



Trinity St. Peter's

Church of England Primary School

where children shine

## **Care and Control Policy**

## TRINITY ST PETER'S POLICY CARE AND CONTROL

‘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 (2003), ‘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 and associated Safeguarding Policy documentation.

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. Parental consent is not required to restrain a pupil and parents acknowledge the school's power to use reasonable force in the circumstances described in this policy.

### **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. Trinity St Peter's 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 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 (name of school/provision):

‘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 Trinity St. Peter’s ‘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 Trinity St Peter’s. It aims to provide a transparent overview of how we use physical contact to both care for and, where appropriate control our pupils.

---

<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.

Working within the statutory requirements of 'Keeping Children Safe in Education' particular focus is in relation to supporting children to stay safe, enjoy and achieve. 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 PSHE/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.

In the Foundation Stage we recognise that practitioners are responsible for promoting the development of young children, based on secure attachment and emotional security. Friendly physical contact is central to warm, personal relationships and to the good quality care of young children. Where appropriate children will be offered and afforded physical reassurance. In addition, intimate care routines may be essential to a child's basic needs.

It is important that staff are supported in balancing the essential emotional needs of the child and helping children to understand what is and is not acceptable behaviour towards them. Our work in these areas is aimed at developing children's understanding of what is acceptable touch.

Physical contact may be appropriate in the following circumstances:

- Where a distressed child needs comfort and reassurance, which may include physical comforting such as a caring parent would give
- Where a parent may need to physically hand over their child at the start of a session
- When toileting children who still require adult support
- When changing the clothing of a child who has had a toilet accident
- When helping a child with dressing up clothes
- Holding hands for reassurance, circle games or for safety reasons
- Sitting a child on an adult's knee eg for reassurance when upset
- When engaging in physical play eg assisting on bikes, climbing frames and other equipment

Staff should use their discretion in such cases to ensure that what is normal and natural does not become unnecessary and unjustified contact. Staff should use

their own professional judgement when they feel a pupil needs this kind of emotional support and should reflect the child's needs, age and level of maturity. Where a member of staff has a particular concern about the need to provide this type of care and reassurance, they should seek the advice and guidance of the Headteacher.

#### 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 'prompts', 'guides' and 'escorts' using 'Caring Cs'. The important factor within these situations is that the child is physical compliant.

#### 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 reported to parents and will be stored in an accessible way.

Staff have been taught techniques accredited by Team Teach which have been authorised for staff to use by the Headteacher. These include:

- 'Small child hold'
- T wrap with the pupils standing or sitting with the help by a 'hug alongside'
- 'Cradle Hold'

As indicated 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 school's 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 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 Trinity St Peter's 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 Headteacher 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 responsibility of the Headteacher to ensure that colleagues from Support Services are aware of school policy and practice.

The Headteacher 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.

Trinity St Peter's 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](http://www.team-teach.co.uk)

All training provided at Trinity St Peter's 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 Trinity St Peter's 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.

Where appropriate Positive Handling Plans are written for individual children and where possible, these will be designed through multi agency collaboration e.g. when devising Pastoral Support Plans.

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. Broad category risk assessments based on a 'traffic light system' of green for low risk, amber for

increased risk and red for higher risk are accepted as they are easily understood by staff at all levels in the school.

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 a Senior Leader.
- 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 authorised 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 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 Trinity St. Peter's as a last resort, when all other alternatives have been exhausted and that any force used will be reasonable, proportionate and absolutely necessary.**

### ***Acceptable measures of physical intervention:***

- *Strategies for preventing the occurrence of behaviours which precipitate the use of a physical intervention*
- *Strategies for 'de-escalation' or 'diffusion' which can avert the need for a physical intervention*
- *Procedures for post incident support and de-briefing for staff, children, service users and their families*

- *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 or service user concerned*
  - *The application of gradually increasing or decreasing levels of force in response to the person’s behaviour*
- *The approach to risk assessment and risk management employed*
- *The distinction between:*
  - *‘Seclusion’ where an adult or child is forced to spend time alone against their will in a locked room or room which they cannot leave. Pupils are never secluded at Trinity St. Peter’s School.*
  - *‘Time out’ which involves restricting the service user’s access to all positive reinforcements as part of the behavioral programmed 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 Trinity St Peter’s 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.

### **Help Script**

A specific script used by staff at Trinity St. Peter’s School in order to support pupils when de-escalation and distraction is required. The following provides an aide memoir of this script: -

Hello 'Name'

It's Mrs/Mr 'Name'

I can see you are (insert observation of situation e.g. feeling upset, sitting on the bench)

Let's... (insert something achievable e.g. take these books to the office)

Affirm a positive outcome. 'Remember last time' or 'it will be ok, we can sort this out'.

## **Help protocol**

A specific script used by staff at Trinity St. Peter's 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.

## **Recording:**

Where physical control or restraint has been used a record of the incident will be kept. In addition, a Recording and Reporting Form, see Appendix 1, will also be completed.

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.

All adults involved in and/or observing the incident are required to complete the relevant recording form. The young person is also welcome to contribute their account in whatever way is appropriate.

The incident will be reported to each parent by telephone initially by a senior leader or class teacher. This will be followed up by letter. 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.

### **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:**

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 Child Protection Procedures.

### **Monitoring incidents:**

Whenever a member of staff has had 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 Headteacher to the needs of any pupil(s) whose behaviour may require the use of reasonable force.

Adopted by the Governing Body