

CARE & CONTROL POLICY
Farsley Farfield Primary School
November 2016

Introduction

The purpose of the policy is to inform all teaching and support staff working with children at Farsley Farfield Primary School as to what is acceptable in relation to the use of physical intervention to manage challenging behaviour, and to prevent any misunderstanding of their intentions. It is also intended to inform children, their parent(s), carer(s), families and other relevant stakeholders of the legal position in relation to physical intervention, and systems and procedures that we follow at Farsley Farfield Primary School.

There is a common misconception that any physical contact with a child is in some way unlawful. This is NOT true.

“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.”

Page 8, Use of Reasonable Force – Advice for Head teachers, staff and governing bodies – July 2013

At Farsley Farfield Primary School, we constantly strive to create a calm environment that minimises the risk of incidents arising that might require the use of force. In relation to inappropriate behaviour, staff at the school will use their skills to defuse conflict situations. We will distract, cajole, persuade and negotiate with young people as well as reminding them of rules, privileges, rewards and sanctions. There may be circumstances however, where verbal de-escalation alone is not enough to deal with the risks that present themselves, and physical steps need to be taken.

This policy has been draw up taking cognisance of:

- DFE guidance: The Use of Reasonable Force (July 2013)
- Section 93 of The Education and Inspections Act 2006
- DFES guidance LEA/264/2003: Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (Sept 2003)
- The joint DFES/DOH guidance: Guidance for Restrictive Physical Interventions (July 2002)
- DFE Guidance: Behaviour and Discipline in Schools (January 2016)

This policy should be read in conjunction with the school's Behaviour Policy, Health and Safety Policy and Child Protection Policy.

Every effort will be made to ensure that all staff at Farsley Farfield Primary School:

- i. clearly understand this policy and their responsibilities in the context of their Duty of Care in taking appropriate measures where physical intervention is necessary
- ii. are provided with appropriate training to deal with incidents safely and effectively.

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

Prevention of challenging behaviour

Primary Prevention

This is achieved by:

- The deployment of appropriate staffing numbers;
- The deployment of appropriately trained and competent staff;
- Avoiding situations and triggers known to provoke challenging behaviour;
- Creating opportunities for choice and achievement;

- Developing staff expertise through a programme of Continuous Professional Development;
- Exploring pupils' preferences relating to the way/s in which they are managed.

Secondary Prevention

This involves the recognition of the early stages of a behavioural sequence that is likely to develop into violence or aggression and employing 'defusion' techniques to avert any further escalation. Pupils who present this challenging behaviour may require physical intervention and will have an Individual Behaviour Plan (IBP), a Positive Handling Plan (PHP) and have an Individual Pupil Risk Assessment (IPRA).

The PHP clarifies the appropriate application of gradually increasing or decreasing levels of force in response to the particular child/young person's behaviour.

Where there is clear documented evidence that particular sequences of behaviour escalate rapidly into violence, the use of a Restraint at an early stage in the sequence may, potentially, be justified if it is clear that:

- Primary prevention has not been effective, and
- The risks associated with **NOT** using a Restraint are greater than the risks of using a Restraint, and
- Other appropriate methods, which do not involve Restraint, have been tried without success.

As endorsed in the school's Behaviour Policy, staff will consistently use positive strategies to encourage acceptable behaviour and good order. The school uses PSHE and Ethos statements to help pupils to learn about feelings and managing conflict, where this is appropriate to their level of development. The school curriculum and ethos promote independence, choice and inclusion and pupils are given maximum opportunity for personal growth and emotional wellbeing.

Every effort will be made to resolve conflicts positively and without harm to pupils or staff, property, buildings or the environment. Some or all of the following approaches should be taken according to the circumstances of the incident:

- 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 other staff.

- Physical intervention. Reasonable force being used in line with legislation and guidance.

All staff working at FFPS have skills to help them to defuse situations before behaviour becomes challenging and how to de-escalate incidents should they arise.

Reasonable force will only be used when the risks involved in doing so are outweighed by the risks involved in not using force.

