



CARE AND CONTROL POLICY

Introduction

Positive relationships between staff and pupils are the foundation on which good order and discipline are based within Otley All Saints CE Primary School. The purpose of the policy is to clarify the situation for all teaching and support staff working with children, to inform them what is acceptable in relation to the use of physical intervention to manage challenging behaviour, and to prevent any misunderstanding of their intentions. There is a common misconception that any physical contact with a child is in some way unlawful. This is NOT true. There are situations where it is necessary to physically assist a pupil in the course of their academic work, for example:

- a PE Teacher assisting a pupil who is doing a difficult manoeuvre or who has been injured;
- a music teacher who needs to show a pupil how to play the instrument;
- a teacher involved in outdoor education who needs to assist a pupil in a strange environment or picking up a small child who has fallen and hurt themselves.

In relation to inappropriate behaviour, schools have become used to and skilled at defusing conflict situations without the use of force. We traditionally distract, cajole, persuade and negotiate with young people as well as reminding them of rules, privileges, rewards and sanctions. There may be circumstances however, where verbal de-escalation alone is not enough to deal with the risks that present themselves, and physical steps need to be taken.

This policy has been draw up taking cognisance of Section 93 of The Education and Inspections Act 2007, Section 550A of The Education Act 1996: The Use of Force to Control or Restrain Pupils, DFES Guidance document LEA/264/2003: Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties and the joint DFES/DOH Guidance document July 2002: Guidance for Restrictive Physical Interventions.

This policy should be read in conjunction with the school's Behaviour Policy, Health and Safety Policy and Child Protection Policy.

Every effort will be made to ensure that all staff at Otley All Saints CE Primary School:

- i. clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where physical intervention is necessary
- ii. are provided with appropriate training to deal with incidents safely and effectively.

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 given support to understand the need for and respond to clearly defined limits, which govern behaviour in the school.

Strategies for dealing with challenging behaviour

As endorsed in the school's Behaviour Policy, staff consistently use positive strategies to encourage acceptable behaviour and good order.

Every effort will be made to resolve conflicts positively and without harm to pupils or staff, property, buildings or the environment. 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 pupil 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 pupil complies, if possible summon assistance from other staff.
- Physical intervention. Reasonable force being used in line with legislation and guidance.

Duty of Care

All staff working within the school have a 'Duty of Care' to the children and therefore may face a situation where physical intervention is the only option left available to them, in order to ensure safety. Staff who have a Duty of Care have lawful justification for taking reasonable physical steps to prevent injury or damage. They would be expected to act 'as the responsible parent in the context of the school' and failure to do this, either by taking no action or by using unreasonable force, could leave them in neglect of their Duty of Care.

Section 93

Section 93 of the Education and Inspections Act 2007 'The Power of Members of Staff to Use Force' states:

A member of the staff of a school may **use such force as is reasonable** in the circumstances to prevent a pupil from doing, or continuing to do any of the following;

- committing an offence
- injuring themselves or others, or causing damage to property
- compromising the good order or discipline of the school.

This policy allows for the physical restraint of pupils in disciplinary or dangerous situations. This must not include any form of corporal punishment and should be limited to the minimum force absolutely necessary for the minimum amount of time.

Examples of situations where the guidance could apply:

- when a pupil attacks a member of staff;
- when a pupil attacks another pupil;
- when a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism;
- when 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 (for example, in the lab or on the sports field)
- when a pupil at risk absconds from class or tries to leave the school;
- when a pupil persistently refuses to obey an order to leave a classroom;
- when a pupil is seriously disrupting a lesson.

It is the policy of the school that only in exceptional circumstances may physical restraint be used by an adult working within the school, and that our policy in this regard be made known to staff, governors, parents and pupils and that clear contingencies are known to all.

The Application of Force

When circumstances justify, staff **AS A LAST RESORT**, may:-

- physically interpose between pupils
- block a pupil's path
- hold a pupil in a controlled manner
- use escorting techniques in a controlled manner
- in extreme circumstances, use more restrictive holds.

