



Lees Primary School Care and Control and Use of Force Policy

Aim

As a school we are committed to supporting our pupils up to and including the duty to have lawful care and control over them. In the great majority of cases this is achieved through engendering sound relationships and the normal application of our Positive Behaviour Policy. However in exceptional or extreme circumstances this might entail the use of reasonable force to prevent a criminal offence, injury, damage or disruption.

It should be emphasised that our approach to care and control, similar to that of behaviour in general, is very much a positive one. The physical restraint of a pupil should be seen in the context of a further positive (albeit 'last resort' or 'justifiably expedient') action of care and concern.

NB. The examples and 'Do's and Don'ts' given in this policy should not be viewed as exhaustive, but they are intended to act as useful guidelines for most situations.

What is the legal use of force to control pupils?

All members of staff are authorised by the Headteacher to use reasonable force to prevent pupils:

- Causing injury to themselves or others
- Causing damage and/or causing disruption

'Reasonable force' has no legal definition but:

- Force cannot be justified for a trivial misdemeanour or a situation that clearly could be resolved without it
- The degree of force must be proportional to the seriousness of the situation, behaviour or consequences it is intended to prevent and always be the minimum needed

Everyone has the right to self-defence provided they do not use a disproportionate degree of force. **Corporal punishment is illegal.**

Types of incidents in which reasonable force might be appropriate

- Where action is necessary in self-defence or because of imminent risk of injury
- Where there is a developing risk of injury or significant damage to property
- A pupil attacks a member of staff, another pupil, attempts self-injury or where pupils are fighting
- A pupil is causing or about to cause deliberate damage or vandalism
- A pupil is causing or at risk of causing injury or damage by accident, rough play or the misuse of dangerous materials or objects
- A pupil is running in a corridor or on a stairway in a way likely to cause an accidental injury to himself or others
- A pupil who attempts to, or has previously absconded from a class or tries to leave school who could be at risk if not kept in the classroom or at school
- Where a pupil is behaving in a way that is compromising good order and discipline
- A pupil is behaving in a way that is seriously disrupting a lesson

NB. Wherever possible support from a colleague will be sought and alternative strategies other than using force will be considered such as:

- Providing the disruptive pupil with a choice of locations to exit to, in a manner that conveys an expectation of compliance and with some degree of 'take-up time' to allow him/her to "save face"
- Moving the other pupils out of the classroom and/or away from the disruptive pupil

Planning for incidents

- We plan how to respond if we are aware that a pupil is likely to require physical control or intervention. This includes involving the parents to ensure they are clear about what specific action we might need to take and obtaining medical advice if the child has any specific health needs.
- Training or guidance in the use of physical restraint is provided to staff where appropriate

NB. All staff have a 'duty of care' to take appropriate action, up to and including the use of reasonable force, to prevent pupils committing crime, disruption or causing injury or damage.

Practical considerations or procedures during incidents

Do where practicable:

- Tell the pupil to stop and what will happen if he/she does not
- Try to defuse the situation orally and prevent it from escalating
- Try to move the pupil away from any peer audience
- Attempt to communicate with the pupil throughout the incident
- Try to make sure that another adult is present

- Ensure that additional support can be summoned if appropriate
- Make it clear that the physical contact or control will stop as soon as it ceases to be necessary
- If it is not possible to control the extreme pupil without risk of injury to yourself or others, remove the other pupils who may be at risk and summon assistance.
- Use a calm and measured approach.

Try not to:

- Give the impression that you are nervous or out of control
- Give the impression that you have lost your temper, or are acting out of anger or frustration
- Give the impression that you are trying to punish the pupil
- Intervene in an incident without help unless it's an emergency or you are confident of being able to help without risk of injury or making the situation worse – call for help.