The Legal Implications

Duty of Care

All staff working within the school have a 'Duty of Care' to the children and young people and as such may face a situation where physical intervention is the only option left available to them, in order to ensure safety. Staff who have a Duty of Care have lawful justification for taking reasonable physical steps to prevent injury to any person, or damage to property. Taking no action, which results in a person being injured, could leave a member of staff open to an allegation that they were in neglect of their Duty of Care.

The Children's Act

Staff will always follow the principles enshrined in the above act whereby the safety and wellbeing of the children is paramount. Staff will act in accordance with the 'best interests' principle' - acting honestly and in good faith to protect what they perceive to be the best interests of the child/children.

Section 93

Section 93 of the Education and Inspections Act 2006 'The Power of Members of Staff to Use Force' states:

A member of the staff of a school may **use such force as is reasonable** in the circumstances to prevent a pupil from doing, or continuing to do any of the following;

- committing an offence
- injuring themselves or others, or causing damage to property
- compromising the good order or discipline of the school.

This policy allows for the physical restraint of pupils in disciplinary or dangerous situations. This must not include any form of corporal punishment and should be limited to the minimum force absolutely necessary for the minimum amount of time.

Examples of situations where the guidance could apply:

- when a pupil attacks a member of staff;
- when a pupil attacks another pupil;
- when a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism;
- when 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 (for example, in the lab or on the sports field)
- when a pupil at risk absconds from class or tries to leave the school;
- when a pupil persistently refuses to obey an instruction to leave a classroom;
- when a pupil is seriously disrupting a lesson.

It is the policy of the school that only in exceptional circumstances physical restraint will be used by staff and that our policy in this regard will be made known to staff, governors, parents and pupils and that clear contingencies are known to all.

The Application of Force

The application of any form of physical control inevitably carries an attached risk of unintended harm and this places staff and the school at risk of potential litigation. 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. Staff need to be aware that they are responsible for:

- assessing risks (dynamic risk assessment) related to individual circumstances which may arise in the course of their day-to-day duties and
- making judgements about when the use of force is necessary and the degree of force which may be regarded as necessary to manage a situation. Any intervention must be proportionate to the risk presented.

Staff need to be aware that they are required to justify their decisions in writing through the recording and reporting procedures outlined later in this document.

When circumstances justify, staff - **as a last resort** - may:

- physically interpose between pupils
- block a pupil's path
- hold a pupil in a controlled manner
- use escorting techniques in a controlled manner
- in extreme circumstances, use more restrictive holds.

Staff's response to an incident should seek to employ a gradually increasing or decreasing level of force in response to the child/young person's behaviour as set out in the child's PHP.

If possible, the use of restraint needs a second adult present to assist with and/or witness the incident. Staff must be aware of DFE recommendations (DFE guidance: The Use of

Reasonable Force p.7) and not hold pupils in such a way that they may be injured or prevented from breathing.

During any incident involving the use of force, staff are expected to continue to use all available verbal and non-verbal support and de-escalation strategies to defuse difficult situations.

Reasonable Force

There is no legal definition of 'reasonable force'. It will always depend upon the circumstances of each individual case.

The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force.

The degree of force employed must be in proportion to the circumstances of the incident and must be the minimum needed to achieve the desired result.

Whether the degree of force used is reasonable will also be determined by the child's age; gender; stature; medical history; level of physical, emotional and intellectual development; special educational needs and/or disability; and social context.

Definitions of Positive Handling

Positive Handling describes a broad spectrum of risk reduction strategies. Positive handling is a holistic approach involving policy, guidance, management of the environment, and deployment of staff. It also involves personal behaviour, diversion, diffusion, and de-escalation. PHPs are a plan for the positive management of pupils' challenging behaviour. They are based on a risk assessment and identify positive prevention strategies and how a pupil may need to be supported in a crisis.

- Physical intervention - the use of any physical handling technique that has the child or young person's compliance (e.g. prompting, shepherding)
- Restraint - the positive application of force in order to overcome rigorous resistance, completely directing and controlling a person's free movement (i.e. the child or young person is no longer compliant)

A **planned intervention** is one that is described/outlined in the pupil's PHP. This should cover most interventions, as possible scenarios will be identified and planned for when the PHP is drawn up. These interventions may include the use of 'Team-Teach' physical intervention techniques.

