



St Giles' C.E. Primary School

Care and Control Policy (including physical restraint)

The use of positive handling to manage physically challenging behaviour

1. Introduction

This policy has been prepared after staff consultation(s) on and was adopted by the governing body on 18.1.24. The responsible person for the implementation of the policy is Mr M Dakin. The policy will be reviewed by 31.1.26 by the Headteacher and the Governing Body.

The policy has been developed in response to DfES circular 10/98 'The Use of Force to Control or Restrain Pupils', issued following the enactment of Section 550A of the 1996 Education Act. It also takes account of recent Department for Education and Skills (DFES) and Department of Health (DoH) letters of guidance and Walsall Children's Services 'Policy for the Care and Control of Children and Young People in Schools'.

The policy should be read in conjunction with other school policies relating to interaction between adults and pupils (for example, inappropriate relationships and behaviour policy).

The policy has been prepared to assist 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. A statement about the school's 'Discipline and Behaviour Policy' is made to parents in the school prospectus. This statement includes information on the use of reasonable force to control or restrain pupils.

This policy was reviewed and updated in line with our Christian values and beliefs, 'Behaviour and Discipline in Schools and (UNCRC).

In 1989, governments across the world adopted the United Nations Convention on the Rights of the Child (UNCRC), recognising that all children have the right to be treated with dignity and fairness, to be protected, to develop to their full potential and to participate. The Convention sets out the civil, political, economic, social and cultural rights that everyone under 18 is entitled to. It says what countries must do to ensure that all children can enjoy their rights, regardless of who they are, or where they are from. The UN General Assembly adopted the Convention in 1989 and it was ratified by the UK in 1991. It is the most widely adopted international human rights treaty.

Article 2 (non-discrimination) The Convention applies to every child without discrimination, whatever their ethnicity, gender, religion, language, abilities or any other status, whatever they think or say, whatever their family background.

Article 19 (protection from violence, abuse and neglect) Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment by their parents or anyone else who looks after them.

Article 23 (children with a disability) A child with a disability has the right to live a full and decent life with dignity and, as far as possible, independence and to play an active part in the community. Governments must do all they can to support disabled children and their families.

Article 28 (right to education) Every child has the right to an education. Primary education must be free and different forms of secondary education must be available to every child. Discipline in schools must respect children's dignity and their rights. Richer countries must help poorer countries achieve this

2 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 school behaviour code and follow staff directions. This ensures the well-being and safety of all pupils and staff in St Giles CE Primary 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.

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.

3 Implications of the policy.

The 1996 Education Act (Section 55O A) 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 the school (this includes authorised out-of-school activities);
- self-injuring;
- causing injury to others;
- committing an offence.

Individual members of staff cannot be required to use physical restraint. However, teaching and non-teaching staff should always operate with an appropriate duty of care. They could be liable for a claim of negligence if they fail to follow this school 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 the 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, when pupils, staff and property are at risk or in order to maintain good order.

4 Definitions of Positive Handling

4.1 Physical Contact

This describes situations when proper physical contact occurs between staff and pupils (for example, in the care of pupils with learning disabilities, in games or PE or to comfort pupils).

4.2 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 hand, arm or shoulder with little or no force).

4.3 Physical Control or Restraint

This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property or in order to maintain good order. 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 stored in an accessible way.

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

No legal definition of reasonable force exists. However, for the purpose of this policy and the implementation of it. In St Giles CE Primary the following guidance applies.

- Positive handling uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming themselves, 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 (see paragraph 3.4 on page 10 of the DfES guidance reference LEA/0242/2002).

5 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; and
- 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; and
- be informed about the school's complaints procedure.

The school will ensure that pupils are given support to understand the need for clearly defined limits which govern behaviour in the school and their responsibility for complying with the behaviour code.

6 Authorised Staff

In this school all teachers are authorised to use reasonable force within the context of DCSF (Revised Guidance 2008) 'The Use of Reasonable Force to Control and Restrain Pupils'.

