****

**CARE AND CONTROL POLICY**

**May 2023**

 **Safeguarding Statement**

At Osborne and Featherstone Nursery Schools we respect and value all children and are committed to providing a caring, friendly and safe environment for all our pupils so they can learn, in a relaxed and secure atmosphere. We believe every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at the schools. We recognise our responsibility to safeguard all who access school and promote the welfare of all our pupils by protecting them from physical, sexual and emotional abuse, neglect and bullying.

**Duty of Care**

All staff have a duty of care towards the children they look after, their colleagues and others, under Health and Safety Legislation. They have a responsibility to familiarise themselves with policies and risk assessments, and participate in necessary training. They should look out for obvious hazards and reduce foreseeable risks wherever possible.

**Rights Respecting School**

This policy is in accordance with the 1989 United Nations Convention on the Rights of the Child (UNCRC)

• Article 3 - The best interests of the child must be a top priority in all things that affect children.

• Article 28 - Every child has the right to an education. Primary education must be free. Discipline in schools must respect children’s dignity.

**Rationale**

This policy provides a framework for the use of physical intervention to support the management of behaviour and care within Osborne and Featherstone Nursery Schools and takes into account information provided in Circular 10/98 (Section 550A of the Education Act 1996), Section 93 of the Education and Inspections Act 2006 as well as the DFE’s Use of Reasonable Force (in schools) 2013 and Reducing the Need for Restraint and Restrictive Intervention 2019

We have an agreed ‘Code of Conduct’ for both staff and children to follow. Staff are authorised to deal with behaviour management and deploy a range of positive behaviour management strategies. Inappropriate behaviours are dealt with consistently and staff also use The Framework for Intervention strategies if needed.(See Behaviour Management Policy) The staff across the school have been trained in the Team Teach method; aims and guidelines central to this approach are incorporated within the policy.

Central to this policy is the understanding that any physical intervention used by staff must be in accord with the idea of ‘Reasonable Force’ and used only as a last resort once all other strategies have been exhausted. Section 93 of the Education and Inspections Act 2006 allows the use of reasonable force to:

* prevent or stop the committing of any offence by a pupil;
* prevent or stop personal injury to, or damage to the property of any person (including the pupil themselves) by a pupil; or
* prevent or stop a pupil prejudicing the maintenance good order and discipline.

There is no legal definition of 'reasonable force'. The use of force can only be regarded as reasonable if the circumstances of the particular incident warrant it and the degree of force employed is proportionate to the level of challenging behaviour presented by a small child or the consequences of that behaviour that it is intended to prevent. It is most likely that 'reasonable force' will be not be used by the majority of staff and it is preferable to refer to this as 'positive handling'.

 It is essential that any discussion of physical intervention or positive handling of children is set in the wider context of education and behaviour management; it should not be seen as an isolated technique. The vast majority of the time there will be no need for any physical intervention and other methods must be attempted in the first instance.

**The Legal Context**

Whenever force is used it must be reasonable, which means it must be proportionate to the circumstances it is intended to prevent (2013 Use of Reasonable Force Guidance). Any decisions taken by professionals should be in the best interests of the individual concerned (Human Rights Act 1998 amended 2004).

Where children are concerned, the welfare of the child is the paramount consideration (Children Act 2004). The document that concerns us most is Section 550A of the Education Act 1996. This led to Circular 10/98 (Appendix A) which sets out guidelines for the use of reasonable force:

'A calm considered approach to the situation is needed’. When circumstances justify, staff can:

• Physically interpose between pupils;

• Lead a pupil by the arm;

• Shepherd a pupil away by placing a hand in the centre of the back

• Use more restrictive holds with the Team Teach approach (in extreme circumstances);

• Any necessary action consistent with concept of ‘reasonable force.’

Types of incident where the use of reasonable force may be necessary fall into 3 broad categories;

**1. Action due to imminent risk of injury;**

*For example:*

* *a pupil attacks (hits, punches, bites or kicks) a member of staff or another pupil,*
* *a pupil is running up and down a corridor in a way that could cause injury,*
* *a pupil is absconding*

*(NB this only applies if the child is at risk if they leave the building).*

**2. Action due to developing risk of injury or significant damage to property**;

*For example:*

* *a pupil is engaged in or on the verge of starting to damage property.*

**3. Action where a pupil is behaving in a way that is compromising good order and discipline.**

*For example:*

* *a pupil persistently refuses to comply with requests from the staff*
* *a pupil is behaving in a way that is seriously disrupting the lesson.*

**Accepted Physical Interventions**

A range of guides, escorts and restraints ranging from least intrusive to most intrusive is shown below.

• These provide a graded and gradual response aimed at intervening with the appropriate amount of reasonable force.

• Restraints where two people are used will be deemed a more restrictive hold.