An **emergency physical intervention** may be necessary if a situation arises that was not foreseen or is uncharacteristic of the pupil. Members of staff retain their Duty of Care to pupils and any response, even in an emergency, must be proportionate to the circumstances. Staff should use the minimum force necessary to prevent injury and maintain safety, consistent with the training that they have received. Following any such incident, a PHP will be devised (or the existing plan updated) to support effective responses to any such situations which may arise in the future.

Positive Handling Plans (PHPs)

Where behavioural records and/or risk assessment identifies a need for a planned approach, PHPs are written for individual children and where possible/applicable, these will be designed through multi-agency collaboration in conjunction with the child and their parent/carer. With parental consent, these plans may be shared with other agencies/services supporting the child to facilitate consistency of approach so far as is possible. An IBP and an IPRA for the child will support the PHP and the three plans are used to effectively manage the child's behaviour and keep everyone safe from harm.

Where a PHP is required, a meeting will take place between the school, the child, their parent/carer and any other stakeholder/service where appropriate, to set out a written plan that will identify:

- the key drivers and trigger points for a child's behaviour
- the prevention, diversion and distraction techniques
- the key de-escalation strategies to be used
- the physical intervention techniques to be used
- a gradual and graded system of staff response which may include the application of gradually increasing or decreasing levels of force in response to the child/young person's behaviour.

The purpose of a PHP is to provide all staff with the necessary information to deal with behaviour effectively and consistently, avoiding the need for any physical intervention. However, it must also detail the physical intervention that may be needed if all else fails.

Any techniques used will take account the young persons:

- age and size;
- gender;
- level of physical, emotional and intellectual development;
- special educational needs and/or disability;
- medical needs;
- social context.

Personal Safety

There may be times when a member of staff may need to defend themselves from a physical assault or 'break away' from a child who has taken hold of them. It is acknowledged that with some disengagement techniques pupils may encounter some minimal discomfort when appropriate release techniques are used. However, this is very brief, transient and poses less of a risk than the behaviour they are employed in response to, e.g. biting.

Seclusion, time out and withdrawal

Seclusion: Where an adult or child is forced to spend time alone against their will in a locked room or room which they can not leave. Seclusion could be deemed to be a breach of a person's human rights unless sanctioned by a lawful order, or unless used in an emergency situation where there is significant risk of harm. This strategy will only ever

be used in exceptional circumstances where the risks involved with its use are outweighed by the risks that are presented. Any child placed in seclusion must be continually monitored by a member of staff. It is a risk assessed, personalised and structured (reported, recorded and reviewed) strategy with the aim of preventing the risk of harm to the child and others. This would include the risk of physical or psychological harm and the risk of harm to a safe environment. The use of seclusion must be recorded as per any other form of Restraint.

Time out: This involves restricting a child's access to positive reinforcements as part of the PHP, in a room or area which they may freely leave. It is a specific behaviour management technique and does not necessarily literally mean time spent out of the class/group, but rather refers to a withdrawal of attention and/or things they find rewarding (it could be as simple as turning away from a child who is attention seeking, or positioning a child away from the class/group). This withdrawal of attention could also be achieved by sending a pupil to another class/group or a quiet area.

Withdrawal: This involves removing the child 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. This can mean removing a child from the class/group to allow them time to calm down or to prevent a situation from escalating. They may need time away from staff and pupils (either on their own or in another class/group) in order to break the cycle/pattern of their behaviour or to reduce their level of anxiety/distress. This 'quiet time' could be time in the playground, a quiet room, or sitting in an office supervised by a member of the leadership team.

Restraint and Risk Assessment

Both challenging behaviour and Restraints will involve a risk – to both staff and pupils. A risk assessment aims to balance these risks. The aim of the individual pupil's PHP and of this policy is to reduce the risks associated with pupils' challenging behaviour as far as is reasonably practicable – the risks that are associated with the behaviour itself and the risk of managing that behaviour. The risks of employing an intervention should be lower than the risks of not doing so.

Pupils whose challenging behaviour may pose a risk to staff or pupils will be the subject of an Individual Pupil Risk Assessment (IPRA) and will have a PHP drawn up as a result of this. These should be shared with all staff and stored in the child's SEN file as well as in a class file for that child.

