



Care and Control Policy – Positive Handling

Person responsible: Chris Wilson

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Date of next review: January 2022

Governor's Signature: David Bishop

Date: 22nd January 2021

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Care and control policy – Positive Handling Incorporating physical restraint

1.0 - Introduction

'This policy refers to 'The use of Positive Handling to manage and safeguard physically challenging behaviour / scenario's. It follows the outline of the Birmingham City Council model Care and Control Policy and should be read in conjunction with the schools Safeguarding and Child Protection and Behaviour policies relating to interaction between adults and students. The policy has been prepared for the guidance of all teaching, support staff and volunteers who come into contact with students whilst working within Queensbury School to explain the arrangements for care and control. It is available to parents and students.

A statement about Queensbury's Behaviour policy is made to parents/carers in our prospectuses and on admission. This statement includes information on the use of reasonable force to control or restrain students to safeguard as a last resort.

2.0 - Purpose of policy

Good personal and professional relationships between staff and students are vital to ensure a positive working environment within Queensbury School. It is acknowledged that, in certain circumstances, staff may need to take further action where the use of reasonable force may be required. Queensbury School acknowledges that physical techniques are only part of a whole-setting approach to behaviour management.

Every effort will be made to ensure that all staff in Queensbury School 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 are provided with appropriate training to deal with these difficult situations.

3.0 - Implications of the policy.

The Education and Inspections Act 2006 stipulates that reasonable force may be used to prevent a pupil from doing, or continuing to do any of the following:

- Self-injuring
- Causing injury to others
- Committing an offence
- Engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its students, whether the behaviour occurs in a classroom during a teaching session or elsewhere within the school (this includes authorised out-of-school activities).

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 and de-escalations have failed or when students, staff or property are at risk.

4.0 - Definitions of Positive Handling.

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

- Positive Handling uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming himself, herself, others or property.
- The scale and nature of any physical intervention must be proportionate to both the behaviour of the individual to be controlled, and the nature of the harm they might cause.

1 Physical Contact

This may occur in situations in which proper physical contact occurs between staff and students, eg: in the care of students with learning disabilities; in games/PE; to comfort students.

2 Physical Intervention

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

3 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 pupil determines whether or not the interaction is an intervention or a control/restraint.

5.0 - Underpinning values

Everyone attending or working in Queensbury 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 Queensbury School and their parents/carer's 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 Queensbury School policies;
- be informed about Queensbury School rules, relevant policies and the expected conduct of all students and staff working in the school;
- be informed about Queensbury School's complaints procedure.

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

6.0 - Authorised staff

In Queensbury School staff are authorised to use reasonable force within the context of The Education and Inspections Act 2006 Section 93 'The use of reasonable force to control and restrain students'. The Team Teach holistic approach to care and control is the formal training used with members of Queensbury School's staff who have either user or observer status.

Queensbury School provides training for all staff and the Care and Control lead retains a list of all those staff trained. The list is also recorded on the Single Central Record and is reviewed on an annual basis (or more frequently if the context requires it).

7.0 - Training

It will be the responsibility of the Executive Head Teacher through the Care and Control lead 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.

Following a review of Queensbury School practice, in consultation with all interested parties and the LA, Queensbury School is committed to using Team Teach providing this approach continues to adopt the British Institute of Learning Disabilities (BILD) Code of Practice on physical intervention, and has been or is working towards being accredited through the BILD Physical Interventions Accreditation Scheme.

Queensbury School acknowledges that physical techniques are only a part of a whole setting approach to behaviour management. Queensbury School are committed to working within the LA's framework for accessing training:

All training will include theory on at least the following:

- Causes of challenging behaviour
- Prevention strategies
- Positive behaviour management
- De-escalation
- Risk Assessment
- Queensbury School Planning
- Positive Listening skills
- De-brief following incidents

Physical techniques are not treated in isolation and Queensbury School is committed to ensuring that as a result of incidents learning opportunities are created for students that allow them to 'own' and take responsibility for their behaviour. Whilst the physical techniques used can reduce risk there is always a risk when two or more people engage to use force to protect, release or restrain.

