



## **Care and Control Policy**

Agreed by Local School Committee: Autumn 2020

Review date: Autumn term 2021

## **Introduction**

This policy has been drawn up by the DAP (Bradford special school District Achievement Partnership) Team Teach Development network and will be reviewed annually by that network.

It will also be reviewed annually by the Senior Leadership Team (SLT) and the Local School Committee.

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 pupils. These may include:-

- Behaviour
- Risk Assessment
- Child Protection/ Safeguarding
- Touch and intimate Care
- Anti-Bullying (within behaviour policy)
- Exclusions (within behaviour policy)
- 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 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. The School's Behaviour policy is available on the school website and includes information on the use of reasonable force to control or restrain pupils, 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 pupils are vital to ensure good order in our school. It is recognised that the majority of pupils in our school respond positively to the discipline and control practiced 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. 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 pupils, staff or property are at risk.**

## **Underpinning values**

Everyone attending or working at Beckfoot Phoenix School has a right to:

- Enjoy, Learn and Succeed;
- 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.

Pupils attending Beckfoot Phoenix 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 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, unless it is agreed by parents/carers that they do not wish to be informed and this would be documented within the signed Behaviour for learning Plan.

## **Implications of the policy**

The 'use of reasonable force to control and restrain pupils' 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: Section 93 of the Education and Inspections Act (2006) enables 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:

- Placing themselves at risk
- Placing other pupils 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 Beckfoot Phoenix or among any of its pupils, 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 pupil behaving in a way that disrupts a school event or a school trip or visit
- To prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or leads to behaviour that disrupts the behaviour of others.
- To prevent a pupil from attacking a member of staff or another pupil or to stop a fight in the playground.
- To restrain a pupil 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 pupils. Based on the principles of moving from least intrusive to more restrictive holding, we have divided interaction into two definable areas:

1. physical contact and
2. reasonable force.

#### **1. Physical Contact**

Situations in which physical interaction occur between staff and pupils to either care for pupils 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 pupils 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 pupil. This would be outlined in a personal plan. Consideration of the pupil'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 pupils. This particularly applies when older pupils and younger staff are involved.

In addition staff will also use positive touch to comfort pupils 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.

#### **2. 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 pupil 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 pupil to safety by the arm, through to more extreme circumstances such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.

1. *Control* – Control means either passive physical contact, such as standing between pupils or blocking a pupil’s path, active physical contact such as leading a pupil 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 pupil under control. It is typically used in more extreme circumstances for example when two pupils 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 Head teacher. 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 for learning Plan will be drawn up which will include physical intervention and positive handling. Where appropriate, Behaviour for learning Plans will be designed through multi agency collaboration.

Some or all of these strategies will appear in a young person’s Behaviour for learning plan:

- *De-escalation, diffusion and distraction activities*
- *Reassurance*
- *Calm talking / communication*
- *Help script for pupil*
- *Clear, firm, verbal instructions to offer or direct options, which may include:*
  - o *Supervised time out of the situation*
  - o *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 pupils, 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 pupils. 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 pupil 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 with 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 pupil'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 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.

### **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 pupils 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 pupil to refrain; (this includes negotiation, care and concern)

- Further communication, stating:
  - o that this is a repeated request;
  - o an explanation (using communication system above) of why desired behaviour is preferable;
  - o 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' is 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 behavioural 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, pupil/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 pupil, this will be pursued through the appropriate procedure:

- Review of the pupil's Behaviour for learning 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 pupils 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 on CPOMS.

### **Monitoring of pupil behaviour**

Monitoring of pupil behaviour will take place on a regular basis and the results used to inform planning to meet individual pupil and school needs. This will be included in the Head teacher's report to the Local School Committee, along with any concerns about the impact of behaviour on pupils 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 pupil(s) whose behaviour may require further intervention.

### **Complaints**

Any complaints about staff will be investigated through the Trust'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.

### **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