursery School in order to support each other is the 'Help Protocol'. The following provides an aide memoir of this script: -

'Hello Mr.Mrs (name of staff)', where appropriate the pupil should also be engaged by the use of their name. 'Would you like some help?'

The response from the member of staff should always be – 'Yes please'.

'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.

Restrictive Physical Intervention/Restraint:

Section 93 of the Education and Inspections Act 2006 'The Power of Members of Staff to Use Force' states: A member of the staff of a school may use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do any of the following:

- Committing an offence
- Injuring themselves or others,
- Causing damage to property
- Compromising the good order or discipline of the school.

This policy allows for the physical restraint of pupils in disciplinary or dangerous situations. This must not include any form of corporal punishment and should be limited to the minimum force absolutely necessary for the minimum amount of time. Examples of situations where the guidance could apply:

- When a pupil attacks a member of staff;
- When a pupil attacks another pupil;
- When a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism;
- When a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects
- When a pupil at risk absconds from class or tries to leave the school;
- When a pupil persistently refuses to obey an order to leave a classroom;
- When a pupil is seriously disrupting a lesson.

The incident will be reported to a child's parent by the class teacher, Pastoral & Educational Support Co-ordinator or the Headteacher. If this results in an exclusion, this will also be in writing to the parents from the Headteacher. In this case "parent" has the meaning given by section 576 of the Education Act 1996, and so will include people having day-to-day care of the child and the local authority where the child is the subject of a care order. Section 576 also deems the local authority as a "parent" in the case of children who are looked after under section 20 of the Children Act 1989. If it is likely that reporting an incident to a parent will result in significant harm to the pupil, then the incident should be reported to the Local Authority.

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.

All such incidents where the use of restrictive intervention have been used by a designated member of staff are recorded electronically on CPOMS and a paper copy filled in by the reporting member of staff in a book that is numerated within a 24 hour timescale. Incidents where restrictive intervention are used to support the behaviour of the child are reported to parents by the child's class teacher.

The following non restrictive techniques are accredited by Team Teach and authorised for staff to use by the Head teacher.

- Safe stance
- Calm stance
- Caring C's
- Support
- Guidance

As indicated the level of compliance from the pupil determines whether or not the interaction is a non-restrictive or restrictive support strategy. If in doubt, then staff should always record the incident using the school's standard recording form.

Monitoring incidents:

Incidents of non-restrictive behaviour will be reported on CPOMS. This will support any behaviour change and support understanding of any subsequent pastoral need. Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documented via the serious incident log in the Head teacher's office. 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.

To support the Headteacher, at Forefield Community Infant and Nursery School, Mr Colin Falconer, is the named Governor who supports this process by undertaking termly audits of incidents and feeding back findings to the Headteacher and Governing Body.

Underpinning values:

Everyone attending or working in our 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 our 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 Forefield Community Infant and Nursery School 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 staff and the Head teacher 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 Team Teach 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 Headteacher's 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.

Forefield Community Infant and Nursery School is committed to implementing the Team Teach Approach, 'working together to safeguard people and services'.

Further information in relation to Team Teach can be found at www.team-teach.co.uk

All training provided at Forefield Community Infant and Nursery School 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. Forefield Community Infant & Nursery School, 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 graduated system of response.

Where appropriate Individual Behaviour Support Plans are written for individual children and where possible, these will be designed through multi agency collaboration.

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.

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 support 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.

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 about staff will be investigated through the School's Complaints Policy. If necessary the complaint will be dealt with by the Staff Disciplinary Procedures and/or Safeguarding & Child Protection Procedures.

Vanessa Buckley
SENCO
January 2022