If a child has extremely challenging behaviour, he/she may have Team-Teach Ground Recovery Holds written into their PHPs. These are advanced techniques and carry elevated levels of risk. As a result, these are only considered as a possibility if a comprehensive risk assessment indicates that there is a foreseeable risk of serious injury due to a pupil's behaviour if their behaviour cannot be controlled in any other way. There are very clear and strict safeguards for these circumstances and a multi-disciplinary meeting would be called prior to a ground hold being advised for a pupil. These techniques would not be part of a planned response without consultation with parents/carers. Without parental support for the planned intervention, an alternative provision may need to be found. Staff who may need to use these advanced

techniques will receive additional advanced training. Alternative provision for the child would be considered in these circumstances.

Responsibility of Staff

The Act authorises all staff at the school can use reasonable force to control or restrain pupils. The Head teacher at FFPS will ensure that all staff are aware of, and understand, what the authorisation entails.

Any member of staff may have to use physical intervention but at FFPS there are members of staff who have had Team-Teach training. Team-Teach is a nationally recognised training package that:

'...promotes de-escalation strategies and the reduction of risk and restraint, supports teaching, learning and caring, by increasing staff confidence and competence, in responding to behaviours that challenge, whilst promoting and protecting positive relationships.'

<http://www.teamteach.co.uk/about-team-teach>

Team-Teach trained staff are taught how to use physical intervention with pupils and receive information about the risk to pupils of positional asphyxia. There are very clear protocols delivered during training to minimise the possibility of this and to ensure that appropriate safeguards are implemented. Staff are also given input on key skills and principles regarding personal safety and self-defence, as part of their training.

Where a pupil is recognised as likely to behave in ways which may require physical control, staff should initiate the production of IBPs, IPRA's and PHPs. This plan will be drawn up in conjunction with the SEN co-ordinator and shared with all pertinent staff at the school. The plan will also be made available and discussed with the child, their parent(s), carer(s), families and other relevant stakeholders.

Pupils' PHPs are Safe Systems of Work under Health and Safety Regulations. As such, it is imperative that these plans are followed and implemented by all members of staff.

Any force used must be appropriate in the sense that a "reasonable adult" should think it suitably addresses the tariff level of challenging behaviour. It should always be the last resort and in no circumstances be used in anger and/or to inflict pain.

Adults must avoid putting themselves into physical danger. If self-defence is necessary, then the minimum force must be used.

Under the Health and Safety at Work Act 1974, employees have a responsibility to report any circumstances which give rise to an increased risk to their Health and Safety. Staff who have, or acquire, permanently or temporarily, any medical condition that may impact on their ability to carry out pupils' PHPs have a duty to report these to the Head teacher immediately, as there may be an impact on their own safety and that of colleagues and/or pupils.

Training Issues

Training on managing behaviour at some level will be available for **all** staff at Farsley Farfield Primary School. For most staff this is enhanced by Team-Teach training in the use of positive handling and it is the responsibility of the Head teacher to ensure this training is kept up to date. No member of staff will be expected to use Team-Teach techniques without appropriate training. Arrangements for training will be made clear as part of the induction of staff and training will be provided as part of on-going staff development. It is recommended* that the basic 6 Hour Foundation Team-Teach training package is recertified within a 3-year period.

* Leeds School's Health, Safety and Wellbeing Team

Action and support after an incident

Debrief (learning from an incident)

It is essential to 'debrief' as soon as possible after the incident (child/young person and staff member(s) involved), however all persons involved will require a short period of time to allow heightened emotions to dissipate before engaging in this process.

At Farsley Farfield Primary School we will endeavour to follow this procedure.

- ISOLATE – we will ensure the person is somewhere quiet and calm;
- EXPLORE – we will allow the person to tell us what has happened first;
- SHARE – we will then give our (or other's) perspective of a situation;
- CONNECT – through careful questioning, we will connect the behaviour to the drivers, i.e. we will seek to discover not just *what* happened, but *why* it happened;
- ALTERNATIVES – we will explore alternative ways that a situation could have been dealt with;
- PLAN – we will ensure that plans are put in place (or reviewed if a PHP already exists) to help us deal with any future incidents;
- ENTER (RE) – we will consider the emotional wellbeing of the person and how best to re-engage them back to their normal working environment.

