



**Oak Tree  
School**

# **Care and Control Guidelines**

**(Incorporating Restrictive Physical Intervention)**

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<b>Owner</b>	<b>Headteacher</b>

## Document History

<b>Version</b>	<b>Comments/amendments</b>	<b>Name</b>	<b>Date</b>
1.0	2014 Issue	Mike Deacy	February 2014
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This policy aims to give to staff guidance on Care and Control at Oak Tree School.

Schools are places of learning and it is important that care and control is managed so that the aims of the school can be achieved. The purpose of this policy is to support this process.

This policy covers the following criteria:

- Restrictive physical intervention
- The use of Positive Handling to Manage Physically Challenging Behaviour

Includes Appendix: Guidelines for Recording a Restrictive Intervention

## **The use of Positive Handling to Manage Physically Challenging Behaviour**

The policy will be reviewed annually by the SLT, the school council will be encouraged to review the document and report back to class groups any issues or concerns before ratification.

The policy has been developed in response to Circular 10/98 "The Use of Force to Control or Restrain Students", issued following the enactment of Section 550A of the 1996 Education Act (now replaced by Section 93 of the 2006 Education Act). It also takes cognisance of DfES, DOH Guidance for Restrictive Physical Interventions, 'Guidance on the use of restrictive physical intervention for students who display Extreme Behaviour in association with Learning Disability and/or Autistic Spectrum Disorder' (July 2002). Additionally it follows the policies and guidance of Acorn Care and Education.

The policy has been prepared for the support of all professional and support staff who come into contact with students and for outside agencies working with the school to explain the school's arrangements for care and control. Its contents are available to parents and students. A statement about the School's Behaviour policy is made to parents in the School prospectus. This statement includes information on the use of reasonable force to control or restrain students.

### **The policy should be read as part of a safeguarding children portfolio of policies:**

- Behaviour policy
- Complaints policy
- Child protection policy
- Dealing with allegations against staff policy
- Exclusion policy

These policies are available upon request to Acorn Care and Education, referring authorities, local authorities, Ofsted, parents/carers and the police as appropriate.

### **Mission Statement**

Oak Tree School is committed to providing, developing and improving education and therapeutic support which is responsive to the special needs of all our pupils and where each individual is valued within a safe, caring and supportive community, characterised by high expectations, quality teaching and the highest standards of physical and emotional care.

## Vision

To create and sustain an educational community where:

- Pupils are safe, healthy, able to enjoy and achieve, participate positively and make progress
- Our approach to education and therapy is balanced, progressive and responsive
- Every child is able to explore his inner self, his environment and his responses
- All staff through their attitudes, actions and behaviour facilitate the healthy physical and emotional development of every child

## Values

The success of individuals is founded on our core values of respect, dignity, trust and well-being, a commitment to realising the potential of each child and young person through a broad and enriching curriculum, growing independence and widening the opportunities for continued learning and work.

We will:

- Be professional in our approach
- Be willing to explore, challenge and change in order to improve
- Be responsive and flexible in meeting individual needs
- Challenge discrimination and positively seek equality of opportunity for all
- Create and deliver the educational, physical and social environment that is essential to the health and well-being of all pupils
- Engage with families and carers, local authorities and agencies to support and strengthen the child's place within his family and community
- Make full, efficient and effective use of all our skills and resources to deliver learning and support of the highest standard

## Purpose of policy:

Good personal and professional relationships between staff and students are vital to ensure good order in our school. It is recognised that the majority of students in our school respond positively to the discipline and control practiced by staff. This ensures the well-being and safety of all students and staff in 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. Oak Tree 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 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.

## Implications of the policy:

The 2006 Education Act (Section 93) stipulates that reasonable force may be used to prevent a pupil from doing, or continuing to do any of the following:

- placing himself at risk
- placing other students or staff at risk
- behaviour leading to damage to property or committing a criminal 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 school (this includes authorised out-of-school activities)

Individual members of staff cannot be required or directed to use physical restraint. However, as teaching and therapeutic 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.

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

## Definitions of Positive Handling:

No legal definition of reasonable force within a schools context exists, however for the purpose of this policy and the implementation of it in Oak Tree 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 Oak Tree 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).