Only non-teaching staff specifically authorised by the head teacher to have control or charge of pupils may use reasonable force to manage or control pupils.

The school provides briefings for all staff as awareness of this policy is relevant to all. Training is provided to all authorised staff and the head teacher retains a list of staff training which includes the names of those trained and the extent of their training. The list is reviewed on an annual basis (or more frequently if needed).

Authorisation is not given to volunteers, students or parents.

The head teacher is responsible for making clear which staff have been authorised to use reasonable force, in what circumstances they may use force and for what duration of time this authorisation will last. The head teacher will ensure that those authorised are aware of, and understand, what the authorisation entails. Those whom the head teacher has not authorised will be told what steps to take in the case of an incident where control or restraint is needed.

7 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 head teacher's responsibility to make sure that support services staff are aware of the school policy and practice.

8 Training

It is the responsibility of the Head Teacher to arrange suitable training. Training for all staff will be made available. No member of staff will be expected to undertake the use of reasonable force without appropriate training. 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. Specific training will be provided as part of on-going staff development.

Following a review of our existing school practice, in consultation with governors and staff, Walsall Children's Services - Serco, and the LA, this school is committed to using TEAM TEACH which adopts the British Institute for Learning Disabilities (BILD) code of practice on physical intervention, and is accredited by the BILD Physical Interventions Accreditation Scheme.

The governors of the school are committed to establishing training in the context of:

- an annual review of its behaviour policy;
- a needs based assessment and ensuring that procedures are in place to monitor incidents, audit behaviour and implement appropriate risk management procedures.
- All training for authorised staff will include at least the following areas:
 - awareness and understanding of this “Care and Control” policy;
 - causes of challenging behaviour;
 - prevention strategies;
 - positive behaviour management;
 - intervention;
 - de-escalation;
 - risk-assessment;
 - behaviour support planning;
 - recording and monitoring incidents; and
 - de-brief following incidents.

9 Risk assessment and positive handling plans

A general risk assessment has been carried out to identify the likelihood and severity of disruptive or destructive behaviour in the school generally. In addition, a specific assessment of risk will be made for 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.

Positive handling plans, where applicable, will be designed through multi-professional collaboration. These should be included in any pastoral support plans or individual educational plans.

Any interventions used will take account of a young person’s:

- age;
- gender;
- level of physical, emotional and intellectual development;
- special needs; and
- social context.

Interventions and plans are based on a gradual, graded system of responses as follows:

- Verbal acknowledgement of unacceptable behaviour with request for the pupil to stop (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 members of the SLT
- Physical intervention as a last resort. Reasonable force being used to prevent a child harming him or herself, others or property.

10 Recording

Where physical control or restraint has been used a record of the incident will be kept. This record will be made in the school serious incident book. This is a hard-backed book, with numbered pages, retained by the head teacher containing a brief reference to the:

- detailed MyConcern and an electronic incident form, and
- health & safety Accidents & Aggressive Incident form – if appropriate.

The restraint incident form 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 head teacher.

After the review of the incident, copies of the restraint form will be placed on the pupil's file.

A health & safety Accidents & Aggressive Incident form will need to be completed and returned to Walsall Children's Services – Serco's Health & Safety Team if 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.

Whenever a member of staff has occasion to use physical intervention or physical restraint, 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.

After an incident, the head teacher will review and further investigate it if required. If further action is needed 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 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).
- Parents will be notified of any recorded incident on the same day (as far as is reasonable).

11 **Monitoring incidents**

A review of all incidents will be carried out (at least on an annual basis) by the head teacher and the governing body. The results will be used to inform planning to meet individual pupil and school needs. The outcomes of review will be incorporated in a revised risk assessment.

Physical interventions are not treated in isolation and the school is committed to ensuring that following incidents, learning opportunities are created for children that allow them to reflect on and take responsibility for their behaviour. Procedures are also in place to ensure that appropriate support is provided for staff and that following any incident, pupil and staff relationships are repaired (wherever possible) to ensure that a positive learning environment is maintained.

12 **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 or the child protection procedures.

