

## Care and Control Policy (incorporating physical intervention)

To be reviewed Bi-Annually or in response to updates. Policy reviewed January 2019. To be reviewed January 2022 or before if legislation requires.



The responsible person for the implementation of the policy is Lesley Curtis (Headteacher/Head of School/Centre). The policy will be reviewed bi-annually by the Headteacher/Head of School/Centre and the Governing Body.

The policy has been developed in response to DfE non-statutory guidance, 'Use of Reasonable Force' (July 2013). It pays due cognisance to previous guidance including Circular 10/98 and documents published in April 2012, April 2010 and November 2007 issued 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 the policy follows the policies and guidance of Liverpool Local Authority Children's Services in relation to Safeguarding as well as the Statutory Guidance :- Keeping Children Safe in Education September 2018.

This policy should be read in conjunction with other School/Centre policies relating to interaction between adults and children. E.g. Child Protection, Health and Safety, Special Educational Needs and Disability, Behaviour.

This policy has been prepared for the support of all teaching and support staff who come into contact with children and for volunteers working within the school/centre to explain the school/centre's arrangements for care and control. Policy contents are available to parents and carers. A statement about the school/centre's Behaviour policy/Code of Conduct is made to parents/carers in the parents/carer's booklet.

By acknowledging the school's power to use reasonable force in the circumstances described in this policy (and acknowledged in the 3-5's starter information) parental consent is not required in order for reasonable force to be used when necessary.

### **Purpose of policy:**

Good personal and professional relationships between staff and children are vital to ensure good order in the school/centre. It is recognised that the majority of children in the school/centre respond positively to the pro-active approaches practiced by staff. This ensures the well-being and safety of all children and staff in the school/centre. 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. Everton Nursery School and Family

Centre acknowledges that physical techniques are only part of a whole setting approach to behaviour leadership. Every effort will be made to ensure that all staff in the school/centre:

- (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.

### **Implications of the policy:**

Section 93 of the Education and Inspections Act 2006 enables school/centre staff to use such force as is reasonable in the circumstances to prevent a child from doing, or continuing to do, any of the following:

- committing any offence (or, for a child under the age of criminal responsibility what would be an offence for an older child)<sup>1</sup>;
- causing personal injury to, or damage to the property of, any person (including the child himself);
- prejudicing the maintenance of good order and discipline at the school or among any children receiving education at the school/centre, 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 staff to which this power applies are defined in Section 95 of the Act. They are:

- any teacher who works at the school/centre;
- any other person whom the head has authorised to have control or charge of children, including:
  - support staff such as senior early childhood educators, early childhood educators, early years workers and lunchtime supervisors;
  - people to whom the headteacher has given temporary authorisation to have control or charge of children (e.g. catering, admin or premises staff), and unpaid volunteers (e.g. parents accompanying children on school/centre-organised visits).

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/centre's policy not be

adhered to by individuals, it is not unforeseeable that claims of care could be levied against them.

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<sup>1</sup> 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.

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.

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

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

No legal definition of reasonable force within a school/centre's context exists, however, for the purpose of this policy and the implementation of it in Everton Nursery School and Family Centre:

'Reasonable Force uses the minimum degree of force necessary for the shortest period of time to prevent a child harming himself, herself, others or property'.

The scale and nature of any physical intervention at Everton Nursery School and Family Centre '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).

This policy does more than simply outline the use of physical intervention at Everton Nursery School and Family Centre. This policy aims to provide a transparent overview of how we as a staff team use physical contact to both care for and, where appropriate control children within the school/centre. Working within the philosophy of 'Every Child Matters' with a particular focus in relation to the strands of 'staying safe' and 'enjoying and achieving', our Care and Control policy describes the acceptable physical interaction between staff and children on a daily basis. Based on the principles of moving from least intrusive to more restrictive holding, our policy has divided interaction into three definable areas.

### **Physical Contact:**

Situations in which physical interaction occurs between staff and children to either care for children 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 Early Years Foundation Stage/National Curriculum. In addition, staff will also use positive touch to comfort children and as part of the Personal, Social and Emotional Development (PSED) curriculum in order to teach them more appropriate ways of seeking attention. Where possible staff will always endeavour to use 'safe hugs,' the 'friendly hold' and helpful hugs.

### Physical Intervention:

This may be used to divert a child who is physically compliant from a destructive or disruptive action, for example guiding or leading a child by the arm or shoulder with little or no force. The techniques implemented here will include ‘turn, gather, guide’ and the ‘friendly or small child hold’.

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

This will involve the use of reasonable force when there is an immediate risk to children, staff or property. It is important to note that the use of ‘reasonable force’ **should be seen as a last resort (emphasis TINA – There Is No Alternative)**. All such incidents are to be recorded and given to the leadership team for storage within a child’s file.

