

# Buckshaw Primary School



## **CARE & CONTROL POLICY**

September 2019

## **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 on the school's website. 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. The policy should be read in conjunction with other school policies relating to interaction between adults and pupils:

Behaviour Policy

Safeguarding/Child Protection Policy

Guidance for Safer Working Practices in Schools

The responsible person for the implementation of the policy is the Headteacher. The policy will be reviewed annually by the Headteacher and the Governing Body.

## **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 control practised by staff. This ensures the wellbeing 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:

- 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 are
- Provided with appropriate training to deal with these difficult situations.
- The Headteacher and several other members of staff were trained by Teamteach and should where at all possible be the staff that are on hand to deal with a pupil who needs physical intervention of any kind.

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 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 have committed themselves through the Home-School Agreement to ensure the good behaviour of their child and that he/she understands and follows the Schools' Behaviour Policy.

## **5. AUTHORISED STAFF**

In this school all teachers and teaching assistants are authorised to use reasonable force.

Authorisation is not given to welfare staff, 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.

## **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.

The following staff members have undertaken Care and Control training, led by Team Teach in June 2019 – K Brooks, M Babcock, D Worswick, J Climpson, A Mensforth & J Robinson.

## **8. STRATEGIES FOR DEALING WITH CHALLENGING BEHAVIOUR**

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. 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:

- ♣ 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.

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;

**The examples quoted are from Paragraphs 14 and 15, Circular 10/98.**

(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.

**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 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.

## **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 which will include

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

The Behaviour Log Book report will be completed as soon as possible after the incident, normally prior to staff going off duty and be signed by all staff involved and the Headteacher. This book is held by the Headteacher.

In addition, specific details of the use of reasonable force will be recorded on Form RF1 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/union when compiling a report.

They should also keep a copy of the report. After the review of the incident, copies of Form RF1 (See Appendix 1) will be placed on the pupil's file and in the school's general file on the use of reasonable force.

A Health and Safety Accident/Incident Form (HS1) will be completed and returned to the Authority. 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.

**Welfare Counselling telephone no (01772) 533863. Stress Line (01282) 692079.**

## **13. ACTION AFTER AN INCIDENT**

The Headteacher will ensure that each incident is reviewed and investigated further as required. Parents will always be informed. 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

**Advice on the appropriate procedure should be sought from the Senior Area Personnel Officer. DfEE circular 0/95 and 11/05 give guidance about procedures for dealing with allegations against 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.

**See also LA guidance (Sept 1997) and current Safeguarding/Child Protection arrangements.**

#### **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 Policy & 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.

This Policy will be monitored and amended where additional information from the Local Authority dictates it needs doing.

**RF1 POLICY ON CARE AND CONTROL OF PUPILS (Appendix1)**

**NAME OF SCHOOL – BUCKSHAW PRIMARY**

**RECORD OF THE USE OF REASONABLE FORCE**

*Reference should be made to the School's Policy on Care and Control of Pupils (Paragraph 12. Recording) before completing this report form. This report should normally be completed as soon as practically possible after the incident.*

Registration Name of Pupil.....

Group/Class.....

Date and Time of Incident .....am/pm

Place ..... Reporting

Staff .....

Staff Witnesses .....

Child Witnesses .....

**1. RECORD OF INCIDENT Reason why reasonable force was thought necessary:**

Was the child concerned liable to injury? Yes / No

Were other children liable to injury? Yes / No

Were staff liable to injury? Yes / No

Was property about to be damaged? Yes / No

Was good order prejudiced? Yes / No

Other reasons:.....

**1.1 Concise details of how the incident began, nature of pupil behaviour, the use of techniques other than physical control to defuse the situation, and measures taken to avoid harm to the pupil.**

**1.2 Description of physical intervention/control/restraint used, including the degree of force used, how that was applied, and for how long.**

**1.3 Record of any injuries to pupils/staff (a body map should be attached [LACPC Multi-Agency Policy, Guidance and Procedures]).**



**1.4 Record of any damage to property.**

**1.5 Measures taken to ensure that the pupil was calmed after the incident.**

**1.6 Signature**

Time .....am/pm Date .....

Report passed to .....

Designation.....

**2. ACTION TAKEN BY HEADTEACHER/DEPUTY HEADTEACHER/SENIOR MANAGER**

Name .....

Designation.....

**2.2** Incident Book completed Yes / No

Signed by Headteacher Yes / No

Head to initial action Parents informed Yes / No

Incident discussed with pupil Yes / No

Time ..... Date.....

**Other Professionals informed Yes/No**

Name

Designation

Date informed

**2.3** Action Log (any other actions taken/follow up from other professionals etc)

**Date**

**Summary of Actions/Reports**

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**APPENDIX 3: SERIOUS INCIDENT BOOK SAMPLE**

Headteacher/Deputy/Governor

Entry No

Date

Staff

Signature

Time Place Name of Pupil (*where appropriate*)

Serious Incident HS1 Filed Signed