

BAGINTON FIELDS SCHOOL

POLICY for CARE and CONTROL (Incorporating Physical Intervention)



"Dedicated to delivering inspirational learning experiences"

Reviewed: Autumn 2018
Review date: Autumn 2021

Introduction

The policy has been developed in response to 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 recent DfES and DOH guidance (July 2002) and Coventry LEA policies and guidance.

The policy should be read in conjunction with other school policies relating to interaction between adults and pupils.

The 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.

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 our pupils respond positively to the discipline and control practised by staff. This ensures the well-being and safety of all pupils and staff in Baginton Fields 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. Governors and staff of Baginton Fields School acknowledge that physical techniques are only part of a whole school approach to behaviour management.

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.

Teaching and non-teaching staff work in 'loco parentis' and should always operate with an appropriate 'Duty of Care', they are aware they could be liable for a claim of negligence if they fail to follow the guidance within this policy.

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.

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| <p>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.</p> |
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Definitions

No legal definition of reasonable force exists however for the purpose of this policy and the implementation of it in Baginton Fields School:

- physical intervention will involve the minimum degree of force necessary for the shortest period of time to prevent a pupil harming himself, herself, 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.

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. It is important to note that the use of 'reasonable force' should be seen as a last resort. All such incidents must be recorded and stored in an accessible way.

The level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint.

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

Authorised staff

In this school all Teachers are authorised to use reasonable force within the context of Circular 10/98 'The use of Reasonable Force to Control and restrain pupils'. Support Staff who have successfully completed the Team Teach 12 hour course are authorised by the Headteacher to use reasonable force to manage or control pupils (always remembering that all have a 'duty of care' for pupils).

Authorisation is not given to supply staff, volunteers, students on placement 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.

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

Staff from the Authority working within the school

Support Services will have their own policies for care and control of pupils but all staff will, whilst on school premises, be expected to be aware of and operate within

the policy of this school. It is the Headteachers responsibility to ensure that this is the case.

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.

Baginton Fields School is committed to using Team Teach providing this organisation continues to adopt the BILD Code of Practice on restrictive physical intervention. Baginton Fields School acknowledges that physical techniques are only a part of a whole school approach to behaviour management. The Governors of the school are committed to working within the LEA's framework for accessing training.

Strategies for dealing with challenging behaviour

Staff consistently use positive strategies to encourage acceptable behaviour and good order, as explained in the School Behaviour Policy.

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 will be taken according to the circumstances of the incident:

- Verbal acknowledgement of unacceptable behaviour with request for the pupil to refrain and guidance on acceptable behaviour that the pupil need to adopt (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
 - an explanation of the acceptable behaviour that you wish the pupil to adopt (if possible a change of staff would be beneficial at this point).
- Warning of intention to intervene physically and that this will cease when the pupil complies – if possible summon assistance;
- Physical intervention – reasonable force being used to prevent a child harming him or herself, others or property. A member of SMT should be

requested to attend if the situation escalates to the use of physical control or restraint.

Pupils who repeatedly fail to respond to these strategies should progress through the Pathway for Behaviour Management, as outlined in the Policy for the Management of Pupil Behaviour and Discipline.

Situations which may require restrictive physical intervention

As part of their training staff will be taught how to recognise the early stages of a behavioural sequence that is likely to develop into violence or aggression and how to employ 'defusion' techniques to avert any further escalation. They will also be taught how to intervene safely.

This will include:

- Strategies for preventing the occurrence of behaviours which precipitate the use of physical intervention;
- Strategies for 'de-escalation' or 'defusion' which can avert the need for a physical intervention;
- Procedures for post-incident support and de-briefing for staff, pupils and parents;
- The concept of 'reasonable force' where 'reasonableness' is determined with reference to all the circumstances, including:
 - the seriousness of the incident
 - the relative risks arising from using a physical intervention compared with using other strategies
 - the age, cultural background, gender, stature and medical history of the pupil concerned
 - the application of gradually increasing or decreasing levels of force in response to the pupil's behaviour;
- Risk assessment and risk management;
- The distinction between:
 - **time out** which involves restricting a pupil's access to all positive reinforcements as part of a behavioural programme
 - **withdrawal** which involves removing a pupil from a situation which causes anxiety or distress to a location where continuous observation and support can be given until a return to normal activities can be made;

- The distinction between **planned** physical interventions (where incidents are foreseeable) and the use of force in **emergency** situations (which cannot reasonably be anticipated);
- Knowing what are **unacceptable** practices that might expose pupils or staff to foreseeable risk of injury or psychological distress.

Where physical intervention is required school policy will be followed in accordance with the 1996 Education Act (Section 550A) which 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 himself 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).

Types of Incident

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;
- 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 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 is behaving in a way that is seriously disrupting a lesson.

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.

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, the way in which staff exercise their responsibilities and the behaviour management strategies used. Wherever reasonable force is used staff must keep talking to the pupil.

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 the school Serious Incident Book, statutory for all special school provision. This is a hard-backed book, with numbered pages, retained by the Headteacher, containing a brief reference to the detailed Restraint Form and (Health & Safety/Incident Form as appropriate). The entry will include:

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

The Serious Incident Book and Restraint Form will be completed as soon as possible after the incident and be signed by all staff involved and the Headteacher or Deputy Headteacher. Details on the Restraint Form 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
- when and how parents were informed
- A summary of the debriefing process which must take place with all staff involved, following an incident.
- a summary of actions taken after investigation

After the review of the incident copies of the completed Restraint Form will be placed in the care and control file.

A Health and Safety Accident / Incident Form will be completed and returned to the Local Education Authority in situations where injury has occurred to either members of staff or pupils. 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 relevant LEA officer.

Action after an incident

The Headteacher will ensure that each incident is reviewed and investigated further as appropriate. If further action is required in relation to a member of staff or a pupil, this will be pursued through the relevant procedure.

- Review of Behaviour Programme
- Child Protection / Vulnerable Adult 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.

Following the first incident of physical control or restraint with a pupil the Headteacher or Deputy Headteacher will complete a Positive Handling Plan (PHP) in conjunction with class staff, parents and the pupil (where possible).

If the pupil already has a PHP then this should be reviewed after each incident.

Complaints

The availability and application 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.

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 may require the use of reasonable force. This process will also address patterns of incidents and help to evaluate trends that may be emerging.

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

To support the Headteacher and the school and ensure objectivity CAMHS LD, social care and/or advice from Team Teach the organisation could usefully be involved with the monitoring process.

Other relevant Policies

Other Relevant Policies that cross reference with this one are:

Behaviour Policy

Child Protection Policy

Vulnerable Adults Policy

Health and Safety Policy.

Equal Opportunities and Inclusion Policy.

Manual Handling Policy

POLICY ON CARE AND CONTROL OF PUPILS

MODEL STATEMENT FOR PARENTS ON THE USE OF REASONABLE FORCE FOR INCLUSION IN SCHOOL PROSPECTUS

If staff become aware of, or have a need to become involved in, situations where a child may be at risk of hurting themselves or others, or if the behaviour of a child seriously disrupts good order in the school or causes damage to property, staff may need to take steps to intervene physically. In such circumstances staff will follow the school's policy for dealing with such situations. Any parent wishing to view this policy may do so on request.