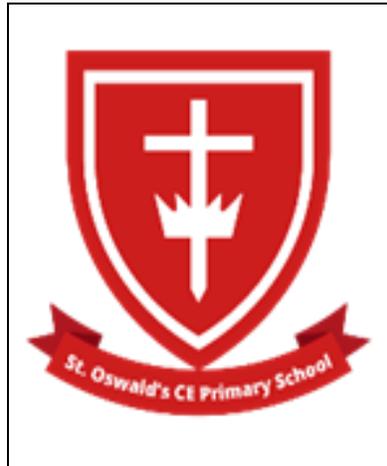


**St. Oswald's Church of England Primary School**  
**Care and Control Policy**  
**(incorporating Physical Restraint)**



***'Teach children how they should live and they will remember it all their life.'***  
**Proverbs 22:6**

Through basing our vision on the bible teaching above we will promote an inclusive school community, rooted in mutual respect, understanding and kindness towards others.

***'Life in all its fullness.'***  
**John 10:10**

In living out the statement above our vision is to develop resilience and a love of learning, which will enable the children to achieve their aspirations.

**Monitoring and Evaluation**

The Head Teacher shall have oversight of this policy and ensure all staff follow procedures and that these are carried out.

The effectiveness of this policy shall be monitored during Governor's meetings.

Date approved	Next Review Date	Signed by
October 2023	September 2024	

## **Care and Control Policy Document**

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St Oswald's is proud to be part of the UN Convention of the Rights of the Child, where every child is valued, cared for and developed to their full potential.

### **This plan links to UNICEF Rights and Responsibility: Article 28**

“Every child has the right to an education...  
Discipline in schools must respect children's dignity and their rights.”

### **Context**

The policy has been prepared after staff discussion and training and was adopted by the Governing Body. It is underpinned by the school's vision for mutual respect, understanding and kindness towards others. The responsible person for the implementation of the policy is E. Murtagh. The policy will be reviewed annually by the Headteacher and the Governing Board.

The policy has been developed in response to DFE guidance, 'The Use of Force to Control and Restrain Pupils' (April 2010). It also takes cognisance of DfES, 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 Sefton Local Authority and will be drawn to the attention of the Local Safeguarding Children Board.

The policy should be read in conjunction with other school policies relating to interaction between adults and pupils, including Behaviour and Discipline Policy.

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 and pupils. A statement about the School's Discipline and Behaviour policy is made available to parents on the school website. This statement includes information on the use of reasonable force to control or restrain pupils. Parental consent is not required to restrain a pupil.

## **Rationale**

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 praise practiced by staff. This ensures the well-being and safety of all pupils and staff St Oswald's CE Primary 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. St Oswald's CE Primary School acknowledges that physical techniques are only part of a whole setting approach to behaviour management.

This policy does more than simply outline the use of physical restraint. It aims to provide a transparent overview of how we use physical contact to both care for and, where appropriate, control our pupils. Friendship, Peace and Justice are key core values for our schools the members of our school family are interdependent: all are valued and each person is important to the whole. We are working together to ensure all feel included and valued.

We, at St. Oswald's Church of England Primary School, believe the value of community encompasses our other values of friendship, thankfulness, justice, hope, peace and perseverance. Through Christ we all share fellowship with one another as one big family.

The Bible states, "But God has combined the members of the body ... so that there should be no division in the body, but that its parts should have equal concern for each other. If one part suffers, every part suffers with it; if one part is honoured, every part rejoices with it." Corinthians 12:24-26.

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

- (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 deal with these difficult situations.

## **Audience**

This document is intended for all teaching staff with classroom responsibilities. It is also for school governors, LA inspectors/advisors, parents and inspection teams. Copies are provided for all staff and are available on 1) staff shared drive on the school network, 2) the school's website.

## **Implications of the Policy:**

Section 93 of the Education and Inspections Act 2006 enables school 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:

- committing any offence (or, for a pupil under the age of criminal responsibility what would be an offence for an older pupil)<sup>1</sup>;
- causing personal injury to, or damage to the property of, any person (including the pupil themselves);
- 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. (Section 93 of the *Education and Inspections Act 2006* makes it clear that force may be used to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.)

