

Care and Control Policy

Date Policy due to be reviewed: June 2019

Committee Responsible for Policy: Full Governing Body Committee

Hillcrest School encourages pupils to make positive behaviour choices. Staff work positively with all pupils, build relationships of trust and understanding and respect their rights and dignity. All staff recognise they have a duty of care towards the children and young people they look after, their colleagues and others, under Health and Safety Legislation. They have a responsibility to familiarise themselves with policies and risk assessments, and participate in necessary training. They recognise they should look out for obvious hazards and reduce foreseeable risks wherever possible. The Children Act 1989 makes clear that in any decision involving a child the paramount consideration must be the child's welfare. Paramount means it should be the first thing people think about and it should take precedence over all other considerations. For that reason, staff carefully consider what is in the best interest of the child, both in the short term and the longer term.

In exceptional circumstances, staff may need to take action in the best interest of the child and the use of physical intervention may be required to achieve this.

Every effort will be made at Hillcrest School to ensure that all staff:

- Understand their responsibilities in the context of their duty of care
- Understand that the paramount consideration is the welfare of the individual child
- Understand that 'reasonable' force means that it is necessary and proportionate
- Are provided with appropriate training to manage risk and this training is maintained at an appropriate level.

The policy for physical intervention is based upon the following principles:

- Physical intervention should be used only as a last resort when other appropriate strategies have failed.
- Any physical contact should be only the minimum required.
- Physical intervention must be used in ways that maintain the safety and dignity of all concerned.
- Incidents must be recorded and reported to the Headteacher
- Parents / Carers will be informed of each incident

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.

Section 1- The Legal Framework

The Education Act, 1997, added a section to the 1996 Act to clarify when teachers may use physical force to restrain a pupil. Restraint occurs when a member of staff uses physical force intentionally to restrict a pupil's movement against his or her will. It is to be used only in exceptional

circumstances. Section 93 of the Education & Inspections Act 2006 allows 'teachers and other persons who are authorised by the Head Teacher who have control or charge of pupils to use such force as is reasonable in several circumstances'. This policy has been written with DFE 'Use of reasonable force' advice for Headteachers, staff and governing bodies, July 2013. This guidance states that schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow and instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event, trip or a visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff, parent, visitor or another pupil, or to stop a fight on the school site and/or in the immediate community; and
- restrain a pupil at risk of self-harm and/or harming themselves through physical outbursts.

This policy has also been reviewed in line with guidance outlined in 'Positive environments where children can flourish', March 2018.

Section 2 - Definitions

Physical Contact

Situations in which proper physical contact occurs between staff and pupils, eg, in the care of pupils with learning disabilities; in games/PE; to comfort pupils. This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. All such incidents must be recorded.

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 hand, arm or shoulder with little or no force.

Physical Control/Restraint

This will involve the use of 'reasonable force' when there is an immediate risk to pupils, staff or property. All such incidents must be recorded.

There is no legal definition of "reasonable force", so it is not possible to set out comprehensively when it is reasonable to use force; or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

The DFE guidance (2013) on the 'Use of Reasonable Force' and 'Keeping Children Safe in Education' (September 2018) defines and explains these terms in the following way:

- The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve 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 such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed' (KCSIE)
- As mentioned before, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
- 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.

- School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.
- A pupil absconding from school should not be restrained unless there is evidence that he or she is at serious risk. Members of staff are not obliged to restrain a pupil if it is against their better judgement. It may be more appropriate to summon help.

All members of staff who can use reasonable force have a legal power to use it. This power applies to any member of staff at the school. It can also apply to people whom the Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying pupils on a school organised visit.

It is good policy that physical restraint is used only:

- Rarely
- As a last resort
- Where another course of action would be likely to fail
- When staff have good grounds for believing that immediate action is necessary

Physical Restraint must not be used to:

- Punish
- Gain pupil compliance with staff instructions
- Cause or threaten hurt
- Inflict pain
- Oppress, threaten, intimidate or bully

Section 3 – Our Approach

Hillcrest School aim to avoid the need for physical intervention and regard this as a last resort in a minority of situations and always aim to deal with behaviour using a positive approach and therefore this policy should be read in connection with our Behaviour Policy.

It is not possible to define every circumstance in which physical restraint would be necessary or appropriate and staff will have to exercise their own professional judgement in situations which arise within the above categories. Staff should always act within the School's policy on behaviour and discipline, particularly in dealing with disruptive behaviour and once again it is stressed that physical intervention is only to be used when all other strategies have failed to have the desired effect on a pupil's behaviour.

**Some staff, for example, those who teach PE and games, or who offer music tuition will on occasions have to initiate physical contact with pupils in order to support a child so they can perform a task safely, to demonstrate the use of a particular piece of equipment/instrument or assist them with an exercise. This should be done with the pupil's agreement.*

Contact under these circumstances should be for the minimum time necessary to complete the activity and take place in an open environment.

