



High Park School
Learning for Life



High Park School

CARE & CONTROL POLICY

Revised: September, 2021

Agreed:

Review due: September, 2022

Statement of Intent

The DAP is committed to safeguarding and promoting the welfare, both physical and emotional, of every pupil. This policy sets out a clear and consistent framework for delivering this promise, in line with safeguarding legislation and statutory guidance. This policy has been drawn up by the DAP Team Teach Development network and will be reviewed annually by that network. It will also be reviewed annually by the senior leadership team and the Governing Body / Trust of individual schools.

The policy has been developed in response to DfE/DoH Reducing the Need for Restraint and Restrictive Intervention Children and Young People with Learning Disabilities, Autistic Spectrum Disorder and Mental Health Difficulties (Nov 17 Draft) and the DfE non-statutory guidance 'The Use of Reasonable Force' July 2013 (following the enactment of Section 93 of the Education and Inspections Act (2006)). It also takes cognisance of DfE, DOH Guidance for Restrictive Physical Interventions, 'Guidance on the use of restrictive physical intervention for children who display Extreme Behaviour in association with Learning Disability and/or Autistic Spectrum Disorder' (July 2002). Additionally, it follows the policies and guidance of Bradford Local Authority.

The policy should be read in conjunction with other school policies relating to interaction between adults and pupils. These may include:

- Behaviour and Discipline
- Risk Assessment
- Child Protection/ Safeguarding
- Touch and intimate Care
- Anti-Bullying
- Exclusions
- First aid and medical
- Health and safety

The policy has been prepared for the support of all teaching and support staff who come into contact with pupils and for volunteers working within the school to explain the school's arrangements for care and control. Its contents are available to parents/carers and pupils. A statement about the school's Discipline and Behaviour policy will be made to parents on the school website. This statement will include information on the use of reasonable force to control or restrain pupils, including the fact that parental consent is not required for the use of physical interventions.

Purpose of policy

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school. It is recognised that the majority of pupils in our school/provision respond positively to the discipline and control practiced by staff. This ensures the well-being and safety of all pupils and staff in school/provision. 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. The school acknowledges that the physical techniques which may be used, are only a small part of a whole setting approach to behaviour management.

Every effort will be made to ensure that all staff:

- (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 support pupil and staff with these difficult situations.

Reasonable force will only be used as a last resort, when all other behaviour management strategies have failed; or when staff, pupils or property are at risk of harm or damage.

Underpinning values

Everyone attending or working in High Park School has a right to:

- recognition of their unique identity;
- be treated with respect and dignity;
- learn and work in a safe, happy environment;
- be protected from harm, violence, assault and acts of verbal abuse;
- receive accredited on-going training and support.

Pupils attending this school and their parents/carers 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 parents/carers and pupils understand the need for and respond to clearly defined limits, which govern behaviour in the school. In turn parents/carers will need to commit themselves to promote the good behaviour of their pupil and that efforts have been made by them to ensure that they understand and follows the schools' Behaviour Policy.

The good practice in the school is that parents are informed as soon as possible by phone of use of reasonable force (restraint) and the call is logged.

Implications of the policy

Section 93 of the Education and Inspections Act (2006) enables staff to use such force as is reasonable in the circumstances to prevent a pupil from doing or continuing to do any of the following:

“Power of members of staff to use force

(1) A person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of preventing a pupil from doing (or continuing to do) any of the following, namely—

- (a) committing any offence,*
- (b) causing personal injury to, or damage to the property of, any person (including the pupil himself), or*
- (c) prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.”*

Examples of situations where reasonable force may be used:

- To remove disruptive and /or dysregulated pupils from the classroom where they have refused to follow/are unable to follow an instruction to do so, using their own preferred communication.
- To prevent a pupil behaving in a way that disrupts learning, a school event or a school trip or visit
- To prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or leads to behaviour that disrupts the behaviour of others.
- To prevent a pupil from attacking a member of staff or another pupil or to stop a fight in the playground.
- To restrain a pupil at risk of harming themselves through physical outbursts.