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

All the techniques provide a gradual, graded system of responses and take account of a young person's:

- age,
- gender,
- level of physical, emotional and intellectual development,
- special needs,
- social context.

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 must be completed for 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.

8.0 - Strategies for dealing with challenging behaviour

As endorsed in the Queensbury School 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.

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 colleagues
- Physical intervention: reasonable force being used to prevent a child harming him or herself, others or property.
- The emphasis is to keep everyone involved as safe as possible

9.0 Types of Incident

The incidents described in Section 93 of the Education and Inspections Act 2006 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 pupil is behaving in a way that is compromising good order or discipline.

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

- a pupil attacks a member of staff, or another pupil;
- students are fighting;
- a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- 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;
- a pupil is running in a corridor or on a stairway in a way which he or she might have or cause an accident likely to injure him or herself or others;
- a pupil absconds from a class or tries to leave a Queensbury School (nb this will only apply if a pupil could be at risk if not kept in the classroom or at the school).

Examples of situations that fall into the third category are:

- a pupil persistently refuses to obey an order to leave a classroom;
- a pupil is behaving in a way that is seriously disrupting a lesson.

10.0 - Acceptable measures of physical intervention

Queensbury School will put in place systems for managing and reviewing the following:

- Strategies for preventing the occurrence of behaviours that precipitate the use of a physical intervention.
- Strategies for 'de-escalation' or 'diffusion' that can avert the need for a physical intervention.
- Procedures for post incident support and de-briefing for staff, students, service users and their families.

The concept of reasonable force where 'reasonableness' is determined with reference to all the circumstances, including:

- 1 The seriousness of the incident:
- 2 The relative risks arising from using a physical intervention compared with using other strategies
- 3 The age, cultural background, gender, stature and medical history of the young person
- 4 The application of gradually increasing or decreasing levels of force in response to the young person's behaviour
- 5 The approach to risk assessment and risk management employed
- 6 The distinction between:
 - **seclusion** where an adult or young person is forced to spend time alone against their will in a locked room or room which they cannot leave (this requires statutory powers and could only be used in an emergency)

- **time out** which involves restricting the students access to all positive reinforcements as part of the behavioural programme;
 - **withdrawal** which involves removing the young person 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.
- 7 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)
 - 8 With some disengagement techniques students may encounter some minimal discomfort when appropriate release techniques are used
 - 9 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
 - 10 **Unacceptable** practices that might expose students or staff to foreseeable risk of injury of psychological distress.

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

Positive Handling at Queensbury School is seen as a proactive response to meet individual pupil 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.

11.0 - Recording

Where physical control or restraint has been used a record of the incident will be kept. **This record should be made in the Restraint book**, statutory for all special school provision. This is a pre printed book, with numbered pages, retained by the Pastoral Manager containing a brief outline of the incident.

The record of the incident will be completed as soon as possible after the incident, (**within 24 hours**) normally prior to staff going off duty and will be signed by all staff involved and reviewed by the Pastoral manager.

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

12.0 - 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 Pastoral manager 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 in school and via leadership meetings and the results used to inform planning to meet individual pupil and school needs.

Action after an incident

The Pastoral manager 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 IBP
- Child Protection Procedure (this may involve investigations by Police and/or Social Services)
- Staff or Pupil Disciplinary Procedure. The member of staff will be kept informed of any action taken.
- Queensbury School Behaviour Policy
- Exclusions Procedure in the case of violence or assault against a member of staff
- Risk assessments should be reviewed to ensure that best possible practice is used

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 and information

Other Relevant Policies that cross reference with this one are:

Behaviour Policy

Health & Safety Policy

Safeguarding Policy

LA Guidance for Birmingham Schools and the City Council Education Service on Use of Physical Intervention.

Policy on Care and Control of Students

Model statement for inclusion in school prospectus on the use of reasonable force

If staff become aware of, or have a need to become involved in, situations where a student may be at risk of hurting themselves or others or, if the behaviour of a student seriously disrupts good order in the school or causes damage to property, staff may need to take steps to intervene physically. In such circumstances, staff will follow the school's policy for dealing with such situations. Anyone wishing to view this policy may do so on request.