

# . LANCASHIRE EDUCATION AND CULTURAL SERVICES COMMITTEE

## POLICY ON CARE AND CONTROL OF PUPILS Holly Grove School

### 1. Introduction

This 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 Schools 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.

The policy has been developed in response to the recommendations of 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 follows the policies of Lancashire Education and Cultural Services Committee.

The policy should be read in conjunction with the school's policy on Behaviour which relates to interactions between adults and pupils.

### 2. Purpose of policy

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

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.

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

### 3. Definitions

- (a) Physical Contact

Situations in which proper physical contact occurs between staff and pupils, e.g., in the care of pupils with learning disabilities; in games/PE; to comfort pupils.

(b) 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.

(c) Physical Control/Restraint

This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. All such incidents must be recorded.

#### 4. **Underpinning values**

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

- recognition of their unique identity;
- be treated with respect and dignity;
- learn and work in a safe, positive and orderly 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.

Parents should have committed themselves through the Home-School Agreement to support the school in implementing the Schools' Behaviour Policy.

#### 5. **Authorised staff**

In this school all staff who have received the training are authorised to use reasonable force to manage or control pupils.

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 this school's policy and have undertaken training.

The Headteacher will maintain a list of those who have been authorised and training which has been provided. This list will be reviewed termly.

## 6. **Staff from the Authority working within the 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 this school.

## 7. **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.

## 8. **Strategies for dealing with challenging behaviour**

- Warning of intention to intervene physically and that this will cease when the pupil complies. If possible summon assistance.
- Physical intervention. Reasonable force uses the minimum degree of force to prevent a child harming him or herself, others or property.

## 9. **Escalating situations**

The 1996 Education Act (Section 55O 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 (this includes authorised out-of-school activities);
- self-injuring or placing him or herself at risk;
- injuring others;
- causing damage to property, including that of the pupil himself or herself;
- committing a criminal offence (even if the pupil is below the age of criminal responsibility).

## 10. **Types of incidents**

The incidents described in Circular 10/98 fall into three broad categories:

- (a) where action is necessary in self-defence or because there is an imminent risk of injury;
- (b) where there is a developing risk of injury, or significant damage to property;

(c) 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 pupil;
- pupils 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 or she might have or cause an accident likely to injure him or herself or others;
- a pupil absconds from a class or tries to leave school (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations which fall into the third category are:

- a pupil persistently refuses to obey an order to leave a classroom;
- a pupil is behaving in a way that is seriously disrupting a lesson.

#### 11. **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.

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| <b>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.</b> |
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This form of physical intervention may involve staff:

- physically interposing themselves between pupils;
- blocking a pupil's path;
- escorting a pupil;
- shepherding a pupil away.

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, that is:

- **to provide a safe and orderly atmosphere, which is the most effective teaching and learning environment in which pupils can make choices and learn from the consequences**
- **to create a safe environment for pupils and staff through clarification of expectation, roles, rights and responsibility**

The way in which staff exercise their responsibilities and the behaviour management strategies used should:

- **ensure the safety and well-being of pupils who are exhibiting challenging behaviour, their peers, the general public and members of staff**
- **protect the pupil's entitlement to dignity and self respect**
- **protect staff members entitlement to dignity and self respect**
- **promote good behaviour which supports achievement and learning**
- **assist pupils in developing and demonstrating appropriate social skills**
- **protect pupils from self-inflicted abuse or injury**

Wherever reasonable force is used, staff must keep talking to the pupil.

## 12. Recording

Where physical intervention has been used to manage a pupil, a record of the incident **may** need to be kept. Where physical control or restraint has been used a record of the incident **will** be kept. This record should be made in a school incident book/CPOMS which will include

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

CPOMS will be completed as soon as possible after the incident, normally prior to staff going off duty and all DSL's will be alerted..

In addition, specific details of the use of reasonable force may include:

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

Staff may find it helpful to seek advice from a senior colleague or DSL when compiling a report.

Where staff have been involved in an incident involving reasonable force they should have access to counselling and support. Within the school, this will be made available through the Headteacher. Staff may also contact the Directorate Stress line and/or the County Council's Welfare and Counselling Section.

### 13. **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 pupil, 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

### 14. **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.

### 15. **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.

**Date of Policy: Autumn 2019**