Individual members of staff cannot be required or directed to use physical restraint. However, as teaching and non-teaching staff work in ‘loco parentis’ and should always operate with an appropriate ‘Duty of Care’, should the school’s policy not be adhered to by individuals, it is not unforeseeable that claims of negligence could be levied against them.

The application of any form of physical control places staff in a vulnerable situation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow this policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

Schools CANNOT use force as a punishment: it is always unlawful to use force as a punishment.

Strategies for supporting children with challenging behaviour

As endorsed in the school's Behaviour Policy, staff utilise consistent positive strategies to encourage acceptable behaviour and good order.

Every effort will be made to resolve conflicts positively and without harm to pupils, staff, property, buildings or the environment. Where behaviour threatens good order and discipline and requires intervention, some or all of the following approaches should be taken, according to the circumstances of the incident and the communication needs of the pupil:

- Dynamic risk assessment of the environment using the CALM checklist (Communication, Assessment, Listening, Movement).
- Verbal (and/or the accepted communication system / transactional support for the pupil e.g. signing, symbols, positive touch, etc.) acknowledgement of the problem behaviour with request for the pupil to refrain; (this includes negotiation, care and concern)
- Further communication, stating:
 - that this is a repeated request.
 - an explanation (using communication system above) of why desired behaviour is preferable.
 - an explanation of the consequences of the continued inappropriate behaviour.
- A statement (using communication system above) of intent that physical intervention may well be used alongside a reminder that holding will cease when the pupil shows emotional regulation.
- When Physical Restraint or Intervention is used on a pupil, at all times this should be reasonable, proportionate and necessary and limited in time. The needs of the child are always paramount.

With reference to the DOH/DFES guidance 'Reducing the need for Restraint and Restrictive Intervention', the strategies of 'time out' and 'withdrawal' may be used. The use of the 'small group room' as part of this strategy i.e. removing a distressed pupil to a location away from distraction, audience or stressors where they can be observed and supported to resume their engagement with their educational programme.

At no time should this practice become “seclusion” – where a child is forced to spend time alone against their will or the child’s freedom of movement is restricted.

* *Delete as appropriate*

The exception to is when it has been agreed in full consultation with the appropriate professionals e.g. an assessment of the potential effects is undertaken by a trained Child and Adolescent Mental Health clinician; Clinical Psychologist / Psychiatrist. It must then be part of a clear short term Behaviour Support Plan which is reviewed regularly. “Seclusion must not be used with any intent to punish or teach the person any new behaviours” (1).

The use of seclusion for people who are detained under Mental Health legislation is governed by the relevant Code of Practice.

Seclusion must be recorded in lines with the schools recording system and be clearly identified as seclusion.

See Appendix 2

(1) BILD (n/d) Guidance on the use of seclusion

It is important to understand the distinctions between:

- *Seclusion* - where an adult or pupil is forced to spend time alone against their will.

Seclusion is defined as ‘The supervised confinement and isolation of a person, away from other users of services, in an area from which the person is prevented from leaving.’ e.g either by being able to unopen a door or gate or by a person/persons blocking the way.’ Department of Health (2014) Positive and Proactive Care: reducing the need for restrictive interventions. www.official-documents.gov.uk

- *Offered time out* - positive reinforcements are available to encourage emotional regulation
- *Directed time out* - which involves restricting the young person’s access to all positive reinforcements as part of the behavioral programme
- *Withdrawal* - which involves removing the young 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.
- *Segregation* - similar to withdrawal the young person is removed from a situation that causes overwhelming, prolonged anxiety or distress to an individual learning space/classroom for an extended period of time where they can be continuously observed and supported until they are able to manage

being in a classroom. This strategy will be reviewed at regular intervals to ensure that it remains to be the best interests of the young person.