The following techniques are accredited by Team Teach and authorised for staff to use by the Headteacher/Head of School/Centre. Whenever possible the following techniques will be used:

Positive Handling

CALM (Communicate, Awareness and Assessment, Listen and Look) Body Language

Be Aware of 6 Signs of Crisis

De-escalation Skills

Help Scripts

As a last resort TINA – There Is No Alternative.

“T” Wrap : standing .

“T” Wrap: sitting with help alongside.

Small Child Hold.

Physical techniques are not used in isolation and Everton Nursery School and Family Centre 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.

The school continues to embed opportunities for ‘Reflect, Repair, Rebuild’ between adult and child. Procedures will be put in place to ensure that appropriate support is provided for staff and that following an incident children/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

All the techniques used take account of a young person's;

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

They should also provide a gradual, graded system of response.

As indicated the level of compliance from the child determines whether or not the interaction is an **intervention or a control/restraint** (staff need to be clear of the difference). If staff are in doubt then the incident should be recorded on the school/centre use of reasonable force form. Leadership Team will follow the recording of the incident up with individual members of staff where necessary.

#### **Underpinning values:**

Everyone attending or working at Everton Nursery School and Family Centre 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.

Children attending Everton Nursery School and Family Centre and their parents/carers have a right to:

- individual consideration of child 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/centre's policies;
- be informed about school/centre procedures, relevant policies and the expected code of conduct of all children and staff working in Everton Nursery School and Family Centre;
- be informed about the School/Centre's complaints procedure.

The School/Centre will ensure that parents/carers and children understand the need for and respond to clearly defined limits, which govern behaviour in the School/Centre. Parents/carers will be made aware through 'Home/Nursery Visits' about how 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/Centres' Behaviour Policy.

### **Authorised staff:**

At Everton Nursery School and Family Centre all staff are authorised to use reasonable force within the context of DfE non statutory guidance 'The Use of Force'. Only non-teaching staff specifically authorised by the Headteacher/Head of School/Centre to have control or charge of children may use reasonable force to manage or control children.

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

Authorisation is not given to volunteers or parents/carers.

Supply staff will not appear on the 'authorised persons list' unless they can offer valid certification in the Team-Teach Approach and are familiar with the School/Centres' policy.

The Headteacher/Head of School/Centre is responsible for making clear to whom such authorisation has been given, in what circumstances and settings they may use force and for what duration of time this authorisation will last. The Headteacher/Head of Centre will ensure that those authorised are aware of, and understand, what the authorisation entails.

Those whom the Headteacher/Head of School/Centre 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 children. When working within the school/centre it is the Headteacher's/Head of School's/Centre's responsibility to ensure that colleagues from Support Services are aware of School/Centre policy and practice. The Headteacher/Head of School/Centre in the School/Centre will be accountable for their actions while in the school/centre.

### **Training:**

Training for all staff will be made available as part of a scheduled "rolling programme" and is the responsibility of the Headteacher/Head of School/Centre. Prior to any practical training theoretical aspects of effective behaviour leadership 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. The absence of accredited training does not preclude a member of staff from using reasonable force when appropriate.

Everton Nursery School and Family Centre is committed to implementing the Team-Teach Approach, 'working together to safeguard people and services'. Further information in relation to Team-Teach can be found at [www.team-teach.co.uk](http://www.team-teach.co.uk).

Training in physical intervention given to staff 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 physical techniques are taught.

Team Teach techniques seek to avoid injury to children, 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 child remains safe.

### **Strategies for dealing with challenging behaviour:**

As endorsed in the school/centre's Behaviour Policy, staff utilise consistent positive strategies to encourage acceptable behaviour and good order. Some examples of such strategies include:

- 'Describe reality'
- Use positive, reassuring language
- Utilising the 'Help Script' and the 'Help Protocol'
- Reflect, Repair, Rebuild
- Adult modelling
- Use of choice drivers: 'when and then' and/or 'either and or'

Every effort will be made to resolve conflicts positively and without harm to children 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 child to refrain; (this includes negotiation, care and concern)
- Further Communication 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 statement of intent that physical intervention may well be used alongside a reminder that holding will cease when the child's behaviour becomes safe again. Summon assistance/support from other colleagues.
- 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 judgements of this kind include:

- a child attacks a member of staff, or another child;
- children are fighting;
- A child is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- A child is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- A child 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 child absconds from a room or tries to leave the school/centre (NB this will only apply if a child could be at risk if not kept in the room or in the school/centre).
- A child persistently refuses to follow an instruction to leave a situation of danger.
- A child is behaving in a way that is seriously disrupting an activity.

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

### **Acceptable measures of physical intervention:**

- Strategies for 'de-escalation' or 'diffusion' which can avert the need for a physical intervention – i.e. Calming Script, Help Script, Help Protocol.
- Guide child away by elbow using 'caring C'.
- Turn, Gather, Guide.
- Refer to Behaviour Policy.
- Calm Stance.
- Help Script for children as in appendix.