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 IBP, PHP and IPRA
- 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.

Supporting Colleagues

After a crisis professionals need support. They will need space, reassurance and guidance. They may also need time away from the classroom/children to process what has just happened or to physically sort themselves out (e.g. washing, changing etc...). Where possible staffing will be adjusted so that they can take the time that they need.

Supporting colleagues should also provide opportunities to:

- Talk about what happened in a non-blaming, supportive and caring manner
- Explore how the professional felt before, during and after the incident
- Use the opportunity to discuss underlying causes and issues that led to the incident
- Examine what techniques were used and learn from the outcomes to inform future interventions
- Develop and record a strategy or alternatives for next time

Mutual support is an important part of the Team-Teach approach. Sometimes what people really need is somebody to listen to them. Something as simple as offering thanks and verbal support can help somebody feel better about an incident.

Staff can also contact Leeds City Council 'HELP employee assistance' counselling service for support <https://leeds.helpcap.com/> or 0800 0285149.

Recording and Reporting of Incidents

If a Restraint is used on a pupil the Head teacher must be notified at once. The name of the pupil will then be recorded in the appropriate school document, along with the date and time, circumstances, witnesses, details of any injury sustained and the pupil's responses. The parent(s)/carer(s) of the child will be notified as soon as possible via a telephone call or face to face and be given the opportunity to discuss the incident. Information may also be given to the parent(s)/carer(s) about the Leeds SEND Information Advice Service (0113 3951200), who can give impartial support and advice.

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 Head teacher.

All incidents involving:

- a pupil being taken to the ground and held in Team-Teach (TT) Front Ground Recovery, TT Back Ground Recovery or TT Shield Ground Recovery
- a pupil being held prone or supine on the ground

must be reported to the Principal Adviser for Care and Control, Health Safety and Wellbeing Team, Leeds City Council (0113 2475800 or 3788298).

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. Records of incidents must be archived for 75 years.

Staff from the Local Authority 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 ensure that colleagues from any support service are aware of school policy and practice.

Involvement of children, parent(s)/carer(s), families and other relevant stakeholders

As stated throughout this policy, children, their parent(s)/carer(s), families and other relevant stakeholders will be involved at every stage when planning and implementing care and control protocols at Farsley Farfield Primary School.

They will be invited to take part in;

- the IBP, IPRA and PHP processes
- reviewing progress and the effectiveness of any plans put in place
- any reviews or changes that need to be made to IBPs, IPRA's and PHPs

Complaints

In the event of a complaint or allegation that a member of staff has used unreasonable force* - or where a child has been injured during a physical intervention - the Head teacher should in all circumstances undertake a consultation with the Local Authority Designated Officer (LADO) in line with the school's safeguarding procedures. In Leeds, this will usually be via the school's HR adviser. 'Safeguarding Children and Safer Recruitment in Education' (DCSF 2007), 'Managing allegations of abuse against teachers and other staff (DfE 2011) and the school's Child Protection policy give specific guidance on allegations management and the role of the LADO. If the complaint/allegation is made against the Head teacher, then this would be reported to the Chair of Governors who will follow the procedures above.

* *unreasonable force* - see 'Use of reasonable force' (DfE 2013)

For other types of complaint relating to an incident, the normal procedures of the school will be used and these will be made clear to all parent(s)/carer(s).

If a parent/carer wishes to speak to an adviser from the Local Authority about the use of force by a member of staff, the telephone number for the School's Health, Safety and Wellbeing Team is Leeds 0113 2475800.

If parents have any general queries, Leeds SEND Information Advice Service offer confidential impartial advice and information around children's Special Educational Needs and/or Disability. The Helpline is 0113 3951200.

Whistle Blowing

Whilst the training in Team-Teach provided to staff, encourages the use of help protocols and reflective practice, it is acknowledged that under some circumstances, physical intervention can be misapplied. Staff are reminded that part of their Duty of Care to

pupils includes the requirement to report any such matters which cause them concern in relation to pupil management and welfare. Any such concerns should be raised with the Head teacher or another Senior Manager or with the Chair of Governors in order to allow concerns to be addressed and practice improved (please refer to FFPS Whistle Blowing Policy).

To be reviewed November 2019