



## **CRAWSHAW SCHOOL POLICY CARE AND CONTROL (incorporating Physical Restraint)**

**'The use of Positive Handling to manage  
physically challenging behaviour.'**

### **1. Introduction**

The policy has been prepared after staff discussion(s) and was adopted by the Governing Body on 28 September 2009. The responsible person for the implementation of the policy is Nick Tones. The policy will be reviewed in September 2010 by the Headteacher and the Governing Body.

The policy has been developed in response to Circular 10/98 "The Use of Force to Control or Restrain Students", issued following the enactment of Section 550A of the 1996 Education Act. It also takes cognisance of recent DCSF and DOH letters of guidance and follows the guidance for 'The Use of Reasonable Force To Control or Restrain Students' issued by Leeds Education Service.

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

The policy has been prepared for the support of all teaching and support staff who come into contact with students and for volunteers 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 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 students.

### **2. Purpose of policy**

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 Crawshaw 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. Crawshaw School acknowledges that physical techniques are only part of a whole setting approach to behaviour management and should only be used in exceptional circumstances.

Every effort will be made to ensure that all staff in this school:

1. 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

2. are provided with appropriate training to deal with these difficult situations.

### **3. Implications of the policy.**

*The Education and Inspections Act 2006* confirmed the right of staff to use “such force as is reasonable” for the purpose of preventing a student from:

- committing an offence.
- Causing personal injury to, or damage to the property of, any person (including themselves); and
- Prejudicing the maintenance of good order and discipline.

Individual members of staff cannot be required to use physical restraint. However, teaching and non-teaching staff work in ‘loco parentis’ and should always operate with an appropriate ‘Duty of Care’, they could be liable for a claim of negligence if they fail to follow the guidance within this 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 or when students, staff or property are at risk.

### **4. Definitions of Positive Handling.**

No legal definition of reasonable force exists however for the purpose of this policy and the implementation of it in Crawshaw School.

- Positive Handling uses the minimum degree of force necessary for the shortest period of time to prevent a student harming himself, herself, 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. (para. 3.4 page 10 *DfES Guidance ref: LEA/0242/2002 – contact DfES SEN Schools Team*).

#### **Physical Contact**

Situations in which proper physical contact occurs between staff and students, e.g., in the care of students with learning disabilities; in games/PE; to comfort students.

#### **Physical Intervention**

This may be used to divert a student from a destructive or disruptive action, for example guiding or leading a student by the hand, arm or shoulder with little or no force.

## **Physical Control/Restraint**

This will involve the use of reasonable force when there is an immediate risk to students, staff or property. 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 student determines whether or not the interaction is an intervention or a control/restraint.

Staff at Crawshaw are expected to:

- Be aware that even well-intentioned physical contact may be misconstrued by the student, an observer or by anyone to whom this action is described;
- Always be prepared to explain actions and accept that all physical contact to be open to scrutiny;
- Be aware of the government guidance in respect of physical contact with students and meeting medical needs of children.

## **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;
- be protected from harm, violence, assault and acts of verbal abuse.

Students attending this school and their parents have a right to:

- individual consideration of student 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 students and staff working in school;
- be informed about the school's complaints procedure.

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

## **6. Authorised staff**

In this school all teachers are authorised to use reasonable force within the context of Circular 10/98 – 'The use of Reasonable Force to Control and restrain students'.

Only non-teaching staff specifically authorised by the Head Teacher to have control or charge of students may use reasonable force to manage or control students. (The members of non-teaching staff who are currently TEAMTEACH trained are Jayne Winfield and Michelina Hogben November 2009)

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

Authorisation is not given to volunteers, students or parents.

The Head Teacher 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 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 LEA working within the school.**

Support Services will have their own policies for care and control of students. When working within school it is the Head Teachers responsibility to ensure that colleagues from Support Services are aware of school policy and practice.

#### **8. Training**

It will be the responsibility of the Headteacher 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 and training will be provided as part of on-going staff development.

