

CARE AND CONTROL POLICY **(incorporating Intervention)**

‘The use of Positive Handling to manage physically challenging behaviour.’

Why Do We Have This Policy?

The policy has been developed in response to Circular 10/98 "The Use of Force to Control or Restrain Pupils", issued following the enactment of Section 550A of the 1996 Education Act and taking into account the Department for Education Guidance on Use of Reasonable Force (July 2013). It also takes cognisance of DfE, DOH Guidance for Restrictive Physical Interventions, ‘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 Liverpool Local Authority.

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 respond positively to the discipline and control practised 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. Notre Dame Catholic College 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.

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How Does the School Respond?

The Department for Education guidance on The Use of Reasonable Force (July 2013) stipulates that:

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In a school, force is used for two main purposes – to control pupils or to restrain them.
- The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.
- The following list is not exhaustive but provides some examples of situations where reasonable force can be used.
 - remove disruptive children from the classroom where they have refused to follow an instruction to do so;
 - prevent a pupil behaving in a way that disrupts a school event or a school trip or 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 or another pupil, or to stop a fight in the playground; and
 - restrain a pupil at risk of harming themselves through physical outbursts.

Furthermore the 1996 Education Act (Section 550 A) stipulates that reasonable force may be used to prevent a pupil from:

- placing her/himself at risk.
- placing other pupils or staff at risk.
- damaging property or committing a criminal offence
- 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).

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

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school's policy not be adhered to by individuals, it is not unforeseeable 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. Any form of **reasonable force** will be **reasonable and proportionate** to the pupil's **age, gender and state of development**. In addition, reasonable force will only be deployed if it is **absolutely necessary**.

Definitions of Positive Handling:

No legal definition of reasonable force within a school's context exists, however, for the purpose of this policy, and the implementation of it in Notre Dame Catholic College:

'Reasonable Force uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming herself/himself, others or property'.

The scale and nature of any physical intervention at Notre Dame Catholic College must be 'proportionate both to the behaviour of the individual to be controlled and to the nature of the harm they might cause'. (DfE/DOH Guidance for Restrictive Physical Interventions, July 2002). It must also take into account any reasonable adjustments for disabled children and children with special educational needs (SEN).

This policy does more than simply outline the use of physical intervention at Notre Dame Catholic College. It aims to provide a transparent overview of how we use physical contact both to care for and, where appropriate, to control our pupils. 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, interaction has been divided into three definable areas.

Physical Contact:

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It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary. Examples of where touching a pupil might be proper or necessary:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching;
- To give first aid.

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 with little or no force. The techniques implemented here will include ‘turn, gather, guide’. The important factor within these situations is the compliance of the pupil.

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 stored in an accessible way.

As indicated, the level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint. If staff are in doubt then the incident should be recorded on 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, including disability and SEN, 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;

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- 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 the need to 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.

Authorised staff:

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

At Notre Dame Catholic College **only staff specifically authorised by the Executive Headteacher may use reasonable force** within the context of Circular 10/98 –

'The Use of Reasonable Force to Control and Restrain Pupils'.

Only support staff specifically authorised by the Executive Headteacher to have control or charge of pupils may use reasonable force to manage or control pupils.

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

Authorisation is not given to volunteers or parents.

Supply staff will not appear on the 'authorised persons list'.

The Executive 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 Executive Headteacher will ensure that those authorised are aware of, and understand, what the authorisation entails. Those whom the Executive 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 Executive Headteacher's responsibility to ensure that colleagues from Support Services are aware of school policy and

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practice. The Executive Headteacher in the school will be accountable for the actions of Support Services while in the school.

Training:

Training for all staff will be made available and is the responsibility of the Executive 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.

As an accredited provider with the British Institute of Learning Disabilities (BILD), Notre Dame Catholic College, 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

Physical techniques are not used in isolation and Notre Dame Catholic College, 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 healed 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, these will be designed through multi agency collaboration e.g. when devising Pastoral Support Plans or Care 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.

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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 Circular 10/98.