The application of any form of physical control places staff in a vulnerable situation. This is more so the case under the current restrictions of the **Covid – 19** pandemic. 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.

The age of criminal responsibility is currently 10 in England. For further information (and much else) provided by the National Youth Agency, see: <http://www.youthinformation.com> > Justice & Equality > Crime > Age of criminal responsibility.

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

### **CPOMS**

St Oswald's CE Primary uses CPOMS which is an electronic reporting system for all Safeguarding, SEN and other Pastoral concerns. The Senior Management Team regularly review the information gathered to ensure appropriate actions and best outcomes are achieved for pupils.

### **Definitions of Positive Handling:**

No legal definition of reasonable force within a school's context exists, however for the purpose of this policy and the implementation of it at St Oswald's CE Primary 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'.

The scale and nature of any physical intervention at St Oswald's CE Primary School. 'must be proportionate to both the behaviour of the individual to be controlled and the nature of the harm they might cause'. (DfES/DOH Guidance for Restrictive Physical Interventions, July 2002).

Our Care and Control policy describes the acceptable physical interaction between staff and pupils on a daily basis. Based on the principles of moving from least intrusive to more restrictive holding we have divided interaction into three definable areas.

### **Physical Contact:**

This is identified as situations in which physical interaction occurs between staff and pupils to either care for pupils who may be distressed or have severe and profound learning disabilities, or in subject areas such as physical education in order to promote inclusive learning opportunities and deliver the National Curriculum. In addition, staff will also use positive touch to comfort pupils and as part of the PSHE/social curriculum in order to teach them more appropriate ways of seeking attention.

### **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 arm or shoulder with little or no force. The important factor within these situations is that the child is **compliant** and "follows" the cue to be guided.

### **Physical Control and Restraint/Restrictive Physical Intervention:**

This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. It is important to note that the use of 'reasonable force' should be seen as a last resort. All such incidents are recorded on CPOMS and reported to parents and will be stored in an accessible way.

As indicated the level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint. If in doubt, then staff should always record the incident using the school's standard recording form.

### **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 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 have committed themselves through the 'Home School Agreement' to promote the good behaviour of their child and that efforts have been made by them to ensure that he/she understands and follows the school's Behaviour Policy.

### **Personal Care:**

Authorised staff:

At St Oswald's CE Primary School the power to use reasonable force applies to any member of staff, and any other person to whom the Headteacher has authorised to have control or charge of pupils. This can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as unpaid volunteers.

The power may be used where the pupil (including a pupil from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (eg a trip or visit.)

The Headteacher 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. Where appropriate children will have Individual Positive Handling Plans which will outline the strategies to be used. The Headteacher will ensure that those authorised are aware of, and understand, what the authorisation entails. Those whom the Headteacher has not authorised will be told what steps to take in the case of an incident where control or restraint is needed.

Support Services will have their own policies for Care and Control of pupils. When working within school it is the Headteacher's responsibility to ensure that colleagues from Support Services are aware of school policy and practice. The head teacher in the school will be accountable for their actions while in the school.

### **Principles**

Physical techniques are not used in isolation and St Oswald's CE Primary 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 will be put 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.

When restrictive interventions are used we always take account of a young person's;

- age,
- gender,
- level of physical, emotional and intellectual development,
- special needs,
- social context.
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Where appropriate Positive Handling Plans are written for individual children and where possible, these will be designed through multi agency collaboration e.g. when devising Pastoral Support Plans.

Risk Assessments are 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.

Training in this area includes 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.

Teachers or other staff whose job includes responsibility for pupils cannot lawfully be prevented from using reasonable force. The absence of accredited training does not preclude a member of staff from using reasonable force when needed.

### **Strategies for dealing 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 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 strategies stating:
  - that this is a repeated request for compliance;
  - an explanation of why observed behaviour is unacceptable;
  - an explanation of what will happen if the unacceptable behaviour continues.
- A reminder that physical intervention may well be used.
- Physical intervention. Reasonable force being used to prevent a child harming him or herself, others or property.