Definitions of Positive Handling

This policy does more than simply outline the use of positive handling in school. It aims to provide a transparent overview of how we use physical contact to both care for and, where appropriate control our pupils. Based on the principles of moving from least intrusive to more restrictive holding, we have divided interaction into two definable areas: physical contact and reasonable force.

Physical Contact

Situations in which physical interaction occurs between staff and pupils to either care for pupils who may be distressed or have severe, complex or profound learning disabilities, or in subject areas such as physical education in order to promote inclusive learning opportunities and deliver the National Curriculum and other therapies and activities to ensure access and inclusion.

Physical guidance and prompts will be a routine part of programmes and activities for those pupils who require modelling and physical support to assist their learning. Physical contact may also be necessary during intimate care, moving and handling and other activities such as First Aid.

As part of a planned routine of intimate care it is appropriate for staff to work both pupil : staff ratios of 1:1 and 1:2, according to the individual needs of the pupil. This would be outlined in a personal plan. Consideration of the student's dignity should be given with regard to age and gender when establishing which members of the staff team should carry out intimate care with which students. This particularly applies when older students and younger staff are involved.

In addition staff will also use positive touch to comfort pupils in order to teach them more appropriate ways of seeking attention. Where possible, staff will endeavour to use 'safe/side hugs'.

Reasonable Force

No legal definition of reasonable force within a school context exists, however for the purpose of this policy and the implementation in school:

'Reasonable Force uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming himself, herself, others or property' within an agreed framework. Within the Bradford DAP this framework is Team Teach.

Reasonable force is usually used either to control, for physical intervention, or to restrain. This can range from guiding a pupil to safety by the arm, through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

1. Control – Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, active physical contact such as leading a pupil by the arm out of a classroom.
2. Physical Intervention – This is used to describe the use of 'minimal force to briefly prompt, guide, contain or direct free movement, in circumstances in which there is no extended or extreme resistance. For some individuals, these may not be regarded as significant incidents, and, in some settings, may not require recording and reporting.'
3. Restraint – Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances for example when two pupils are fighting and refuse to separate without physical intervention.

Reasonable force used should be proportionate to the age, gender, special educational needs, medical conditions, and state of physical, emotional and intellectual development of the young person involved.

The scale and nature of any positive handling at school must be proportionate to both the behaviour of the individual and the nature of the harm they might cause; it cannot be used to respond to misbehaviour unless there is a risk of harm or the breakdown of good order.

Team Teach Techniques

All Team Teach techniques are accredited and authorised for staff to use by the Principal.

The following strategies are employed as a means by which to deal proactively with challenging behaviours and so ensure that restrictive physical interventions are used as a last resort and only when absolutely necessary. Where it is found that a young person's challenging behaviour presents a foreseeable risk and that restrictive physical interventions are necessary then a Behaviour Support Plan (including positive handling plan) will be drawn up. Where appropriate, Positive Behaviour Support Plans will be designed through multi agency collaboration.

Some or all of these strategies will appear in a young person's Behaviour Support Plan

- *De-escalation, diffusion and distraction activities*

- Reassurance
- Calm talking / communication
- Help script for pupil
- Clear, firm, verbal instructions to offer or direct options, which may include:
 - Supervised time out of the situation
- Positive handling techniques such as prompts, guides* and escorts that are taught through Team-Teach training

**although guides are not a reportable intervention it does need to be recorded if the guide becomes against the will of the pupil.*

Behaviour management strategies are discussed with parents and pupils (if appropriate) and an indication of the positive handling techniques (Prompts, guides and Escorts.) that may be used.

Risk Assessments are completed against each pupils 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.