This policy does more than simply outline the use of physical intervention at Oak Tree School. It aims to provide a transparent overview of how we use physical contact to both care for and, where appropriate control our students. Working within 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 students on a daily basis. Based on the principles of gradual moves from least intrusive to more restrictive holding we have divided interaction into three definable areas.

## Physical Contact:

Situations in which physical interaction occurs between staff and students to: either care for students who may be distressed, in subject areas such as physical education in order to promote inclusive learning opportunities. In addition staff will also use positive touch to comfort students and as part of the PSHCE/social curriculum in order to teach them more appropriate ways of seeking attention. Where possible staff will always endeavour to use 'safe hugs' and the 'friendly hold' as defined in Team Teach training and understood by all staff as considered the most appropriate approach.

## Physical Intervention:

In line with Acorn Care and Education and all Local Authority Guidance, and as an accredited provider with the British Institute of Learning Disabilities (BILD), Oak Tree School, is committed to implementing the T.E.A.M. T.E.A.C.H. Approach, 'working together to safeguard people and services'. Further information in relation to T.E.A.M. T.E.A.C.H. can be found at [www.team-teach.co.uk](http://www.team-teach.co.uk)

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 techniques implemented here will include 'turn, gather, guide' and the 'friendly or small pupil hold' and the use of single elbow holds. The important factor within these situations is that some compliance from pupil is evident as a result of the intervention.

## Physical Control and Restraint/Restrictive Physical Intervention:

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 used in a graded and gradual approach and seen as a last resort; all such incidents are recorded on an incident report form, placed in students own file and recorded in our bound physical handling book, stored in the main office.

Within Team–Teach we use a range of gradual and graded holds, these reduce the reliance on grips and force by increasing the use of bio-mechanical principals. Each hold, guide and escort are designed to allow a smooth graded and gradual response to risk.

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

- Help Hug
- Cradle Hug
- Standing Single Elbow
- Standing Double Elbow
- Standing Figure of Four
- Standing Wrap
- Half Shield
- Sitting Wrap
- Sitting/ kneeling Double Elbow (Single person)
- Sitting/kneeling Single Elbow (one/two person)
- Sitting kneeling figure of four (one/two person)

These holds are standing, kneeling or sitting; we do not apply the use of ground holds but recognise that students will, on occasion, use their own body weight to 'drop to the ground' staff are trained to support and manage this descent.

### **Responding to dead weight two person hold (6b)**

*'Team –Teach does not teach people to attempt to carry body weight, or to break away and let people fall. If people go 'dead weight', the response is to allow them to go to the ground in a controlled manner and deal with the situation there'. (Team Teach intermediate tutor manual pg 36)*

*©Team teach limited as cited ©Steaming publishing 2004*

As indicated the level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint. All incidents of positive handling are reported, recorded, monitored and evaluated using Oak Tree School's behaviour management system SLEUTH. Parents/carers will be informed of any that involve a pupil being held with more restrictive holds. Any unintentional, accidental injury sustained during an incident involving positive handling is also reported to our parents/ carers and Senior Leadership Team.

## **Underpinning values:**

### **Everyone attending or working at Oak Tree 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 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 students and staff working in school;
- be informed about the school's complaints procedure

The school will ensure that parents/carers and students 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 Contract' to promote the good behaviour of their child or looked after child, and that efforts have been made by them to ensure that he/she understands and follows the schools' Behaviour Policy.

## **Authorised staff:**

At Oak Tree School Staff are authorised to use reasonable force within the context of Circular 10/98 Section 550A of the Education Act 1996: – 'The Use of Reasonable Force to Control and Restrain Students'. Only non- professional staff specifically authorised by the Headteacher to have control or charge of students may use reasonable force to manage or control students.

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

Supply staff and volunteers will not appear on the 'authorised persons list' unless they can offer valid certification in the T.E.A.M. T.E.A.C.H. approach and are familiar with the schools' policy.

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. 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 students. When working within Oak Tree School it is the Headteacher's responsibility to ensure that colleagues from Support Services are aware of school policy and practice. The Headteacher will be accountable for their actions while in the school.

