



Nursery School

Care and Control of Pupils Policy

Policy Owner/approval: Susan Connon

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Next Review Date: March 2020

Highfield Nursery School

Care and Control of Pupils Policy

This policy has been prepared for the support of all teaching and support staff including students and volunteers who come into contact with pupils to explain the nursery school's arrangements for supporting care and control. Its contents are available to parents and pupils and are available on the nursery school website.

This policy is informed by "Use of reasonable force: advice for Head teachers, Staff and Governing Bodies for schools in England", published in 2013, Behaviour and Discipline in schools 2016, the Education and Inspections Act 2006, Education Act 2011, joint guidance issued by the DfES and DOH 2003, and the guidance issued by ADCS in 2009 to Local Authorities in their protocol on restrictive physical interventions. This policy should be read in conjunction with other nursery school policies relating to behaviour and interaction between adults and children.

This revised policy has been prepared as a result of a review of the existing Care and Control policy in March 2018. The responsible person for the implementation of the policy is the Head Teacher. This policy will be reviewed annually by the Assistant Head teacher, SENCO and the Governing Body.

Aim

Good personal and professional relationships between staff and pupils is vital to ensure good order in our Nursery school. It is recognised that the majority of children in our nursery school respond positively to the boundaries of nursery and positive behaviour strategies practiced by staff. This ensures the well-being and safety of all children 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.

Every effort will be made to ensure that all staff in this nursery 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.

However individual members of staff cannot be required to use physical restraint. If a member of staff feels they are expected to use physical restraint and they do not wish to they must speak to the Headteacher.

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 the policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

All staff are trained in skills to help them to defuse situations before behaviour becomes challenging and how to de-escalate incidents should they arise (See Positive Behaviour Policy). These alternative strategies will be used in preference to physical interventions and the use of

force wherever possible and when safe to do so. Reasonable force will only be used as a last resort when all other positive behaviour management strategies have failed or when pupils, staff or property are at risk as all children have a need/right to be safe from harm (from themselves or others).

Definitions

Physical Contact

We recognise that for staff at Highfield Nursery School, physical contact with the children we care for is an integral part of our job. Touch is essential to provide sensitive and good quality care. Used in context, and with empathy, touch supports the development of natural and positive interactions.

It would seem reasonable that young children do require opportunities for close contact such as cuddles/hugs and as long as this is within public view, sensitively carried out and age/person-appropriate the Governors would fully support this approach. At all times, (especially whilst assisting a pupil with their personal care and when teaching/practicing personal independence skills) staff should use discretion to preserve the dignity of those pupils needing help/support. See the document Safer Working Practice for Adults who work with Children and Young People in Education Settings, 2015.

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 hand, arm or shoulder with little or no force.

Physical Control/Restraint

This will involve the use of reasonable force when there is an immediate risk to children, staff or property. All such incidents must be recorded. If anyone is injured a HS1 accident/incident report (pupils and visitors) or an incident report on Oracle (for employees) must also be completed. Records of incidents must be given to the Head Teacher as soon as possible, and by the end of the nursery session at the latest. The pupil's parents/carers will be informed of any significant incident concerning their child as soon as is practicable after the incident.

Use of force

No legal definition of reasonable force exists however for the purpose of this policy and the implementation of it within Highfield Nursery School:

- Positive Handling uses the **minimum** degree of force necessary for the **shortest period of time** to prevent a child harming themselves, 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.

Underpinning Values

Everyone attending or working in Highfield Nursery 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

Children attending this nursery school and their parents have a right to:

- individual consideration of children's 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 nursery school's boundaries, relevant policies and the expected conduct of all children and staff working in nursery school; Staff must work within the framework of this policy.
- be informed about the school's complaints procedure.

Authorised Staff

All paid staff at Highfield Nursery School are authorised to use reasonable force. Within the nursery school, this authorisation will be extended to the following:
Teachers, nursery nurses, support staff.

Authorisation is not given to volunteers or parents.

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, for example to contact an authorised member of staff.

Supply staff will not be authorised to use reasonable force unless they are familiar with Highfield nursery school's policy and have undertaken training

Staff from the authority working within Highfield Nursery School

Support Services will have their own policies of care and control of pupils but service staff will, whilst on school premises, be expected to be aware of and operate within the policy of Highfield nursery school.