Crawshaw School acknowledges that physical techniques are only a part of a whole setting approach to behaviour management. The governors of the school are committed to working within the LEA's framework for accessing training in that: -

- It will review its Behaviour policy on at least a two-year cycle.
- Negotiation will take place between the Behaviour & Inclusion Support Service and the Head teacher and agreement will be reached in relation to the standard of behaviour management within the school before a formal application for training is made.
- Training will be delivered on a needs based approach and procedures are in place to monitor incidents, following a behavioural audit and implementation of appropriate risk management procedures.

All training will include theory on at least the following:

- Causes of challenging behaviour
- Prevention strategies
- Positive behaviour management
- De-escalation
- Risk Assessment
- Behaviour Support Planning
- De-brief following incidents

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.

In addition, procedures are also 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,

Also, they provide a gradual, graded system of responses.

Where appropriate Positive Handling Plans are written for individual children and where applicable, these will be designed through multi-professional collaboration. These should be included in any Pastoral Support Plans/IEPs.

Risk Assessments need to be 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

## **9. Strategies for dealing with challenging behaviour**

As endorsed in the school's Behaviour Policy, staff consistently use 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 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.

- Verbal acknowledgement of unacceptable behaviour with request for the student 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 student complies, if possible summon assistance from on-call during lessons, behaviour support or other available staff outside of lesson time.
- Physical intervention. Reasonable force being used to prevent a child harming him or herself, others or property.

## 10. Types of Incident

The incidents described in Circular 10/98 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.
- Where a student 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 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 and serious 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 seriously 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 student persistently refuses to obey an order to leave a classroom – all attempts should be made and the class removed before physical means are employed.
- a student is behaving in a way that is seriously disrupting a lesson and preventing teaching and learning occurring.

## 11. Acceptable measures of physical intervention

The school will put in place systems for managing and reviewing the following:

- Strategies for preventing the occurrence of behaviours which precipitate the use of a physical intervention
- Strategies for 'de-escalation' or 'de-fusion' which can avert the need for a physical intervention
- Procedures for post incident support and de-briefing for staff, children, service users and their families
- The concept of reasonable force where 'reasonableness' is determined with reference to all the circumstances, including:
  - The seriousness of the incident:
  - The relative risks arising from using a physical intervention compared with using other strategies
  - The age, cultural background, gender, stature and medical history of the student.
  - The application of gradually increasing or decreasing levels of force in response to the person's behaviour
  - The approach to risk assessment and risk management employed

The distinction between:

- *seclusion* where a student is forced to spend time alone against their will in a locked room or room which they cannot leave (n.b. This is not a permissible form of control).
  - *time out* which involves restricting the student's access to all positive reinforcements as part of the behavioural programme
  - *withdrawal* which involves removing the student 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
1. The distinction between *planned* physical interventions (where incidents are foreseeable in that they have occurred previously and a

response planned following a risk assessment) and the use of force in *emergency* situations (which cannot reasonably be anticipated)

2. 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 physical intervention
3. *Unacceptable* practices that might expose students or staff to foreseeable risk of injury of psychological distress.

(para 10.8 page 19 DfES Guidance. Ref:LEA/0242/2002)

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

Positive Handling at Crawshaw School is seen as a proactive response to meet individual student 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.

## **12. 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, statutory for all special school provision. This is a hard-backed book, with numbered pages, retained by the Head Teacher containing a brief reference to the detailed Restraint Form and Health & Safety/Incident Form as appropriate.

The Restraint Form (available from Reprographics) 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 Restraint Form will be placed on the student's file.

A Health and Safety Accident/Incident Form will be completed and returned to the Local Education 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.

## **13. 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 student(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 student and school needs.

To support the Head Teacher and the school and ensure objectivity the Link Adviser and or Behaviour & Inclusion Support Service Consultant to the

school will be involved with the monitoring process.

#### **14. Action after an incident**

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 student, this will be pursued through the appropriate procedure:

- Review of PSP, IEP, risk assessment
- Child Protection Procedure (this may involve investigations by Police and/or Social Services)
- Staff or Student 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.

#### **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.

#### **Other relevant Policies**

Other Relevant Policies that cross-reference with this one are:

Behaviour Policy  
Exclusion Policy  
Health & Safety Policy  
Child Protection Policy  
SEN Policy  
Inclusion Policy  
Equal Opportunities Policy  
Complaints Policy