Authorised staff

All members of school staff have a legal power to use reasonable force. (Section 93, Education and Inspections Act 2006). It can also apply to people whom the Principal has temporarily put in charge of pupils, such as volunteers or parents. (DfE Use of Reasonable Force, July 2013, pg. 4)

The Principal 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. Support Services and other agencies will have their own policies for Care and Control of pupils. When working within school it is the Principal's responsibility to ensure that colleagues from Support Services are aware of school policy and practice.

Training

Team Teach training is accredited by The Institute of Conflict Management (2015). In line with Local Authority Guidance and in agreement with the DAP, our school is committed to implementing the accredited Team Teach Approach.

Training for all staff will be made available and is the responsibility of the Principal in conjunction with the in-house Team Teach Tutors for each school.

All Team Teach training which is delivered, including refresher training, is in line with the guidelines set out by Team Teach.

Team Teach Tutor refresher training must be within 12 months of the last tutor training accessed.

All new staff are to attend a Level 2 course and attend their refresher in line with Team Teach guidelines.

Prior to any practical training theoretical aspects of effective behaviour management will have been delivered and arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going continued professional development for staff.

Training will need to include a comprehensive review of the agreed standard incident monitoring forms and any school-specific pupil level recording that is being used for planning and evaluating behaviour modification strategies.

Training in physical restraint given to staff is a small part of the holistic approach to positive handling. This will include sections on the current legal framework, background, theory and rationale behind the Team Teach approach as well as an understanding of personal space, body language and a personal safety curriculum before any positive handling techniques are taught.

Wherever possible, assistance will be sought from another member of staff, when dealing an incident. A specific script used by Team Teach trained staff at school in order to support each other is the 'Help Script for staff'. If a situation arises where it is evident that support is required but is refused, the incoming member of staff will use the phrase 'more help is available'. All trained staff must recognise that this phrase is a signal to extricate them from a situation in which their presence may be a block to the pupil's recovery, and act according to the offer of 'more help'. After the situation, when all is calm, the effect of this help protocol can be evaluated.

Team Teach techniques seek to avoid injury to the pupils, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as failure of professional technique, but as a regrettable and infrequent side effect of ensuring that the pupil remains safe.

Action after an incident

In addition, procedures will be put in place to ensure that appropriate support is provided for staff and pupils, and that following an incident pupil/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

After every incident/crisis, the process that should take place for positive listening, learning and debriefing are to support staff and pupil. Relationships should be rebuilt and repaired to ensure that a positive learning environment is maintained.

- Reflection: What did we do?
- Repair: Is there anything we can do to repair the relationship?
- Re-build: What we can do next time – learning opportunities.

Where staff have been involved in an incident involving reasonable force, they should have the opportunity for a brief period of rest and relaxation and in the case of more serious incidents, access to counselling and support.

The Principal 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 the pupil's Behaviour Support Plan (including positive handling plan)
- Pupil's Risk Assessment (where appropriate)
- High Park School Behaviour Policy/Care and Control Policy
- High Park School Child Protection/Safeguarding Procedure
- ICAT Health and Safety Policy
- DfE (2021) 'Keeping children safe in education' – September 2021
- DfE (2018) 'Working together to safeguard children'

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

All staff will follow High Park School recording and reporting procedures and any additional paperwork that is required by the local authority. Further information can be found in the 'Accident & Incident Reporting and Recording Procedure' issued by the Occupational Safety Team (Bradford) Revised September 2018.

The reporting of work related accidents is a statutory requirement under RIDDOR (Reporting of Injuries, Diseases and Dangerous Occurrences Regulations 2013). Staff will receive training and guidance in the completion of recording and reporting documentation for this school.

Appropriate documentation will be completed as soon as possible after the incident by all staff involved. In the cases of restraint, staff must record any incident as soon as practical, and before going off duty.

The distinction between *planned* physical restraint, (where incidents are foreseeable) in that they have occurred previously and a response planned following an appropriate risk assessment, and the use of physical restraint in *emergency* situations (which cannot reasonably be anticipated), should be reflected when recording and reporting incidents.