Training

Training for **all** staff will be made available and will be the responsibility of the Headteacher. No member of staff will be expected to undertake the use of reasonable force without appropriate training. Prior to the provision of training, guidance will be given on action to be taken.

Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development.

Training will be appropriate to the age, maturity and learning needs of the children.

Strategies for dealing with challenging behaviour

Staff consistently use positive strategies to encourage positive behaviour and good order. A positive behaviour policy is in place and all staff are aware of its contents and strategies within it to promote positive behaviour and to de-escalate situations.

Every effort will be made to resolve conflicts positively and without harm to children or staff, property, buildings or the environment. Clear, consistently maintained boundaries and an engaging environment, will be effective in preventing incidents with the majority of children. Where unacceptable behaviour threatens good order and the boundaries in place, 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 verbal reprimand stating:
 - that this is the second request for compliance;
 - an explanation of why observed behaviour is unacceptable;
 - an explanation of what will happen if the unacceptable behaviour continues
- Warning of intention to intervene physically and that this will cease when the child complies. If possible summon assistance.

Physical intervention

Reasonable force uses the minimum degree of force to prevent a child harming themselves, others or property.

Specific techniques for control will form the basis of specific training sessions. It is imperative that all staff that use reasonable force are familiar with the whole policy and recognise the occasions when it is appropriate to use physical intervention.

Types of Incident

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

- self – injuring
- causing injury to others
- committing a criminal offence
- 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 school (this includes authorised out-of-school activities).

The incidents described in The Education and Inspections Act 2006 and The Use of Reasonable Force to Control and Restrain Pupils fall into three broad categories: -

- Where action is necessary in self-defence or because there is an imminent risk of injury.
- Where there is a developing risk of injury, or significant damage to property.
- 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 child attacks a member of staff, or another child;
- Pupils 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 or playing 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 class or tries to leave nursery school (NB this will only apply if a child could be at risk if not kept in the classroom or at school).

Examples of situations which fall into the third category are:

- A child persistently refuses to obey an order to leave a classroom (nursery area);
- A child is behaving in a way that is seriously disrupting other children's learning.

Where a child's 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:

- A calming activity should be offered/made available to the child, including the option to withdraw from the task/activity
- A clear positive statement should be given to tell the child what it is that you want them to do – i.e. give a positive instruction
- Positive reinforcement, praise and reward should be provided to the child for any attempt to calm down and/or behave appropriately, however small the effort
- Warning of intention to intervene physically and that this will cease when the child complies. If possible summon assistance.
- Physical intervention - positive handling is used to prevent a child harming him or herself, others or property.
- Problems are normal where children are learning and testing the boundaries of acceptable behaviour. Our success is not measured by the absence of problems, but by the way in which we deal with them.

Acceptable Measures of Physical Intervention

The use of any degree of force can only be deemed reasonable if:

- (a) it is warranted by the particular circumstances of the incident;
- (b) it is delivered in accordance with the seriousness of the incident and the consequences which it is desired to prevent;
- (c) it is carried out as the minimum to achieve the desired result;
- (d) the age, understanding and gender of the pupil are taken into account;
- (e) it is likely to achieve the desired result.

Wherever possible assistance should be sought from another member of staff before intervening.

Physical intervention uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming himself, herself, others or property.

This form of physical intervention may involve staff:

- physically interposing themselves between children;
- blocking a child's path;
- escorting a child;
- shepherding a child away.
- Sitting on the floor holding a child.

In extreme circumstances, trained staff may need to use more restrictive holds.

Any such measures will be most effective in the context of the overall ethos of the school, the way in which staff exercise their responsibilities and the positive behaviour management strategies used. Wherever reasonable force is used, staff must keep talking to the child.

The overall ethos of the school will be central to reducing the number of incidents and to dealing with them effectively when they do arise.

Recording

Where physical control or restraint has been used a record of the incident **will** be kept. This record should be made in the Serious Incident File which will include

- name of pupil
- date, time and place of incident
- a brief description of the incident and actions taken

The Serious Incident File report will be completed as soon as possible after the incident, normally by the end of the nursery session and be signed by all staff involved and the Headteacher (Appendix 1).

In addition, specific details of the use of reasonable force will be recorded on Form RF1 (Appendix 2) which will include:

- how the incident developed;
- attempts made to calm the situation;
- names of any staff or children who witnessed the incident;
- the outcome of the incident including any injuries sustained, by any child or member of staff;
- any damage to property which has resulted;
- whether/how parents/carers have been informed;
- and, after investigation, a summary of actions taken.

