

HILLSIDE SPECIALIST SCHOOL & COLLEGE

POLICY ON CARE AND CONTROL OF PUPILS HILLSIDE SCHOOL & COLLEGE (00/139)

1. Introduction

This policy has been prepared for the support of all teaching, support staff and volunteers who come into contact with pupils at Hillside to explain the school's arrangements for care and control. Its contents are available to parents and pupils and 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 pupils.

The policy has been developed in response to the recommendations of DCSF Guidance on Use of Force and Restraint 04/10, issued following the enactment of Section 550A of the 1996 Education Act. It has been reviewed to include reference to the DfE Guidance on the Use of Reasonable Force 03/12, and taking into consideration Section 93 of the Education and Inspections Act 2006. It also follows the policies and protocols of Lancashire Safeguarding Children's Board.

The policy should be read in conjunction with other school policies relating to interaction between adults and pupils, that is:

- Child Protection Policy
- Behaviour Support Policy

The policy has been reviewed following changes in Government Guidance and Local Authority Protocols in October 2012. The responsible person for the implementation of the policy is the headteacher. The policy is reviewed annually by the Headteacher and the Governing Body.

2. Purpose of Policy

Good personal and professional relationships between staff and pupils is 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 control practised 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 physical interventions and reasonable force may be required.

Every effort will be made to ensure that all staff in this school:

- (a) clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where physical interventions and reasonable force is necessary and
- (b) are provided with appropriate training to deal with these difficult situations.

The application of any form of physical intervention 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 but also **to seek alternative strategies wherever possible in order to prevent the need for physical intervention.**

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Reasonable force will only be used as a last resort when all other behaviour support 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) Restrictive Physical Intervention.

“Restrictive Physical Interventions involve the use of force to control a person’s behaviour and can be employed using bodily contact, mechanical devices or changes to the person’s environment”

(Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who Display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders; DfES/0242/2002)

This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. It may be implemented in order to break away or disengage from harmful contact, separate a child from a ‘trigger’ or to protect a child from a dangerous situations. All such incidents must be recorded on CPOMS and on RF1 Form for Physical Interventions.

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 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 are shown the need for and respond to (wherever possible) clearly defined limits which govern behaviour in the school.

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Parents should have committed themselves through the Home-School Agreement to encourage their child to generalise skills / appropriate behaviours between home and school.

5. Authorised Staff

At Hillside, all teachers, teaching assistants are authorised to use reasonable force using the Team Teach techniques once they have received training to do so. Any other staff must be specifically authorised by the Headteacher to use reasonable force to manage or control pupils. All staff have a duty of care to keep pupils safe.

Authorisation is not given to Welfare staff, Site supervisor, cleaners, office and administrative staff, volunteers or parents in school.

During incidents, assistance should be called for by using the 'walkie-talkie' handsets and protocol. A Response team has been set up to support such incidents. At least two members of staff should be present to deal with the situation; at least one other person will manage the rest of the group whilst the incident is occurring.

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.

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.

Therapists in such situations must alert a member of the Senior Leadership Team.

7. Training

Training for 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

Staff consistently use positive strategies to encourage acceptable behaviour and good order as described in the school 'Behaviour Support Policy'.

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Every effort will be made to resolve conflicts positively and without harm to pupils 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 should be taken according to the circumstances of the incident:

- Acknowledgement of unacceptable behaviour with request for the pupil to refrain: this may be a verbal request but with many pupils it may need to be a non-verbal indicator, such as a Makaton sign for 'No', visual cue, symbol, or a facial expression. Negotiation, care and concern are the priority here. Redirection into another activity where possible.
- Further warnings, either non-verbal or it may be a verbal reprimand meaning:
 - 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
- A warning to the pupil of the intention to intervene physically and that this will cease when the pupils comply. 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 for the shortest possible period.**

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 Guidance Use of Force 03/12 fall into five broad categories:

- (a) remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- (b) Prevent a pupil from behaving in a way that disrupts a school event or a school trip or visit;

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- (c) Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- (d) Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground;
- (e) Restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- Use force as a punishment – **it is always unlawful to use force as a punishment.**

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.

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 will use techniques as approved by the Head teacher, Governors and LA and provided through training. The technique must be appropriate to the needs of the pupil. Other forms of physical intervention may involve staff:

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

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 behaviour management strategies used. Wherever reasonable force is used, staff must keep informing the pupil what is going to happen using verbal or non verbal means.

12. Recording

Where physical intervention has not been used to manage a pupil, a record of the incident **may** need to be kept (CPOMS / ABC).

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Where physical control or restraint has been used a record of the incident **must be** kept (ABC/CPOMS and RF1 Form for Physical Intervention). The information is reported on the forms and then recorded on the behaviour database and in the school serious incident book (held in the office) which will include:

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

The relevant documents will be completed as soon as possible after the incident, normally prior to staff going off duty and be signed by the reporting member of staff and the Senior Leadership team.

In addition, specific details of the use of reasonable force will be recorded on an Incident Record Form for Physical Intervention which will 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 representative of their professional association or union when compiling a report. They are entitled to keep a copy of the report.

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

In the event of any injury a school accident form will need to be completed, on CPOMS for a pupil or a paper copy for a member of staff, and/or a Health and Safety Form (HS1) if the injury sustained is significant (which is returned to the Authority).

Where staff have been involved in an incident involving reasonable force they should have access to a debrief, counselling and support. Within the school, this will be made available through the class team, line manager or Senior Leadership Team. Staff may also contact the School Advisory Service, for counselling or support, a referral to the Lancashire County Council Occupational Health Service can be made to provide additional support.

13. Action after an incident

The headteacher will ensure that each incident is reviewed and investigated further as

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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 Positive Behaviour Management 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.

Team Teach techniques seek to avoid injury to the service user, 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 service user remains safe". (George Matthews – Director Team Teach) If any injuries of this type are noted they should have appropriate first aid applied, and the incident recorded on CPOMS and in the First Aid book, and reported to parents or carers.

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 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 using the appropriate forms and inputted onto the behaviour database. 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.