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**Policy:** Care and Control of Pupils  
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**To be read in conjunction with:** Policy on Discipline and Behaviour Management 2017

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## 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 must follow the school's Care and Control Policy which outlines how to deal dealing with such situations. Any parent wishing to view this policy may do so on request.

## Care and Control Policy (incorporating Positive Handling)

'The use of Positive Handling to manage Physically Challenging Behaviour.'

### 1.0 Introduction

**1.1** 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 DfE 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

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

**1.3** The policy has been prepared for the support of all teaching and support staff who come into contact with students and for peripatetic staff working within the school to explain the school's arrangements for care and control. Its contents are available to parents and students. A statement about the Behaviour policy is made to parents in the school prospectus. This statement includes information on the use of reasonable force to control or restrain students.

### 2.0 Purpose of Policy

**2.1** Good personal and professional relationships between staff and students are vital to ensure good order in our school. It is recognised that the majority of students in our school respond positively to the discipline and control practised by staff. This ensures the well-being and safety of all students 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. Spring Hill High School acknowledges that physical techniques are only part of a whole setting approach to behaviour management.

**2.2** Every effort must 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.

### 3.0 Implications of the policy

**3.1** The Education and Inspections Act 2006 stipulates under Section 93, that reasonable force may be used to prevent a student 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 students, 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.

**3.2** All members of Spring Hill High School staff are employed by Thoughts of Others Ltd and are required to undertake specialist safer handling techniques prior to being employed in the school or within the company. PRIME (Positive Reactions in a Managed Environment), PRICE Training (Protecting Rights in a Caring Environment), NFPS (National Federation for Personal Safety). We are completing a period of transition whereby all current staff will transfer from PRICE and PRIME to NFPS.

**3.3** 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 Safer handling.

**3.4** Reasonable force will only be used as a last resort when all other behaviour management strategies have failed or when students, staff or property are at risk. The Violent Crime Reduction Act 2006 effective from September 2007 gives schools powers to screen or search students 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 (Safety reminder); 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"

#### 4.0 Definitions of Positive Handling

Although no legal definition of reasonable force exists, for the purpose of this policy and the implementation of it in Spring Hill High School, reasonable means both necessity and proportionality have to be justified:

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

#### 5.0 Underpinning values

**5.1** 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.

**5.2** Students attending this school and their parents/carers have a right to:

- individual consideration of student's 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;

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- be informed about school rules, relevant policies and the expected conduct of all students and staff working in school;
- be informed about the school's complaints procedure.

**5.3** The school will ensure that students understand the need for, and respond to, clearly defined limits, which govern behaviour in the school.

### **6.0 Training**

**6.1** Training for all staff will be the responsibility of the company Thoughts of Others Ltd and we are completing a period of transition whereby all current staff will transfer from PRICE and PRIME to NFPS.

**6.2** All staff should be made aware of the backup / on call system in place. Arrangements must be made clear as part of the induction of staff and training must be provided as part of ongoing staff development.

**6.3** Spring Hill High School acknowledges that safer handling techniques are only a part of a whole setting approach to behaviour management and therefore agrees to:

- review its Behaviour Policy on at least a two-year cycle.
- deliver training and follow procedures to monitor incidents.

**6.4** All training includes theory on the following:

- Restrictive Safer handling 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

**6.5** 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.

### **6.6 Authorised staff**

In this school all staff are authorised to use reasonable force within the context of The Education and Inspections Act 2006; Section 93

The school provides training for all authorised staff and Thoughts of Others Ltd 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, parents/carers or anyone who is not contracted to Spring Hill High School.

**6.7** 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 must be put in place to ensure that appropriate support is provided for staff and that following an incident student/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.

Risk Assessments need to be completed against each child when safer handling techniques 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.

### **6.8** 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 students or staff, property, buildings or the environment. Where unacceptable behaviour threatens good order and discipline and provokes Safer handling, 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 student to refrain; (this includes negotiation, care and concern).
- Further verbal de-escalation, stating:
  - that this is the second request for compliance;
  - an explanation of why observed behaviour is unacceptable;
  - an explanation of potential consequences if the unacceptable behaviour continues.
- Warning of intention to intervene physically and that this will cease when the student complies.
- Safer handling. Reasonable force being used to prevent a child harming him or herself, others or property.

### **6.9** 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:

1. Prevention of a crime.
2. Where action is necessary in self-defence or because there is an imminent risk of injury to others or the person being restrained and where there is significant damage to property.
3. Where a student is behaving in a way that is prejudicing the maintenance of good order or discipline amongst students and school.

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

- A student attacks a member of staff, or another student;
- students are fighting;
- A student is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- A student is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- A student 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 student absconds from a class or tries to leave school (NB this will only apply if a student 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.

### 6.10 Acceptable measures of Safer handling

- Strategies for preventing the occurrence of behaviours which precipitate the use of a Safer handling.
- Strategies for 'de-escalation' or 'diffusion' which can avert the need for a Safer handling.
- Procedures for post incident support and debriefing for staff, children, service users and their families.
- The concept of reasonable force where 'reasonableness' is determined with reference to all the circumstances, including:
  - a. The seriousness of the incident;
  - b. The relative risks arising from using a Safer handling compared with using other strategies;
  - c. The age, cultural background, gender, stature and medical history of the child or service user concerned;
  - d. The application of gradually increasing or decreasing levels of force in response to the person's behaviour;
  - e. The approach to risk assessment and risk management employed.
- The distinction between *planned* Safer handlings (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)

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- With some disengagement techniques students 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 Safer handling

Unacceptable practices include:

- Removing clothing from a child.
- Intentionally inflicting physical pain.
- Any action not in keeping within legislative requirements on the use of force and physical restraint.

Consideration must be made to clarify the distinction between:

- **seclusion** where an adult or child is forced to spend time alone against their will in a room, which they cannot leave.
- **time out** which involves restricting the student'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

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

Safer handling, at Spring Hill High School, is seen as a proactive response to meet individual student's 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.

### 8 Recording

**8.1** Where physical control or Safer handling has been used a record of the incident must 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 Deputy Headteacher in charge of the site, monitored by the Headteacher, Designated Safeguarding Lead (DSL) for the company, Thoughts of Others Ltd.

Appropriate documentation must 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 Deputy Headteacher, and notice of the incident given to the Headteacher.

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

A Health and Safety Accident/Incident Form must be completed and returned to the placing Authority in situations where injury has occurred to either members of staff or students.

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

## 8.2 Monitoring incidents

Whenever a member of staff has occasion to use reasonable force, this must 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 Headteacher to the needs of any student(s) whose behaviour may require the use of reasonable force. Monitoring of incidents must take place on a regular basis and the results used to inform planning to meet individual student and school needs.

## 8.3 Action after an incident

The Headteacher must 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 student, this must 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 Student Disciplinary Procedure
- School Behaviour Policy
- Review of placement with the possibility of exclusion in the case of violence or assault against a member of staff.

The member of staff must be kept informed of any action taken.

In the case of any action concerning a member of staff, he/she must be advised to seek advice from his/her professional association/union.

## 8.4 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 must be investigated through the School's Complaints Policy. If necessary the complaint must be dealt with by the Staff Disciplinary Procedures and/or Child Protection Procedures.

Please see:

- Attendance and Exclusion Policy
- Behaviour Policy,
- Health and Safety Policy,
- Safeguarding Policy.



