

# PRESFIELD HIGH SCHOOL



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HIGH SCHOOL

## Care & Control Policy

Date Ratified: ***3rd March 2021***

Date for Review: ***3rd March 2022*** Annually

Signed:

A handwritten signature in black ink, appearing to read 'Mark Purcell'.

**Mark Purcell**

**Chair of Governors**

***We want students to enjoy what they are doing and have fun when doing it, this is when students learn best, because their emotional state is fundamental to learning.***

Presfield High School and Specialist College is a maintained high school that caters for autistic students aged between 11 and 19. At Presfield we value our students as individuals each having their own interests, strengths and needs.

The policy has been developed in response to DfE guidance, including “use of reasonable force-2013”, “Education inspectors Act 1996 – Section 93, paragraph 550a” and “guidance on the use of restrictive physical interventions for staff working with children and adults who display extreme behaviour in association with learning disability and/or autistic spectrum disorders”

The policy should be read in conjunction with other school policies relating to interaction between adults and pupils. Eg Safeguarding Policy, Health & Safety, Risk Assessments, Behaviour Policy

The policy has been prepared for the support of all teaching and support staff who come into contact with pupils and for volunteers and students on placement working within the school to explain the school's arrangements for care and control. Its contents are available to parents and pupils via the school website.

**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. Presfield 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 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 staff to which this power applies are defined in Section 95 of the Act. They are:

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

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 foreseeable that claims of negligence could be levied against them.

The application of any form of physical control places staff in a vulnerable situation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow this policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

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

#### **Definitions of Reasonable force**

The term 'reasonable force' covers the broad range of actions used by staff that involves a degree of physical contact with pupils. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances. 'Reasonable in the circumstances' means using no more force than is needed. Presfield staff should always try to avoid acting in a way that might cause injury. We believe that:-

**'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 Presfield School 'must be proportionate to both the behaviour of the individual to be controlled and the nature of the harm they might cause'. (DfES/DOH Guidance for Restrictive Physical Interventions, July 2002).

This policy does more than simply outline the use of physical intervention at Presfield School. It aims to provide a transparent overview of how we use physical contact to both care for and, where

appropriate control our pupils. Working within philosophy of 'Every Child Matters' with a particular focus in relation to the strands of 'staying safe' and 'enjoying and achieving', our Care and Control policy describes the acceptable physical interaction between staff and pupils on a daily basis. Based on the principles of moving from least intrusive to more restrictive holding we have divided interaction into three definable areas.

**Physical Contact**:-Situations in which physical interaction occurs between staff and pupils to either care for pupils who may be distressed or have severe and profound learning disabilities, or in subject areas such as physical education in order to promote inclusive learning opportunities and deliver the National Curriculum. In addition staff will also use positive touch to comfort pupils and as part of the PSHE/social curriculum in order to teach them more appropriate ways of seeking attention. Where possible, staff will always endeavor to use 'help hugs' and the 'friendly hold' as defined in Team Teach training.

**Physical Intervention/Guide**:-This may be used to divert a pupil from a destructive or disruptive action, for example guiding or leading a pupil by the arm or shoulder with little or no force. The techniques implemented here will include 'turn, gather, guide' and the 'friendly or small child hold'. The important factor within these situations is the compliance of the child as a result of the intervention.

**Physical Control and Restraint/Restrictive Physical Intervention**:-This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. It is important to note that the use of 'reasonable force' should be seen as a last resort. All such incidents are recorded and will be stored in an accessible way.

Techniques used by staff are accredited by Team Teach and authorised for staff to use by the Headteacher.

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 schools standard recording form.

### **Underpinning values:**

Everyone attending or working in this school has a right to:

- recognition of their unique identity;
- be treated with respect and dignity;
- learn and work in a safe environment;
- be protected from harm, violence, assault and acts of verbal abuse.

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

- individual consideration of pupil needs by the staff who have responsibility for their care and protection;
- expect staff to undertake their duties and responsibilities in accordance with the school's policies;
- be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school;
- be informed about the school's complaints procedure.

The school will ensure that parents/carers and pupils understand the need for and respond to clearly defined limits, which govern behaviour in the school and are evident in the school Behaviour Policy.

#### **Authorised staff:**

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

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

Authorisation is not given to volunteers, students on placement or parents. On the rare occasion where a member of staff Team Teach training certificate has expired, staff are still legally obliged to ensure the safety of the children in our care and that may still require physical intervention if absolutely necessary where the wellbeing of the child or staff or the integrity of the building is compromised.