## **Team Teach Policy Statement Regarding Injury potential and Technique Application.**

The skills and techniques taught on a Team-Teach course are as a result of an ongoing risk assessment in an effort to safeguard everyone involved in a violent incident where physical interventions are necessary.

Team-Teach techniques seek to avoid injury to the service user, but whilst some physical injury potential can be reduced there remains some risk, with potential for possible bruising or scratching that may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the service user remains safe.

It is also recognised that staff may choose to respond with a technique from outside the Team Teach framework. This does not automatically render the use of such skill or technique necessarily improper, unacceptable or unlawful. Its use must be judged on whether or not it was reasonable, proportionate and necessary in those particular contexts and circumstances.

### **Training:**

Training for all staff will be made available and is the responsibility of the Headteacher. No member of staff will be expected to undertake the use of reasonable force without appropriate training.

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.

Physical techniques are not used in isolation, Oak Tree 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.

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

All the techniques used take account of our students;

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

They also provide a gradual, graded system of response.

Where appropriate Positive Handling Plans are written for individual students and where possible, these will be designed through pupil collaboration and when necessary form part of the student passport.

### **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 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 will be taken according to the circumstances of the incident and in association with Circular 10/98.

- Verbal acknowledgement of unacceptable behaviour with request for the pupil to refrain; (this includes negotiation, care and concern)
- Further verbal reprimand stating:
  - 1) that this is a repeated request for compliance;
  - 2) an explanation of why observed behaviour is unacceptable;
  - 3) 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 pupil shows compliance. If possible assistance should be summoned from Pastoral or available staff.
- Physical intervention. Reasonable force being used to prevent a pupil harming him or herself, others or property.

Training in physical intervention given to staff will include sections on the current legal framework, background, theory and rationale behind the T.E.A.M. T.E.A.C.H. 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 our students, 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 the safety of our students.

### **Types of Incident:**

The incidents described in Circular10/98 fall into three broad categories: -

1. Where action is necessary in self-defence or because there is an imminent risk of injury.
2. Where there is a developing risk of injury, or significant damage to property.
3. Where a pupil is behaving in a way that is compromising good order or discipline.

## Examples of situations, which fall within one of the first two categories, are:

- A pupil attacks a member of staff, or another student;
- 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 might have or cause an accident likely to injure himself or others;
- A pupil absconds from a class or tries to leave school (this would apply if the pupil were to put himself at risk).

## Examples of situations which fall into the third category are:

- A pupil persistently refuses to follow an instruction to leave a situation of danger.
- A pupil is behaving in a way that is seriously disrupting a lesson (or activity).

## Acceptable School procedures:

At Oak Tree School we acknowledge the distinction between:

- ‘*Seclusion*’ where a pupil is forced to spend time alone against their will in a locked room or room which they can not leave. This is not permissible practice
- ‘*Time out*’ which involves restricting the students’ access to all positive reinforcements as part of the behavioural programme 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)
- The distinction between *planned* physical interventions (where incidents are foreseeable) in that they have occurred previously and a response planned following an appropriate risk assessment and the use of force in *emergency* situations (which cannot reasonably be anticipated).
- 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.

Wherever possible assistance will be sought from another member of staff, Positive Handling at Oak Tree 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 exercises their responsibilities and the behaviour management strategies used.

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

## Help Protocol

'Hello it's (name of staff)'.

'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 (where appropriate the pupil should also be engaged by the use of their name).

## Recording:

Where physical control or restraint has been used a record of the incident will be kept. This record will be recorded on SLEUTH. Documentation must be completed within 24 hours, normally prior to staff going off duty and be signed by all staff involved and a member of the Senior Leadership Team.

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

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.

## Action after an incident:

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

The Headteacher 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 student, this will be pursued through the appropriate procedure:

- Review of the student's Passport /Positive Handling Plan and risk assessment.
- School Behaviour Policy
- Exclusions Procedure
- Child Protection Procedure ( gives guidance on systems to report concerns)
- 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

## **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 helps to ensure that staff are following the correct procedures and will alert the Headteacher to the needs of any pupil 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 Register of False Accusations made against staff will be maintained as an additional safeguard for staff working in this difficult area.