Any injury to staff or students must also be recorded in the Accident Book with details of any treatment provided. Injuries which result in staff taking additional time off work after the day of the initial incident will be reported to CBMDC Occupational Safety Section via the online RIVO Form

If the incident is felt to have exceeded the level of anticipated risk to staff associated with the job role that they undertake, and the training that they have received, then this will be identified through the online RIVO Form used for reporting to CBMDC Occupational Safety Section.

All incidents of physical restraint will be reported to parents/carers, unless there is a signed agreement between the parent/carer and school. Experience has shown that different families prefer to receive information in a variety of formats; we will seek to respond to parental/carer preference and this may include a mixed menu of reporting mechanisms including standard letters, texts and phone calls. All reports to parents/carers will be logged.

Monitoring of pupil behaviour

Monitoring of pupil behaviour will take place on a regular basis and the results used to inform planning to meet individual pupil and school needs. This will be included in the Principals report to the Governors/ Trust, along with any concerns about the impact of behaviour on students and staff.

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 SLT to the needs of any pupil(s) whose behaviour may require further intervention.

Monitoring and review

This policy is reviewed annually by the DAP Team Teach working group.

Any changes made to this policy by the DAP Team Teach Group will be communicated to all DAP member schools. The amended policy will then be

reviewed and agreed by the Principal and Governing Body at High Park. All members of staff are required to familiarise themselves with all processes and procedures outlined in this policy as part of their induction programme.

Complaints

Any complaints about staff will be investigated through the School's Complaints Policy or under the BSCB policy for Managing Allegations against Staff. If necessary, staff disciplinary procedures may be used to respond to any concerns of misconduct.

References

BILD & Centre for the Advancement of PBS (2015) The use of seclusion, isolation and time out

BILD (n.d) Guidance on the use of seclusion

DfES & DOH (July 2002), 'Guidance on the use of restrictive physical intervention for children who display Extreme Behaviour in association with Learning Disability and/or Autistic Spectrum Disorder'

DfE (July 2013), non-statutory guidance 'The Use of Reasonable Force'

DfE (September 2021) 'Keeping children safe in education'

DfE (2018) 'Working together to safeguard children'

Ofsted (March 2018) Positive environments where children can flourish; A guide for inspectors about physical intervention and restrictions of liberty

Ofsted (July 2018) Inspection Handbook

Ofsted (August 2015) Common Inspection Framework

www.team-teach.co.uk

Appendices

Appendix 1 – COVID-19

Statement of Intent

We understand that we face a time of great uncertainty and, as a school, we are doing all we can to provide clarity and safety to the school community. This appendix includes strategies which the school, will have due regard for, during the coronavirus pandemic. The information in this section is under constant review and is updated to reflect changes to government guidance as it is released.

1. Introduction

COVID-19 presents significant challenges for the care and therapeutic engagement of pupils and young people with learning disabilities, recognising the increased potential for stress and distress particularly where options to de-escalate have not been successful. It is understood staff are undertaking demanding roles within very unique circumstances. This appendix aims to assist services by providing guidance for safe practice for those pupils who are presenting with challenging behaviour. This will enable the delivery of safe care for both patients and staff.

When you can, staff must always follow Government guidance on social distancing.

2. Purpose

The purpose of this appendix is to ensure clarity regarding our ability to support pupils and young people at the times of stress or distress during COVID-19 which includes:

- Effective management of pupils and young people displaying challenging behaviour in the context of COVID-19.
- Those who during restraint procedures staff may deem high risk due to anticipated body fluid exposure e.g. spit or saliva.
- The guidance around the “Use of Reasonable Force” where staff members Team Teach certification has lapsed.

3. Physical Restraint During COVID-19

Staff at this time should use the space available to their advantage, when physical intervention is required and is safe to do so, staff should support pupils and young people, to safe open spaces where they can be monitored at a distance.