This means that adults should:

- consider alternatives, where it is anticipated that a pupil might misinterpret any such contact, perhaps involving another member of staff, or a less vulnerable pupil in the demonstration.
- be familiar with and follow recommended DfES guidance.
- always explain to a pupil the reason why contact is necessary and what form that contact will take.

Staff should be aware that when they are in charge of children during the school day, or during other supervised activities, they are acting in loco parentis and have a 'Duty of Care' to all children they are in charge of. They must, therefore, take reasonable action to ensure the safety and well being of all pupils. This being said staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention.

As outlined in 'Keeping Children Safe in Education' (2018), as a school, we will consider the risk of using physical restraint or isolation for pupils with SEND given the additional vulnerability of pupils in this cohort. As part of our positive planning (ie – risk assessments) and proactive behaviour support, we aim to reduce the occurrence of risky behaviour and the need to use restraint.

Section 4 – Use of physical restraint or intervention

Although physical restraint is permissible, it does not mean that it is the best or only way to manage a concern or situation. Physical restraint should be applied as an act of care and control with the intention of re-establishing verbal control as soon as possible and, at the same time, allowing the pupil to regain self-control. It should never take a form which could be seen as punishment. Staff are only authorised to use reasonable force in applying physical restraint i.e. only applying force necessary to stop or prevent danger should be used, in accordance with the guidelines below. In all circumstances, staff must endeavour to respect the pupil's rights and dignity, and alternative methods should be used as appropriate with physical intervention or restraint a last resort.

In the exceptional circumstances when physical restraint or intervention becomes necessary:

DO

- Tell the pupil what you are doing and why
- Use the minimum force necessary
- Involve another member of staff if possible
- Tell the pupil what s/he must do for you to remove the restraint (this may need frequent repetition)
- Use simple and clear language
- Hold limbs above a major joint if possible e.g. above the elbow
- Relax your restraint in response to the pupil's compliance

DON'T

- Act in temper (involve another staff member if you fear loss of control)
- Involve yourself in a prolonged verbal exchange with the pupil
- Involve other pupils in the restraint
- Touch or hold the pupil in a way that could be viewed as sexually inappropriate conduct
- Twist or force limbs back against a joint
- Bend fingers or pull hair
- Hold the pupil in a way which will restrict blood flow or breathing e.g. around the neck
- Slap, punch, kick or trip up the pupil
- Use physical restraint or intervention as a punishment

Staff will need to make an instant risk assessment of the situation based on the considerations stated previously in the policy. The intervention should be proportionate to the circumstances, particularly if a situation and/or the response has escalated.

Section 5 - Types of restraint which may be appropriate

- Physical contact with a young person designed to control the young person's movements that pose a danger (e.g. holding the arms by the side of the body). Standing by the side of a student is likely to minimise the risk to the adult and student.
- Obstructing is when a staff member may use their physical presence to obstruct a situation. Obstructing must be used in the general context of trying to engage the pupil in distraction about his/her behaviour, its implications and discontinued if the pupil physically challenges it (when a decision needs to be made as to whether some other form of permitted intervention is still justified).
- Holding - To be used to discourage unwanted behaviour. This should involve no more than a hand placed on an arm or shoulder of a pupil by one or both hands and/or possibly the flat of the hand against a pupil's back in order to guide him/her to some other place. This may be necessary to avoid external danger (e.g. holding a pupils hand when crossing a road), to divert a pupil from destructive or disruptive behaviour or to discourage destructive or disruptive behaviour. The holding of a pupil's arms or legs to prevent/ restrict striking / kicking.
- "Holding" is distinguished from "physical restraint" largely by the manageable degree of force applied. Holding is intended to discourage. Physical restraint is intended to prevent.
- Pupils should not be placed or held face down on the floor.

When following out these forms of restraint the following guidance may be adopted:

- It is easier if one member of staff takes the lead and direction. Only one member of staff should do the talking at any one time.
- With two people present, where possible, approach the pupil face-on and take an arm each. They should now move to the pupil's side, reducing their space for movement.
- Beware of kicks, knees, head butts, bites etc. Staff should lean slightly away from pupil. If the pupil starts to spit, they should be told to stop, if they persist, staff can hold the pupils face forward, using the L shaped palm method.
- Staff should take hold just above the wrist, on the long bones, front of the shoulder and upper arm. Check positions of hold constantly and communicate with each other and the pupil. Reassure the pupil that you will relinquish control when the pupil has gained sufficient composure and self-control.
- Try not to move the pupil long distances. The greater the distance = higher potential for injury for all.
- If sitting, aim for a well-padded office chair with no arms. Staff should consider this before intervention.
- It may be necessary to lower the pupil to a kneeling position on the floor, follow the same processes.
- Arms should never be to the side or across the back.

