Greenmount Primary School

Care & Control Policy

2024-2027

Adopted by Greenmount Primary School governing body on November 2024

To be reviewed by governors on September 2027

Introduction

The purpose of the policy is to clarify the situation for all teaching and support staff working with children and young people, to inform them 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 Greenmount 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 Greenmount 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 addition to this, pupils who present with challenging behaviour have an individual Positive Handling Plan (PHP). 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 drawn up taking guidance of DfE: 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) and the joint DFES/DOH guidance: Guidance for Restrictive Physical Interventions (July 2002).

This policy should be read in conjunction with the school's Safe Touch Policy, Positive Behaviour Policy and Child Protection and Safeguarding Policy.

Every effort will be made to ensure that all staff at Greenmount Primary School

1. Clearly understand this policy and their responsibilities in the context of their Duty of Care in taking appropriate measures where physical intervention is necessary

2. 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.

Strategies for dealing with challenging behaviour

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 'diffusion' techniques to avert any further escalation.
At this stage, a Positive Handling Plan (PHP) will be set up to clarify 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 restrictive physical intervention (RPI) at an early stage in the sequence may, potentially, be justified if it is clear that:

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

The school uses Social and Emotional Aspects of Learning (SEAL) approaches 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.

As endorsed in the school's Behaviour and Relationships 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 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

Our staff are trained in 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 order to leave a classroom;
- when a pupil is seriously disrupting a lesson.

It is the policy of the school that only in exceptional circumstances may physical restraint be used by an adult working within the school, and that our policy in this regard 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.

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 as set out in the guidance document, 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 needs; 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. Positive Handling Plans (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)
- Restrictive physical intervention (RPI), 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 Behaviour Support Plans (PBSPs)

Where behavioural records and/or risk assessment identifies a need for a planned approach, PBSPs are written for individual children and where possible, 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.

Where a PBSP 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 and 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. The plans do need to cover this however, in the event that all else has failed.

Any techniques used will take account of a young person's;

- age
- gender
- level of physical, emotional and intellectual development
- special 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, eg biting.
All staff will be given input on key skills and principles regarding personal safety and self-defence, as part of their ongoing training.

Seclusion, time out and withdrawal

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: which 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.

Seclusion: where an adult or child is forced to spend time alone against their will in a locked room or room which they cannot 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, that is as a necessary and proportionate response to risk. Any child left alone in a room that they are unable to exit willingly, must be continually monitored by a member of staff. The use of seclusion must be recorded and be followed up as per any other form of RPI.

Restrictive Physical Interventions and Risk Assessment

Both challenging behaviour and RPIs will involve a risk – to both staff and pupils. A risk assessment aims to balance these risks. The aim of the individual pupil's PBSP 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 PBSP drawn up as a result of this. These will be shared with all staff and stored on CPOMS.
All staff authorised to use physical intervention with pupils receive training in Team-Teach techniques 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.

Responsibility of Staff

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

Where a pupil is recognised as likely to behave in ways which may require physical control, staff should initiate the production of IPRAs 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 Headteacher 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 Greenmount Primary School. For some staff this is enhanced by Team-Teach training in the use of positive handling and it is the responsibility of the Headteacher 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.

Action and support after an incident

De-brief (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 Greenmount 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, ie, 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 exsists) 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 of Individual Behaviour Plan (IBP) and/or PBSP
- 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.

Recording and Reporting of Incidents

If a restrictive physical intervention is used on a pupil the Headteacher must be notified at once. The name of the pupil will then be recorded in the appropriate school document, along with the 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 about SENDIASS who can give impartial support and advice to parents.

The Record of the use of reasonable force 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 Headteacher.

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, involving 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.

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.

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 Greenmount Primary School.
They will be invited to take part in;

- the 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 IPRAs and/or PHPs

Parent(s)/carer(s), families and other relevant stakeholders will be notified as soon as possible, where there has been need to use an RPI or seclusion.

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' '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.

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 Parent Partnership Service offer confidential impartial advice and information around children's Special Educational Needs please contact them on Helpline 0113 3951200.

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

Whistle Blowing

Whilst the training in Team-Teach provided to all 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 Headteacher or another Senior Manager or with the Chair of Governors in order to allow concerns to be addressed and practice improved.

Appendix – A

RESTRICTIVE PHYSICAL INTERVENTION – INCIDENT REPORT FORM

Student(s):_____ Year:

Date of incident: Time of incident:

Location of Incident:

Describe incident in detail:

Restraint described:

Why was restraint needed?

Was anyone injured? Yes/ No
If yes, was this recorded in the accident book? Yes/ No

Was the student checked for injuries by a member of staff who was not involved in the incident? Yes/ No. Please complete body map (attached)

Member(s) of staff involved:

Adult witnesses to restraint:

Pupil witnesses to restraint:

This incident form was completed by _____

Designation of person completing report_____

Parent/carer was informed by telephone / letter (with pupil), letter (by post), personally
(Please circle as relevant)

When were they informed? Time: Date:

Brief description of any subsequent inquiry/complaint or action:

Copy this form to the pupil file.
Original form to Inclusion Manager.

9