• As the amount of restriction / number of people increases so does the risk; staff need to make a risk assessment based on the situation as to the level at which they are going to intervene.

|  |  |  |
| --- | --- | --- |
| Increase in level of intrusion  | 1 Person Standing / Walking Friendly Hold Single Elbow Figure of Four  Double Elbow Shield  |  Increased associated level of risk   |
| 2 Person Standing / Walking Friendly Hold Single Elbow Figure of Four  Double Elbow Shield  | 1 Person to Chairs Friendly Hold Single Elbow Figure of Four  Double Elbow Shield  |
| 2 Person to Chairs Friendly Hold Single Elbow Figure of Four Double Elbow Shield  |

In very rare circumstances, a child may require intervention at floor level if he or she is already on the floor. Staff should not attempt to restrain any child at floor level or take a child to floor level as the risks of doing so are prohibitive.

**Placing positive handling techniques in context**

Physical intervention or positive handling is never seen in isolation at Osborne or Featherstone Nursery School. It is one strategy available to staff and should always be seen as a last resort when all other strategies have failed.

Physical interventions or minimal handling can be placed into two broad categories:

**1. Emergency Interventions:**

* Emergency interventions will involve staff employing, where necessary, one or a combination of the strategies mentioned in the previous section in response to an incident.
* This will occur when all other strategies have been exhausted or the incident requires a rapid physical response (for example a child running on to a road).

**2. Planned Interventions:**

* Planned interventions involve staff employing, where necessary, one or a combination of the strategies mentioned in the previous section as an agreed response to an identified behaviour.
* This will be documented in a Positive Handling Plan for the child, completed in advance with parental involvement, reviewed half-termly.
* Permission of parents /guardians must be sought before initiating this as an accepted response.
* The Positive Handling Plan will list the accepted strategies to be used as well as strategies that may be used beforehand.
* A risk assessment will also be completed identifying the risks involved in the procedure as well as the risks involved if planned positive handling techniques are not used.
* The school policies and curriculum support the use of Team Teach strategies for positive handling.

‘Tools’ or strategies used can be divided into those that are preventative and those that are reactive:

***Preventative Strategies*** need to be:

* Clear and understood by all those who come into contact with the individual.
* Based on thoughts / discussion about possible reasons for challenging behaviour.
* Where possible the functional opposite of the behaviour (functionally incompatible) we are trying to stop (e.g. if a pupil is constantly hitting someone else then we need to aim for them to be sitting in a seat so that they can’t hit anyone).

***Reactive Strategies*** need to be:

* Clear and understood by all those who come into contact with the individual child.
* Manageable
* Focused on the *behaviour* not the child
* Flexible
* Aimed to de-escalate the situation

|  |
| --- |
|  |

**Risk Assessment**

In the case of emergency interventions staff will make a risk assessment at the time comparing the risks associated with intervention against the risks of not intervening.

In the case of planned interventions staff involved with the child will meet with the member of staff responsible for physical intervention or minimal handling in the school (currently the Head teacher) and the child's parents in order to complete a Positive Handling Plan.

A risk assessment form will be filled out prior to a Positive Handling Plan. (Appendix A)

**Reporting and Monitoring of Incidents**

Reporting and monitoring is of paramount importance for a number of reasons:

* Protection for pupils and staff
* Keeping a record of number of incidents so times /areas that most incidents occur can be tracked
* Monitoring triggers, identifying patterns
* Response to incident by child

 Recording and reporting of incidents can be split into two categories:

* Pre Incident
* Post Incident

The table below identifies the systems for Recording / Reporting within the schools and their purpose.

|  |  |  |
| --- | --- | --- |
| Pre-incident  | Documentation  | Purpose  |
| Behaviour strategies  | A list of suggested strategies that are known to be effective for a particular pupil.  |
| Individual Behaviour Plan  | Aimed at providing specific strategies for a specific behaviour. Parents are involved in setting targets. A review date is set and behaviour is monitored and recorded.  |
| Positive Handling Plan  | Details of planned positive handling techniques to be used in specific situations. Will also list other strategies to be used before to avoid escalation. Will always involve parents. A risk assessment form will also have been filled out.  |
| Parental consent/involvement  | In the event of a Positive Handling Plan being completed parents will be involved and the rationale shared. No plan can be completed without parents' permission.  |
| Post-incident  | Incident log     | In the event of an incident where physical intervention or positive handling techniques have been used, a recording is made on our CPOMs secure online system. The DSLs are immediately notified of the incident and advise accordingly.  |

****

****

|  |
| --- |
| **CARE AND CONTROL POLICY** |

This policy will be reviewed every three years and whenever significant changes to the

systems and arrangements take place.

Policy Adopted by Governing Body on:

Signed: ……………………………………………… Date : ………………………

Next Review Date: May 2026

**Care and Control Risk Assessment**

Appendix A

Child’s Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Group \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Risk Assessment Completed by \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

|  |  |  |
| --- | --- | --- |
| Hazards / Triggers to the child’s behaviour | Who might be harmed and how | Action taken to reduce risk |
|  |  |  |

 Signed \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_­­­­­­­­­