### **Types of Incident:**

Examples of situations that may call for judgments of this kind include:-

- A pupil attacks a member of staff or another pupil;
- Pupils are fighting, causing risk of injury to themselves or others.
- A pupil is committing, or on the verge of committing, deliberate damage to property.
- A pupil is causing, or at risk of causing, injury or damage by accident, through rough play, or by misuse of dangerous material(s) object(s).
- A pupil absconds from a class or tried to leave school other than at an authorised time. Refusal of a pupil a pupil to remain in a particular place is not enough on its own to justify use of force. It would be justifiable where allowing a pupil to leave would:
  - Entail serious risks to the pupil's safety (taking account age and understanding), to the safety of other pupils or staff, or damage to property; or
  - Lead to a behaviour that prejudices good order and discipline, such as disrupting other classes.
- A pupil persistently refuses to follow an instruction to leave a classroom.
- A pupil is behaving in a way that seriously disrupts a lesson.
- A pupil is behaving in a way that seriously disrupts a school sporting event or school visit.

**It is important to note that the use of reasonable force will only be applied at this school as a last resort, when all other alternatives have been exhausted and that any force used will be reasonable, proportionate and absolutely necessary.**

The following strategies are included at St Oswald's CE Primary School. **Pupils are never secluded at our school** but Time Out and Withdrawal may be used as part of a **planned** approach.

- *'Time out which involves restricting the service user's access to all positive reinforcements as part of the behavioral programmed in a room or area which they may freely leave*

- *'Withdrawal' which involves removing the 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*

(Section 3.13 DFES/DOH, July 2002)

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

Positive Handling at St Oswald's CE Primary 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.

### **Recording:**

Where physical control or restraint has been used a record of the incident will be kept on CPOMS.

Appropriate documentation will be completed as soon as possible after the incident, normally prior to staff going home and copied to all staff involved and the Headteacher.

All adults involved in and/or observing the incident are required to complete a CPOMS account of the incident. The young person is also welcome to contribute their account in whatever way is appropriate.

The incident will be reported to each parent by telephone initially by the Headteacher or, in her absence, a member of the Senior Management Team. In this case "parent" has the meaning given by section 576 of the Education Act 1996, and so will include people having day-to-day care of the child and the local authority where the child is the subject of a care order. Section 576 also deems the local authority as a "parent" in the case of children who are looked after under section 20 of the Children Act 1989. If it is likely that reporting an incident to a parent will result in significant harm to the pupil, then the incident should be reported to the Local Authority.

After the review of the incident, a copy of the details will be placed on the pupil's file on CPOMS.

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

### **Action after an Incident:**

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 counseling and support.

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 the pupil's PSP/Positive Handling Plan.
- School Behaviour Policy
- Exclusions Procedure
- Child Protection Procedure
- Staff or Pupil Disciplinary Procedure.

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.

### **Monitoring incidents:**

Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documented following agreed procedures and on CPOMS. 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. A record of false accusations made against staff will be kept by the Headteacher.

To support the Headteacher and school and ensure objectivity the School Improvement Partner to the school will be involved with the monitoring process. In addition, Les Nuttall at St Oswald's CE Primary School is the named Governor who supports this process by undertaking audits of incidents and feeding back findings to the Headteacher and Governing Body.

### **Equal Opportunities**

"The School Governors and staff are committed to equality of opportunity in education and to good relations with those of racial, cultural and religious backgrounds. Children are treated equally and have the same opportunities regardless of gender; positive steps are taken to avoid sexist and racist images."

### **SEND**

Care is taken to ensure that children with SEN and/ or disabilities have full access to the all areas of curriculum. If there is likely to be a problem when a visitor is speaking to the class, then additional adult support is used to support the individual child. Differentiation is used by all teachers to cater for children with special educational needs.

### **Evaluation of Policy**

This subject is reviewed annually as part of the school development plan review along with the 175 audit.