Application of force during incidents

May involve staff:

- Physically interposing between pupils
- Blocking a pupil's path
- Holding
- Guiding
- Leading a pupil by the hand or arm
- Carrying a smaller child away from the difficulty or situation
- Shepherding a pupil away by placing a hand in the centre of the back, or
- (in extreme circumstances) using more restrictive holds

Reporting and recording incidents involving the use of force

- Should an injury occur as a result of an incident at the school immediate steps are taken to secure appropriate medical attention. The Headteacher/Deputy Headteacher is informed and the Accident/Injury Report Book is completed by the member of staff involved as soon as possible
- Staff may seek advice from senior colleagues or a representative from their professional association when compiling a report; and they should keep a copy for themselves. The report will help prevent any misunderstanding or misrepresentations of the incident and will be helpful if there is a complaint
- The Headteacher, or his/her representative, informs parents by telephone about the incidents as soon as possible or at least by the end of the school day depending on the seriousness of the incident

Recording in the Behaviour File

We keep a contemporaneous, written report of any occasion when physical force is used (except minor or trivial incidents). Records are also maintained on CPOMS. This file will be kept until the child has reached 25 years of age.

Follow-on procedures

- If necessary and appropriate, the Chair of Governors, LA (Education Social Work Service Manager), social services or police are informed/consulted
- Operation of Child Protection Procedures

Physical contact with pupils in other circumstances

The following situations are left to staff's own professional judgement. Staff must be sensitive to matters relating to culture and gender issues and any known individual characteristics or special circumstances relating to pupils.

- It may be appropriate for staff to have physical contact with pupils when they are in distress or need comforting
- Some physical contact may be necessary during PE sessions or if a member of staff has to give first aid
- Young children and children with SEN may need staff to provide physical prompts or help
- Physical contact with pupils must always be appropriate and done openly

Complaints

This policy is in accordance the LA policy in respect of care, control and the use of force in schools. As such, those acting in accordance with it will be positively supported in their actions.

- All complaints are recorded and followed up by the Head teacher/Deputy Head teacher or their representative in the first instance. Where appropriate LA officers will be notified/kept informed. Where the complaint is against the Headteacher then the Chair of Governors needs to be involved
- A complaint or dispute about the use of force by a member of staff might lead to an investigation under current statutory guidance

Reviewed by the Policy Working Party November 2015

Presented to Governors December 2015

Serious Incident Report Form

Staff may seek advice from senior colleagues or a representative from their professional association when compiling this report. They should also keep a copy of the report for themselves.

School: _____

Date: _____ Time: _____ Report author(s) _____

Place: _____ Activity: _____

Pupil(s) involved: _____

Pupil(s) present: _____

Adults involved: _____

Adults present: _____

Nature of the incident (please circle): if one aspect leads to another, please connect <- - ->

- | | | | |
|--------------------|------------------|-----------------|--------|
| Pupil-pupil | Pupil-adult | Several pupils | Racism |
| Non-compliance | Teasing/taunting | Verbal abuse | Sexism |
| Physical taunt | Physical abuse | Physical attack | Other |
| Adult intervention | Restraint | Property damage | |

Describe the incident

A B C of the incident:

Antecedents: How did the incident happen? What factors may have led or contributed to it?

(please continue on reverse if necessary)

Behaviour: What actually happened and who was involved?

(please continue on reverse if necessary)

Consequences: What happened afterwards? What did the pupil(s) change to achieve/attempt to achieve by this behaviour?

What action do you recommend should be taken to help prevent a reoccurrence of the event?

(please continue on reverse if necessary)

How should this matter be followed up?

Disciplinary action and by whom:

Detention during break/after school

By teacher supervising/class teacher/deputy/head

Other: _____

Action taken by Headteacher

a) In relation to the pupil(s)

b) In discussion with relevant staff

Specific action taken (please circle)

Social skills training
Special provision

Counselling
Suspension

Detention
Exclusion

Daily report, contract

Describe the behaviour which led to the restraint

Letter to: parent/guardian, E S W, SW, EP

Interview with parents: by head/deputy/class teacher/social worker/EP

In conclusion please copy and file under a) pupil's file, b) incident file. Attach copies of any letters for the pupil's file.

Where injury is sustained by a member of staff complete Violence to Staff Report Form.

Pupil's views (this section may be completed with/by pupil following interview with the pupil): A serious incident has been reported to me. Can you tell me what happened?

What may have caused you to do it? Did anything happen before?

How can we help you and other to make sure this does not happen again?

Signed by _____

Date _____