If possible, the use of restraint needs a second adult present to assist with and/or witness the incident. Staff must be aware of DCSF recommendations as set out in DFEE Circular 10/98, and not hold pupils in such a way that they may be injured or prevented from breathing. Pupils must not be slapped, kicked or punched, held face down to the ground, have limbs twisted, be pulled by the ears or tripped.

Staff are expected to continue to use all available verbal and non-verbal support and de-escalation strategies to defuse difficult situations. Duty of care expects staff to take responsible action; failure to do so, in certain circumstances could be construed as neglect.

Reasonable Force

There is no legal definition of 'reasonable force'. It will always depend upon the circumstances of each individual case.

THE USE OF ANY DEGREE OF FORCE IS UNLAWFUL IF THE PARTICULAR CIRCUMSTANCES DO NOT WARRANT THE USE OF PHYSICAL FORCE.

The degree of force employed must be in proportion to the circumstances of the incident and must be the minimum needed to achieve the desired result.

Definitions of Intervention

- Physical intervention - the use of any physical handling technique that has the child's compliance. (e.g. prompting, shepherding)
- Restrictive physical intervention (Restraint) - the use of force to control a child's behaviour. (i.e. the child is no longer compliant)

It is a legal requirement that all incidents of **restrictive physical intervention** be recorded, monitored and evaluated.

Responsibility of Staff

The Act allows all teachers at a school to use reasonable force to control or restrain pupils. The Headteacher has indicated which additional staff members have authority to use limited physical force on pupils in situations which require it. These staff members are listed in **Appendix A**.

The Head Teacher 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 Head Teacher will ensure that those authorised are aware of, and understand, what the authorisation entails. Those whom the Head Teacher has not authorised will be told what steps to take in the case of an incident where control or restraint is needed.

Where a pupil is recognised as likely to behave in ways which may require physical restraint then a Risk Assessment will be completed and an individual Care and Control Plan will be prepared on the action to be taken when it becomes necessary. This plan will be drawn up in conjunction with the SEN co-ordinator and shared with all pertinent staff at the school. The plan will also be made available and discussed with parents/guardians.

The force used must be appropriate in the sense that a "reasonable adult" should think it suitably addresses the tariff level of challenging behaviour. It should always be the last resort and in no circumstances be used in anger and/or to inflict pain.

Adults must avoid putting themselves into physical danger. If self-defence is necessary then the minimum force must be used. It is for the Head or SMT to decide whether circumstances are such that the Police should be called and to include this in the Care and Control plan.

It is essential to 'debrief' as soon as possible after the incident (child and staff member(s) involved) and to follow Union guidelines regarding a 'cooling-off' period for pupils and staff involved.

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 Head Teachers responsibility to ensure that colleagues from Support Services are aware of school policy and practice.

Action after an incident

The Head Teacher 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:

- Review of Behaviour Programme
- Child Protection Procedure (this may involve investigations by Police and/or Social Services)
- Staff or Pupil Disciplinary Procedure
- School Behaviour Policy
- Exclusions Procedure in the case of violence or assault against a member of staff

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.

Recording and Reporting of Incidents

If physical force is used on a pupil the Headteacher must be notified at once. The name of the pupil will then be recorded in the appropriate school document, along with the time, circumstances, witnesses, details of any injury sustained and the pupil's responses. Wherever possible, the parents will be notified before the pupil gets home and be given the opportunity to discuss the incident.

Monitoring incidents

Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documented following agreed procedures. Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Head teacher to the needs of any pupil(s) whose behaviour may require the use of reasonable force.

Monitoring of incidents will take place on a regular basis and the results used to inform planning to meet individual pupil and school needs.

Complaints

In the event of a complaint, the normal procedures of the school will be used. It is possible that a dispute over the use of force by a member of staff could lead to an investigation, either under disciplinary procedures or by the Police and Social Services. DFEE Circular 10/95: Protecting Children From Abuse gives specific guidelines about this and about procedures for dealing with allegations against teachers.

Training Issues

It will be the responsibility of the Head teacher to arrange suitable training. Training for all staff will be made available. Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development. All responsible adults will be made aware as part of their professional development, of the response that is expected in the school in relation to behaviour of pupils. Copies of this policy will be issued to all "responsible adults".