Supply staff will not appear on the 'authorised persons list' unless they can offer valid certification in the TEAM TEACH Approach and are familiar with the schools' policy. Such staff may be given temporary authorisation.

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. No member of staff will be expected to undertake the use of reasonable force without appropriate training. Prior to any practical training theoretical aspects of effective behaviour management will have been delivered and arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going continued professional development for staff.

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

Physical techniques are not used in isolation and Presfield 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 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.

**Positive Handling Plan:-** The safety of staff & students is the prime, underpinning aim of the use of positive handling plans. Planned intervention, in which staff employ, where necessary, pre-arranged strategies and methods based upon a risk assessment and recorded in care plans are evident for some students. It is essential that the physical management of pupils is seen as a rare occurrence and as a last resort. It is not used to discipline or punish children and it must be used in ways that maintain the safety and dignity of all concerned

The purpose of positive handling is:

- To keep the pupil safe until the emotional response passes, self-control is regained and the situation is diffused;
- To limit the harm that the pupil can do to self and others;
- To demonstrate to the pupil that he/she is within safe physical boundaries and that adults can support him/her with their anger.

**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. An A,B,C scoring system, reflecting the impact of such behaviour, alongside a 1,2,3 scoring system for the likelihood of the behaviour occurring is used, in line with other risk assessment procedures in 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.

### **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. At Presfield we recognise the importance of relationships when support students challenging behaviour

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 and the level of understanding of the child at the time.

- The 'Help' script used by TEAM TEACH.
- Verbal acknowledgement of unacceptable behaviour with request for the pupil to refrain; (this includes negotiation, care and concern) This needs to be in language understood by child, and to be specific eg. 'Hands down' rather than 'Stop it'
- 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. Or other circumstance ie 'when we are all safe' 'when we are across the road' If possible summon assistance from other staff trained in TEAM TEACH.
- 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 TEAM TEACH approach as well as an understanding of personal space, body language and a personal safety curriculum before any physical techniques are taught.

Team Teach techniques seek to avoid injury to the pupils, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as failure of professional technique, but as a regrettable and infrequent side effect of ensuring that the pupil remains safe.

### **Types of Incident:**

Examples of situations that may call for judgments of this kind include:

- A pupil attacks a member of staff or another pupil (In the case of another students involvement in an incident parents/guardians of all parties involved will be contacted by telephone or in person the same day, or as soon as possible in extreme cases where parents/guardians are unable to be contacted);
- 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 to remain in a particular place is not enough on its own to justify use of force. It would be justifiable where allowing a pupil to leave would:
  - Entail serious risks to the pupil's safety (taking account age and understanding), to the safety of other pupils or staff, or damage to property; or
  - Lead to a behaviour that prejudices good order and discipline, such as disrupting other classes.
- A pupil persistently refuses to follow an instruction to leave a classroom.
- A pupil is behaving in a way that seriously disrupts a lesson.
- A pupil is behaving in a way that seriously disrupts a school sporting event or school visit.

**It is important to note that the use of reasonable force will only be applied at this school as a last resort, when all other alternatives have been exhausted and that any force used will be reasonable, proportionate and absolutely necessary.**

### **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 family.
- 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 can not leave.
  - 'Time out' which involves restricting the service user'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
- Policies should clearly describe *unacceptable* practices that might expose service users or staff to foreseeable risk of injury or psychological distress.

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

Positive Handling at Presfield 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 Presfield School in order to support each other is the 'Help Protocol'. The following provides an aide memoir of this script: -

### **Help Protocol**

'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. This record should be made in the school Serious Incident Book, statutory for all special school provision. This is a hard-backed book, with numbered pages, retained by the Head teacher. In addition, a Recording and Reporting Form will also be completed and the incident will be recorded on Arbor.

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 or Deputy

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 counselling and support. The staff involved in an incident will proactively facilitate the restoration process between themselves and the student as soon as is possible and appropriate after the incident. Through this process relationships are formed based on trust.

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 LSP/Positive Handling Plan as appropriate
- 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 occasion to use reasonable force, this will always be recorded and documented following agreed procedures. Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Head teacher to the needs of any pupil(s) whose behaviour may require the use of reasonable force. Recording of positive handling incidents will be shared with governors via the termly governors dashboard.

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 and ensure objectivity governors will be provided with an annual behaviour report. This will facilitate a review of incidents, paperwork, positive handling plans and policy development.