Staff may find it helpful to seek advice from a senior colleague or representative of their professional association/union when compiling a report. They should also keep a copy of the report.

After the review of the incident, copies of Form RF1 will be placed on the pupil's file and in the school's general file on the use of reasonable force.

A Health and Safety Accident/Incident Form (HS1) will be completed and returned to the Authority.

Staff should ensure that they are fully recovered from an incident before resuming their duties and colleagues are encouraged to seek and offer support where it is deemed necessary. Where staff have been involved in an incident involving a Restrictive Physical Intervention they should have access to counselling and support as needed. Within the school, this will be made available/supported through the Head teacher. Staff may also contact the Directorate's Counselling Line (01772 263346).

Where there is any concern over the appropriateness of a response the Head teacher, Chair of Governors may refer the incident to the Lancashire Children's Safeguarding Board for clarification and/or investigation.

Whilst the physical interventions are intended to reduce risk, there is always risk when two or more people engage to use force to protect, release or restrain. Techniques used seek to avoid injury to the child and staff, but it is possible that bruising or scratching 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 child remains safe. Any such injury will be reported using the HS1 form and/or a skin map if necessary. Any injuries to children as a result of incidents involving restraint will be reported in line with locally agreed LADO procedures.

Action after an incident

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 child, this will be pursued through the appropriate procedure:

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

Staff Facing Allegations of Abuse Procedure

Staff or Pupil Disciplinary Procedure

School Behaviour Policy Exclusions 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 dealt with under the School's Complaints About Staff Procedure.

The Chair of Governors will be informed of complaints but other governors will not be involved as a complaint may require further action on their part.

Monitoring of Incidents

Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documented. Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Headteacher to the needs of any pupil(s) whose behaviour can only be contained by the use of reasonable force.

This process will also address patterns of incidents and evaluate trends which may be emerging.

POLICY ON CARE AND CONTROL OF PUPILS

NAME OF SCHOOL (OR SERVICE):

RECORD OF THE USE OF REASONABLE FORCE

Reference should be made to the School's Policy on Care and Control of Pupils before completing this report form. This report should normally be completed as soon as practically possible after the incident.

Name of Pupil	_____	Registration Group/Class	_____
Date and Time of Incident	_____ am/pm	Place	_____
Reporting Staff	_____		_____
Staff Witnesses	_____		_____
Child Witnesses	_____		_____

1. RECORD OF INCIDENT

Reason why reasonable force was thought necessary:

Was the child concerned liable to injury? Yes / No

Were other children liable to injury? Yes / No

Were staff liable to injury? Yes / No

Was property about to be damaged? Yes / No

Was good order prejudiced? Yes / No

Other reasons: _____

- 1.1 Concise details of how the incident began, nature of pupil behaviour, the use of techniques other than physical control to defuse the situation, and measures taken to avoid harm to the pupil.

- 1.2 Description of physical intervention/control/restraint used, including the degree of force used, how that was applied, and for how long.

- 1.3 Record of any injuries to pupils/staff (a body map should be attached [LACPC Multi-Agency Policy, Guidance and Procedures]).

- 1.4 Record of any damage to property.

- 1.5 Measures taken to ensure that the pupil was calmed after the incident.

- 1.6 Signature _____
Time _____ am/pm Date _____

Report passed to

Designation

2. ACTION TAKEN BY HEADTEACHER/DEPUTY HEADTEACHER/SENIOR MANAGER

2.1 Name _____ Designation _____

2.2 Incident Book completed Yes / No

Signed by Headteacher Yes / No Head to initial action

Parents informed Yes / No

Incident discussed with pupil Yes / No

Time _____ Date _____

Other Professionals informed Yes / No

Name	Designation	Date Informed

2.4 Action Log (any other actions taken/follow up from other professionals etc)

Date

Summary of Actions/Reports

APPENDIX 2: SERIOUS INCIDENT FILE SAMPLE

<i>Entry No</i>	<i>Date</i>	<i>Staff Signature</i>	<i>Time</i>	<i>Place</i>	<i>Name of Pupil (where appropriate)</i>	<i>Serious Incident</i>	<i>Headteacher/Deputy/Governor</i>		
							<i>HS1</i>	<i>Filed</i>	<i>Signed</i>