It is important to acknowledge the distinctions between:

- *'Time out'* which involves restricting the child's access to all positive reinforcements as part of the behavioural programme in a room or 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 (Section 3.13 DfES/DOH, July 2002)
- **Seclusion is never used at Everton Nursery School.**



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

Positive Handling at Everton Nursery School and Family Centre is seen as a proactive response to meet individual child needs and any such measures will be most effective in the context of the overall ethos of the school/centre, the way that staff exercise their responsibilities and the behaviour management strategies used.

A specific script used by staff at Everton Nursery School and Family Centre in order to support each other is the 'Help Protocol'. The following provides an aide memoir of this script: -

Help Protocol

'Hello (name of staff)', where appropriate the child should also be engaged by the use of their name. 'Would you like some help?'

The response from the member of staff should always be – 'Yes please'.

'How can I help?' is the question that should then be posed allowing the member of staff originally involved in the incident to retain control of the situation.

'You can help by.....' enables effective support to be provided for all concerned.

If a situation arises where it is evident that support is required but is refused the incoming member of staff will use the phrase 'I am available for more help'.

The response should then be 'what do you suggest'.

The member of staff then replies 'I would like you to ..... and I'll catch up with you later'. The final statement should always be followed up so as to ensure the professional relationship between colleagues remains intact.

**Recording:**

Where physical control or restraint has been used, a record of the incident will be kept. This record should be made on the school/centre's serious incident book, recording and reporting form and/or the child's Positive Handling Plan, as appropriate.

'Use of reasonable force' forms will be completed as soon as possible after the incident, normally prior to staff going off duty and be signed by all staff involved and the Headteacher/Head of School/Centre. A member of the Leadership Team and/or the designated Team-Teach tutor will oversee the 'use of reasonable force' form and support the member of staff where needed.

The young person is also welcome to contribute their account in whatever way is appropriate.

The incident will be reported to the child's parent/carer by telephone initially by a member of the Leadership Team . This will be followed up in writing.

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 child in question, 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 child's file.

A Health and Safety Accident/Incident Form (AC11) will be completed and returned to the Authority in situations where injury has occurred to either members of staff or children. Where staff have been involved in an incident involving reasonable force they should have access to on-site counselling and support.

#### **Action after an incident:**

Incident Sheets (records) are used to formulate a risk assessment for those children whose behaviour requires restrictive interventions. In such cases, individual Positive Handling Plans will be developed and the strategies developed to support the child shared with relevant adults. Such plans are regularly reviewed and trends in behaviour monitored. Such plans are produced in accordance with the Team Teach Approach .

The Headteacher/Head of School/Centre 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 child, this will be pursued through the appropriate procedure:

Review of Behaviour Programme IBP / IEP / PSP / Positive Handling Plan.

Child Protection/Safeguarding Procedure (this may involve investigations by Police and/or Social Services).

Staff or Child Disciplinary Procedure

School/Centre Behaviour Policy

Exclusions Procedure in the case of violence or assault against a member of staff or other children.

The member of staff will be kept informed of any action taken.

In the case of any action concerning a member of staff, she/he will be advised to seek advice from his/her professional association/union.

After the incident, there will be a 'debrief' period of time for both the member/s of staff and for the child. This period of time will allow for reflection upon the incident, any learning to be taken from the incident, as well as time to repair and rebuild relationship(s) post-incident.

### **Complaints:**

The availability of a clear policy about reasonable force and early involvement of parents/carers should reduce the likelihood of complaints but may not eliminate them.

Any complaints about staff will be investigated through the School's/Centre's Complaints Policy. If necessary, the complaint will be dealt with by the Staff Disciplinary Procedures and/or Child Protection/Safeguarding Procedures.

### **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 Headteacher/Head of School/Centre to the needs of any child(ren) whose behaviour may require the use of reasonable force as well as potential training need for staff.

Monitoring of incidents will take place on a regular basis and the results used to inform planning to meet individual children and school/centre needs.

To support the Headteacher/Head of School/Centre and School/Centre and to ensure objectivity, the (School Improvement Partner) to the School/Centre will be involved with the monitoring process. In addition, at Everton Nursery School and Family Centre, the Chair of the Governing Body is the named representative who supports this process by undertaking audits of incidents and feeding back findings to the Headteacher/Head of School/Centre Governing Body where necessary.

### **Policy Review**

This policy was reviewed by six Governors 15th January 2019 and adopted by the Governing Body in January 2019.

Appendix 1:

Suggested words and phrases to use when completing forms. (Not definitive).

Prompt

Guide

Escort

Safe Hug/Everton Hug

Encourage

Diffuse

De-escalate

Turn, gather, guide

The Help Script

The Help Protocol

Calm Stance

With reference to school policy

Team Teach

In accordance with Behaviour Support Plan/Positive Handling Plan

Last resort

Time out

Directed Time Out

Tactical ignoring.

Choice Drivers

Rule reminders

Personal space

Proximity support

Take up time

T-Wrap

Response to deliberate dead weight

Help Hug alongside

Small Child Hold