

# St Augustine's Catholic Primary School

## POLICY FOR CARE AND CONTROL (incorporating Physical Restraint)

Agreed by Governors: February 2023

To be reviewed: March 2024

"The use of Positive Handling to manage physically challenging behaviour"

*As one family working together  
to be the best that we can be,  
we live, love and learn with Jesus.*

This policy has been developed in response to Circular 10/98 "The Use of Force to Control or Restrain Pupils" issued following the enactment of Section 550A of the 1996 Education Act. It also takes cognisance of recent DfEE and DOH letters of guidance and follows the policies and guidance of Birmingham Education Service "Guidance for Restrictive Physical Interventions" (2003) (LEA 0264/2003)

This policy should be read in conjunction with other school policies relating to interaction between adults and pupils.

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 to parents in the School Prospectus. This statement includes information on the use of reasonable force to control or restrain pupils.

Positive relationships are essential to ensure good order in our school. The majority of pupils respond positively to discipline procedures practised in our setting. It is acknowledged that in exceptional circumstances, staff may need to take action requiring reasonable force. St Augustine's School acknowledges that physical techniques are only part of a whole school approach to behaviour management.

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

The 1996 Education Act (Section 550 A) stipulates that reasonable force may be used to prevent a pupil from doing, or continuing to do any of the following:

- ⊕ engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether the behaviour occurs in a classroom during a teaching session or elsewhere within the school (this includes authorised out-of-school activities)
- ⊕ self-injuring
- ⊕ causing injury to others
- ⊕ committing a criminal offence

**Individual members of staff cannot be required 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" 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 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 pupils, staff or property are at risk.

### **Definitions of Positive Handling**

No legal definition of reasonable force exists. However, for the purpose of this policy and the implementation of it in St Augustine's Catholic Primary 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. (*paragraph 3, 4 page 10 DfES Guidance ref: LEA.0242/2002 contract DfES SEN Schools Team*)

### **PHYSICAL CONTACT**

Situations in which proper physical contact occurs between staff and pupils eg in the care of pupils and in order to support their access to a broad and balanced curriculum.

### **PHYSICAL INTERVENTION**

This may be used to divert a pupil from a destructive or disruptive action eg guiding or leading a pupil by the arm or shoulder where the pupil indicates physical violence or non-compliance. This would normally be used by the Headteacher or Deputy Headteacher.

### **PHYSICAL CONTROL/RESTRAINT**

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 must be recorded** and be 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.**

## **Underpinning values**

Everyone attending or working in this school has a right to:

- ⊕ recognition of their 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 pupils understand the need for and respond to clearly defined limits which govern behaviour in the school.

## **Authorised staff**

- ⊕ In this school/provision, all teachers are authorised to use reasonable force within the context of Circular 10/98 - "The Use of Reasonable Force to Control and Restrain Pupils."
- ⊕ Only non-teaching staff specifically authorised by the Headteacher to have control or charge of pupils may use reasonable force to manage or control pupils.
- ⊕ The school provides training for all authorised staff and a record is kept of the appropriate personnel. The record is reviewed regularly.
- ⊕ Authorisation is not given to volunteers or parents.
- ⊕ Staff are trained via an external provider who is fully qualified and experienced in delivering the Team Teach approach.
- ⊕ The Governors of St Augustine's School are committed to working within the LEA's framework for accessing training in that:
  - ❖ it will review its Behaviour policy on at least a two-year cycle
  - ❖ training will be delivered on a needs-based approach

**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.**

## **Staff from the LEA working within the school**

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.

## **RECORDING**

All instances of the use of Physical Restraint are recorded in Behaviour Books which are monitored weekly. The headteacher is alerted immediately if restraint techniques are used.

## **COMPLAINTS**

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 AND EVALUATION**

This policy will be reviewed regularly by staff and governors or earlier if local or national directives are received.