Section 6 – Training and Support

- The provisions of the Education and Inspection Act 2006 apply to all members of staff who are authorised to have care and control of children.
- Training for all staff will be made available and is the responsibility of the DSL. 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.
- In addition, procedures will be put in place to ensure that appropriate support is provided for staff. Where staff have been involved in an incident they will be given time to recover and have access to support such as counselling and debriefing.
- We will also ensure that following an incident pupil / staff relationships are rebuilt and healed to ensure that a positive learning environment is maintained.
- Physical techniques are not used in isolation and the school is committed to ensuring that as a result of incidents learning opportunities are created for the pupil that allow them to 'own' and take responsibility for their behaviour at a level appropriate to their stage of development. In addition, we will endeavour to provide the pupil with targeted support in school and/or externally to help them to manage and regulate their behaviour to avoid such incidents in the future.

Section 7 - What should be done after an incident of restraint?

- The Headteacher or senior member of staff should be informed immediately and a Physical Intervention Report must be drawn up in liaison with involved colleagues and the pupil given the opportunity to discuss the incident and have their input recorded. (see appendix 1)
- All sections of this report should be completed so that any patterns of behaviour can be identified and addressed. In the event of any future complaint or allegation this record will provide essential and accurate information. A copy should be filed in the child's appropriate file and a central copy will be kept by the Headteacher.
- Incident Reports need to be monitored and evaluated to identify incident patterns or trends developing.
- Although we are not legally required to do so, the Headteacher, Deputy Headteacher or a senior member of staff will then decide when and how to inform parents. If this action is agreed, ideally this will happen as soon as possible after an incident, normally on the same day, to inform them of the actions that were taken and why, and to provide them with an opportunity to discuss it.
- Further action should be considered in accordance with school policies on positive behaviour and health and safety.
- If the pupil's behaviour is part of an ongoing pattern it may be necessary to address the situation through the development of an appropriate individual support plan, which may include a risk assessment, an anger management programme, involvement of external agencies or other strategies agreed by the pastoral team.

Section 8 – Risk Assessments

If we become aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force, we will plan how to respond if the situation arises. Such planning will address:

- Strategies to be used prior to intervention
- Ways of avoiding 'triggers' if these are known
- Involvement of parents to ensure that they are clear about the specific action the school might need to take
- Briefing of staff to ensure they know exactly what action they should be taking (this may identify a need for training or guidance)
- Identification of additional support that can be summoned if appropriate
- The school's duty of care to all pupils and staff.

Section 9 – Complaints and Allegations

A clear physical intervention and restraint policy, adhered to by all staff and shared with parents, should help to avoid complaints from parents. It is unlikely to prevent all complaints, however, and a dispute about the use of force by a member of staff might lead to an investigation under the Complaints Policy or Disciplinary policy as required. If following preliminary investigations, it is deemed necessary the Headteacher will contact the LADO in line with the school's child protection policy. Suspension is not an automatic response when a member of staff has been accused of excessive force. The Headteacher, after consultation with the LADO, will consider the following:

- Were the actions taken by the member of staff reasonable in the circumstances?
- Were the actions necessary? Was there another course of action that could have been considered?
- Were the actions proportionate to the circumstances?
- Were the actions taken in the best interest of the pupil?

Section 10 – Monitoring

It is our intention to inform all staff, pupils, parents and governors about these procedures and the context in which they apply. We will review this policy annually.

This policy should be read in conjunction with the following policies:

- Hillcrest School's Behaviour Policy
- Hillcrest School's Safeguarding and Child Protection Policy

Physical Intervention and Restraint Policy Adopted: June 2018

Physical Intervention and Restraint Policy Review: June 2019

Appendix 1 – Physical Intervention Report

Hillcrest School: Physical Intervention Report	
Staff Name:	Date of Incident:
Full name(s) of Pupil (s) involved:	Specific location of Incident:
Full names of staff witnesses:	Time of Incident:
Full names of student witnesses:	Names of other witnesses, ie – visitors / parents:

<p>Justification for physical intervention (tick)</p> <p>To prevent self-harm <input type="checkbox"/></p> <p>To prevent harm to other children <input type="checkbox"/></p> <p>To prevent harm to adults <input type="checkbox"/></p> <p>To prevent damage to property <input type="checkbox"/></p> <p>To prevent loss of learning <input type="checkbox"/></p>	<p>Explain predicted harm prevented by intervention</p>
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<p>Triggers – what factors led to the situation occurring?</p>

<p>Primary de-escalation techniques used (state in order they were used)</p>

Verbal advice and support		Offering services of other staff	
Calm talking		Informing of consequences	
Distractions		Taking non-threatening body position	
Reassurance		Step away	
Humour		Clear instruction/warning	
Negotiation		Attempt made to get support from others	
Offering advice and options		Diversion	
<p>Any additional information on de-escalation techniques used:</p>			

Describe the nature of the force used, ie – degree, type of hold and length of time:

Describe how the student responded during the incident – What did he/she say and do? What did you say during the incident?

Describe the actions and comments of any of person present during the incident:

Provide details of any injuries or marks to the skin on the student, yourself and anyone else who was involved in the incident:

Did anyone involved in the incident require first aid treatment? If so, who?

Provide details on any damage to school or personal property during the incident:

Provide details on any other relevant information:

Signed:

Date:

Incident reported to:

Time:

