



POLICY FOR CARE AND CONTROL (incorporating Physical Restraint)

'The use of Positive Handling to manage
Physically challenging behaviour.'

Approved by:	Local GB	Date: 07.02.2024
Last reviewed on:	07.02.2024	
Next review due by:	February 2025	

Introduction

The policy has been developed in response to The School and Inspections Act 2006 section 93 which reinforces previous guidance. It also takes cognisance of recent DfES and DOH letters of guidance and follows the guidance for 'The Use of Reasonable Force To Control or Restrain Pupils' issued by Birmingham Education Service. It follows the outline of the Birmingham City Council model Care and Control Policy.

The policy should be read in conjunction with other school policies relating to interaction between adults and pupils.

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.

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 discipline and control practised by staff. This ensures the well-being and safety of all pupils and staff in school/provision. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required. Our 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

The Education and Inspections Act 2006 stipulates that reasonable force may be used to prevent a pupil from doing, or continuing to do any of the following:

- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether the behaviour occurs in a classroom during a teaching session or elsewhere within school (this includes authorised out-of-school activities).
- self – injuring
- causing injury to others
- committing a criminal offence

Individual members of staff cannot be required 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', they could be liable for a claim of negligence if they fail to follow the guidance within this policy.

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.

The Violent Crime Reduction Act 2006 effective from September 2007, gives schools powers to screen or search pupils for weapons. Should this searching expose staff to unacceptable risks then the DfES guidance on this will need to be followed. For example where it states that: "Searching without consent,

no one should be authorised to do a search before being trained . The power to search should only be used where it is judged to be safe, If the school decides it is unsafe to search they should call the police”

Definitions of Positive Handling

No legal definition of reasonable force exists however for the purpose of this policy and the implementation of it in our school:

- Positive Handling 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 must be proportionate to both the behaviour Of the individual to be controlled, and the nature of the harm they might cause.

1. Physical Contact

Situations in which proper physical contact occurs between staff and pupils, e.g., in the care of pupils and in order to support their access to a broad and balanced curriculum.

2. Physical Intervention

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 where the pupil is compliant.

3. Physical Control/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 must be recorded** and be stored in an accessible way.

The level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint.

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 pupils understand the need for and respond to clearly defined limits, which govern behaviour in the school.

Authorised staff

In this school/provision all staff are authorised to use reasonable force within the context of The Education and Inspections Act 2006 The Use of Reasonable Force to Control and Restrain Pupils'.

Authorisation is not given to volunteers or parents.

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. Potentially this may pose difficulties, how would such a decision be made and what would people do who had no training if in exercising a duty of care it is appropriate to restrain or intervene? Who will be liable for injuries to untrained staff? This is a health and safety issue.

Staff from the LA working within the school

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. It is important that all services policies are cross referenced within one agency or this may lead to potential difficulties re corporate accountability; to simply say they must have a policy and also be aware of policy may not be enough. Ultimately the head teacher in the school will be accountable for their actions while in the school. We would advocate a whole LEA approach where possible.

Training

Training for all staff will be made available and will be the responsibility of the Headteacher. No member of staff will be expected to undertake the use of reasonable force without appropriate training. If it may be necessary to use force in an environment for protection of the child, other children or members of the team All staff should be made of the back up system in place. Prior to the provision of training, guidance will be given on action to be taken. Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development.

Following a review of existing school practice(s) in consultation with governors/ staff and the LEA the school/pro\vision is committed to using Thomas Aitken, Staff Safety Training that has adopted the British Institute of Learning Difficulties (BILD) Code of Practice on physical intervention. When not accredited, the DfES Guidance recommends that organisations working towards accreditation can be used, BILD hold a list of all training organisations. Our school acknowledges that physical techniques are only a part of a whole setting approach to behaviour management. The governors of the school are committed to working within the L A's framework for accessing training in that: -

- It will review its Behaviour policy on at least a two-year cycle.
- Training will be delivered on a needs based approach and procedures are in place to monitor incidents.

Following a behavioural audit and implementation of appropriate risk management procedures

- All training will include theory on the following:
- Restrictive Physical Intervention National perspective
- Causes of challenging behaviour
- Primary prevention strategies
- Secondary prevention strategies
- Positive behaviour management
- De-escalation
- Risk assessment
- Behaviour support planning
- De – brief
- Effective review of policy following the training

Physical techniques are not treated in isolation and the 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.

Whilst the Physical techniques used can reduce risk there is always risk when two or more people engage to use force to protect, release or restrain.

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 should also provide a gradual, graded system of response.

Where appropriate Positive Handling Plans are written for individual children and where possible, in agreement with all parties involved and signed by parents, these will be designed through multi agency collaboration e.g. when devising Pastoral Support Plans.

Risk Assessments need to be 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.

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 and in association with the Education and Inspections Act 2006 Section 93

- 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 the second request for compliance;
 - an explanation of why observed behaviour is unacceptable;
 - an explanation of what will happen if the unacceptable behaviour continues.
- Warning of intention to intervene physically and that this will cease when the pupil complies, if possible summon assistance from (cite school support structures).
- Physical intervention. Reasonable force being used to prevent a child harming him or herself, others or property.