There may be times where the use of physical restraint is required; at all times staff should ensure this is the least restrictive for the shortest amount of time.

The nature of physical restraint means that it is intrusive and reduces the ability of those involved to practice social distancing for the duration of the interaction. It is vital that

infection prevention and control measures are reinforced including good hand hygiene, social distancing and where required the use of personal protective equipment. This will ensure the safe delivery of care and protection of both pupils and staff whilst preventing the transmission of COVID-19.

During this time it is deemed some pupils and young people may be considered more 'high risk' due to the anticipated body fluid exposure as a result of their high anxiety. Where possible when pupils show these behaviours, if it is possible, staff are to isolate and observe from a distance. It is down to the senior leadership team if they believe an individual pupil risk assessment should be carried out.

4. Certification of staff for the use of restrictive physical intervention

We understand that during this time staff members Team Teach certification may have lapsed, or staff members may be unable to attend a relevant course. This does not mean staff are unable to use restrictive physical intervention in situations when it is required.

The Education and Inspections Act 2006, Section 93 states:

“Power of members of staff to use force

(1) A person to whom this section applies may use such force as is reasonable in the circumstances for the purpose of preventing a pupil from doing (or continuing to do) any of the following, namely—

(a) committing any offence,

(b) causing personal injury to, or damage to the property of, any person (including the pupil himself), or

(c) prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.”

The Department for Education has no specified training provider in the Use of Reasonable Force.

Staff members, if expected to use Reasonable Force under these circumstances are as always expected to act in the best interests of the pupil, under the circumstances they are presented with.

It is recommended that staff members who are not trained, or their training has lapsed read the DoFE's "Use of reasonable force" July 2013.

As with any incident it should follow the schools recording and reporting procedures.

Those staff members who are unable to or are passed their certification dates it is recommended that staff members attend "in house" interim refresher training, this will be specific for the schools current working environment.

References

Education and Inspections Act, 2006 (UK)

Appendix 2

At no time should this practice become "seclusion" – where a pupil is forced to spend time alone against their will – unless this has been agreed in full consultation with the appropriate professionals e.g. an assessment of the potential effects is undertaken by a trained Child and Adolescent Mental Health clinician; Clinical Psychologist / Psychiatrist and is part of a clear short term Behaviour Support Plan which is reviewed regularly.

Seclusion must be recorded in the online recording system and clearly identified as seclusion; stating how long it is used for and the reason why it was used.

The exception to this is where seclusion has been agreed in full consultation with the appropriate professionals in a 'Best Interest' meeting as part of an agreed strategy to help a child /young person, not detained under Mental Health legislation, who is gradually learning to control their aggressive behaviour. This physical intervention must only be used as part of a holistic broad approach to the management of challenging behaviour.

A Best Interest meeting must fully consider and evaluate seclusion alongside alternative strategies available to ensure the least restrictive and most effective response is employed to keep a pupil safe. Any restrictive physical intervention must not be used when other less intrusive methods could achieve the desired outcome. There must be an effective mechanism that records that it helps the child/young person to calm and return to normal behaviour as or more effectively than other responses or strategies and decreases the probability of the same behaviour occurring in the future when taken in the context of the pupil's care plan.

Where seclusion is employed it is important to establish in writing a clear rationale for the anticipated use of the restrictive physical intervention and to have this endorsed by a multidisciplinary Best Interest meeting with all appropriate agencies involved with the pupil. This will include, wherever possible, family members (or those with parental responsibility), a social worker, a Senior Advanced Team Teach Tutor and an independent advocate.

There must be an appropriate review mechanism that assesses the use of each seclusion.

Seclusion must be recorded on the online recording system and clearly identified as 'seclusion' and its use should be recorded on every occasion.

A record of its use should be maintained which details the following:

The date and place

The name of staff and secluded person

The background to the incident

The reasons for using seclusion at that time

Description of how the secluded person was moved (if they were moved)