- Oral acknowledgement of unacceptable behaviour with request for the pupil to refrain; (this includes negotiation, care and concern)
- Further oral reprimand which may include 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 assistance from a member of the Senior Leadership Team should be summoned.**
- Physical intervention. Reasonable force being used to prevent a child harming her or himself, 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:

The incidents described in Circular10/98 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.

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- 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 follow an instruction to leave a situation of danger;
- a pupil is behaving in a way that is seriously disrupting a lesson.

Acceptable measures of physical intervention:

- Staff at the school will follow the current disciplinary and behaviour management procedures in order to provide a scaled approach to behaviour management and therefore prevent the need for physical intervention.
- Following an incident, staff must follow the post incident procedures provided in this policy.
- Risk assessment and risk management of pupils is made through a member of the Senior Leadership Team, where possible. Where this is not possible, it must be made by an appropriate member of staff.
- The school also acknowledges 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).
- Where first aid is required, the school’s first aid policy must be followed and any assistance must be provided by an appropriately qualified person.

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

Positive Handling at Notre Dame Catholic College is seen as a proactive response to meet individual pupil needs and any such measures will be most

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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 may be used by staff at Notre Dame Catholic College in order to support each other. This 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. If a situation arises where it is evident that support is required but is refused the incoming member of staff will use the phrase 'I am available for more help'.

The response should then be 'what do you suggest'.

The member of staff then replies 'I would like you to and I'll catch up with you later'. The final statement should always be followed up so as to ensure the professional relationship between colleagues remains untarnished.

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. 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 Executive Headteacher.

After the review of the incident, a copy of the details will be placed on the pupil's file.

The appropriate Health and Safety Accident/Incident Form will be completed and requirements followed 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.

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Action after an incident:

The Executive Headteacher 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, for example:

Review of Behaviour Programme/IEP/PSP/Positive Handling Plan.

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 or other pupil(s).

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 Executive Headteacher 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.

Mr Westwell, is the named Governor who supports this process by undertaking termly audits of incidents and feeding back findings to the Executive Headteacher and Governing Body.

THE FOLLOWING PAGES ARE FORMS FOR COMPLETION FOLLOWING ANY INCIDENT

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POLICY ON CARE AND CONTROL OF PUPILS

Notre Dame Catholic College

RECORD OF THE USE OF REASONABLE FORCE

Reference should be made to the School's Policy on Care and Control of Students before completing this report form. This report should normally be completed as soon as practically possible after the incident.

Name of Pupil _____ Registration Group/Class _____

Date and Time of Incident _____ am/pm Place _____

Reporting Staff _____

Staff Witnesses _____

Pupil Witnesses _____

1. RECORD OF INCIDENT

Reason why Reasonable Force was thought necessary:

Was the pupil concerned liable to injury Yes/No

Were other pupils liable to injury? Yes/No

Were staff liable to injury? Yes/No

Was property about to be damaged? Yes/No

Was good order prejudiced? Yes/No

Other reasons: -

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- 1.1 Concise details of how the incident began, nature of pupil behaviour, the use of techniques other than physical control to defuse the situation and measures taken to avoid harm to the pupil.

- 1.2 Description of physical intervention/control/restrain used, including the degree of force used, how that was applied, and for how long.

- 1.3 Record of any injuries to pupils/staff (a body map should be attached)

- 1.4 Record of any damage to property

- 1.5 Measures taken to ensure that the pupil was calmed after the incident

1.6 Signature _____
 Time _____ am/pm Date _____
 Report passed to _____ Designation _____

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2. ACTION TAKEN BY EXECUTIVE HEADTEACHER/DEPUTY HEADTEACHER/SENIOR MANAGER

2.1 Name _____ Designation _____

2.2 Incident Book Completed Yes/No

Signed by Headteacher Yes/No Head to initial action

Parents Informed Yes/No

Incident discussed with pupil Yes/No

Time _____ Date _____

Other Professionals informed Yes/No

Name	Designation	Date Informed

2.3 Action Log (any other actions taken/follow up from other professionals etc)

Date **Summary of Actions/Reports**

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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 pupil may be at risk of hurting themselves or others, or if the behaviour of a pupil 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.

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