13 **Other relevant policies**

Other relevant school policies that cross reference with this one are:

- Behaviour Policy, Exclusion Policy,
- Health & Safety Policy
- Child Protection Policy
- Code of Conduct

Model Statement for Parents on the Use of Reasonable Force for Inclusion in School Prospectus

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.

Reviewed 19.1.24
To be reviewed 31.1.26



School:	Number:
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Injured Person/ Incident Details	
Pupil's name:	Class:
Place:	Where it happened:
Reporting Staff:	Date/time:
Witness name:	Witness name:

1. Antecedent (what conditions led up to the incident)

2. Record of Incident (reason why physical intervention or restraint was required)			
	Yes	No	*see Guidance
Was the child liable to self-injury?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were other children liable to injury?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Were adults liable to injury?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was property about to be damaged?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Was good order/safety prejudiced?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other substantive reason: (give details)			
.....			
.....			
.....			
.....			

3. Description of Intervention
Duration



4. Record of injuries to pupils or staff (use body map to record area of injury)		
Name:	Designated	Incident Form Number
.....
.....
.....
.....

5. Record any damage to property (include estimated cost of repair/replacement)

Appendix 3: Training grid

	Employees	Safety Representatives (may go on all training courses)	Staff authorised to intervene	Head teachers and others nominated
Safety induction	*	*	*	*
Care and control briefing	*	*		
BILD Physical Interventions Accreditation Scheme			*	
TeamTeach Intervention Training			*	
IOSH Managing Safely in Schools				*
Principles and Practice of Risk Assessment		*	*	*
Reporting Incidents and incident investigation			*	*
<p>Note: The stars in the boxes show what training is needed. Safety representatives may go on all training courses.</p>				

Appendix 4: Model Risk Assessment

Name of pupil:	Name of Assessor:
Year/Class/Form:	Assessment date:
SEN Details:	
Other Details:	

Likelihood	6	6	12	18	24
	5	5	10	15	20
	4	4	8	12	16
	3	3	6	9	12
	2	2	4	6	8
	1	1	2	3	4
		1	2	3	4
		Severity			

HAZARD (Behaviour)	RISK (Potential Triggers)	RISK GROUP	CONTROL MEASURES (Describe the existing workplace precautions and risk control systems in place)	Likelihood	Severity	Risk level	Are Existing Controls Adequate?	
							Yes	No*
Behaviour. Information should be evidence-based (for example, previous school report, SEN documents and consultation with staff. These are examples only	Potential Triggers. Including likely times of day, involvement of medical condition or medication, other circumstances known to increase risk	T – teachers S – support staff P – Pupils V – Visitors E – equipment or property	<ul style="list-style-type: none"> Control measures should be fully integrated into SEN documentation (for example, the IEP or IBP), updated where necessary and disseminated to all staff, including temporary, supply or students. Likelihood & Severity are subjective assessment scores. (Details are found in the corporate risk assessment SMS). Likelihood is scaled 1-6, from almost impossible to very high likelihood of risk causing an injury Severity is scaled 1-4, from a negligible injury to fatality 					
Verbal abuse Defiance or confrontational behaviour Impulsive or dangerous behaviour Violence or aggression Vandalism	Afternoons; consuming high sugar food or drink In the presence of any member of the Smith family (KS2)	All (T,S,P,V,E) P	<ul style="list-style-type: none"> Withdrawal from practical activities in affected lessons until half term, then re-integrate with LSA. Long term attempts to address sugar consumption Change classes so that (pupil name) and the Smith pupils are not taught together. Watch for playground aggression 	5 6	2 2	10 12		✓ ✓

HAZARD (Behaviour)	RISK (Potential Triggers)	RISK GROUP	CONTROL MEASURES (Describe the existing workplace precautions and risk control systems in place)	Likelihood	Severity	Risk level	Are Existing Controls Adequate?	
							Yes	No*
Bullying Fighting Carries weapon(s) Racial harassment Sexual harassment False accusations Self harm								
		•	•					

To be reviewed: 31.1.24