Types of Incident

The incidents described in The Education and Inspections Act 2006 The Use of Reasonable Force to Control and Restrain Pupils fall into three broad categories: -

- Where action is necessary in self-defence or because there is an imminent risk of injury.
- Where there is a developing risk of injury, or significant damage to property.
- Where a pupil is behaving in a way that is compromising good order or discipline.

Examples of situations which fall within one of the first two categories, are:

- A pupil attacks a member of staff, or another pupil;
- Pupils are fighting;
- A pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- 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;

- A pupil is running in a corridor or on a stairway in a way which he or she might have or cause an accident likely to injure him or herself or others;
- A pupil absconds from a class or tries to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations which fall into the third category are:

- A pupil persistently refuses to obey an order to leave a classroom;
- A pupil is behaving in a way that is seriously disrupting a lesson.

Acceptable measures of physical intervention

Policies on restrictive physical interventions are expected to include reference to the following:

- 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 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)
- With some disengagement techniques pupils may encounter some minimal discomfort when Appropriate release techniques are used.
- 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 Holy Souls Primary 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.

Recording

Where physical control or restraint has been used a record of the incident will be kept. This record should be made on My Concerns.

Appropriate documentation will be completed as soon as possible after the incident, (within 24 hours) normally prior to staff going off duty and be signed by all staff involved and the Headteacher.

The incident, 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. Where staff have been involved in an incident involving reasonable force they should have access to counselling and support.

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.

Monitoring of incidents will take place on a regular basis and the results used to inform planning to meet individual pupil and school needs.

Action after an incident

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 Behaviour Programme

Child Protection Procedure (this may involve investigations by Police and/or Social Services)

Staff or Pupil Disciplinary Procedure

School Behaviour Policy

Exclusions Procedure in the case of violence or assault against a member of staff

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.

Reference
Legislation

[The Children Act 1989 and 2004](#)

[The Education and Inspections Act \(2006\) Section 93. \(90 91\)](#)

[The Equality Act \(2010\)](#)

[Part 6 Education](#)

[The Human Rights Act 1998](#) (European Convention on Human Rights Article 3)

[Health & Safety at Work Act \(1974\)](#)

[The Mental Capacity Act \(2005\) Amendment 2019](#)

[DFE \(2013\) Use of Reasonable Force, Advice for headteachers, staff and governing bodies](#)

[DFE \(2014\) The Equality Act and Schools Department advice for school leaders, school staff, governing bodies and local authorities](#)

[DFE/DOHSS \(2019\) Reducing the Need for Restraint and Restrictive Intervention - Children and Young People with Learning Disabilities, Autistic Spectrum Disorder and Mental Health Difficulties \) non-statutory\)](#)

[National Institute for Health Care and Excellence \(2015\), challenging behaviour and learning disabilities: prevention and interventions for people with learning disabilities whose behaviour challenges](#)

[National Institute for Health Care and Excellence \(2018\) Learning disabilities and behaviour that challenges: service design and delivery](#)

Other reading

Allen, B. (2012) The Legal Framework for Restraint. Steaming Publishing.

Allen, B. (2012) Risk Assessment for Behaviour. Steaming Publishing.
 Allen, B (2015) Physical Contact Care, Comfort, Reassurance and Restraint. Steaming Publishing
 BILD (2006) Guidance on the Use of Seclusion.
 HSE (2007) 5 Steps to Risk Assessment. Health and Safety Executive.

[Ofsted \(2018\) Positive environments where children can flourish - A guide for inspectors and about physical intervention and restrictions of liberty](#) (updated 2021)

TRAINED STAFF

Name	Date of Certification
Mrs L Kielstra	06/05/2022
Miss J McTiernan	06/05/2022
Miss J Cookson	06/05/2022
Miss S Wood	06/05/2022
Mrs B Flynn	06/05/2022
Miss K Mills	06/05/2022
Mrs L O'Neill	06/05/2022
All qualified for two years from training date	
Mr D Henvey	29/09/2023
Miss A Marshman	29/09/2023
Mr D Shepherd	29/09/2023
Mrs T Pettigrew	29/09/2023
Mrs M Taylor	29/09/2023
Miss L Trodden	29/09/2023
Mrs F Gill	29/09/2023
Miss M McConnell	29/09/2023
Mr A Mills	29/09/2023
Mrs J Joyner	29/09/2023
Mr D Henvey	29/09/2023
All qualified for two years from training date	

**POLICY ON CARE AND CONTROL OF PUPILS
 MODEL STATEMENT FOR PARENTS ON THE USE OF REASONABLE FORCE**

If staff become aware of, or have a need to become involved in, situations where a child may be at risk of hurting themselves or others, or if the behaviour of a child seriously disrupts good order in the school or causes damage to property, staff may need to take steps to intervene physically. In such circumstances staff will follow the school's policy for dealing with such situations. Any parent wishing to view this policy may do so on request.