



# Aughton St. Michael's C. of E. School

## Care and Control Policy

Date Approved: September 2019

Review Date: September 2021

### Mission Statement

**A**chieving all we can to develop fully our hearts and minds.

**S**haring in a loving, caring, Christian community.

**M**aking sure everyone is valued



### 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 School's 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 DfE Guidance 'Use of Reasonable Force' July 13.

The policy should be read in conjunction with the Anti -Bullying Policy and the Good Behaviour Policy.

### Purpose of the 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 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 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.

**Individual members of staff cannot be required to use physical restraint. However, teaching and non-teaching staff should always operate with an appropriate duty of care.**

School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.

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.

### **Definitions of Positive Handling**

#### **a. Physical contact**

Situations in which proper physical contact occurs between staff and pupils, eg, when comforting a distressed pupil, in the care of pupils with learning disabilities; in games/PE; demonstrating how to use a musical instrument, giving of first aid.

#### **b. Physical intervention/ control**

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 or blocking a pupil's pathway or standing between pupils.

#### **c. Physical restraint**

This will involve the use of reasonable force to physically prevent a pupil continuing what they were doing after they had been told to stop when there is an immediate risk to pupils, staff or property or in order to maintain good order.

Positive handling uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming themselves, others or property.

The scale or 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.

**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.**

**Reasonable force is:**

- Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed.
- Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.

- Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
- School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

**Schools can use reasonable force to:**

- remove disruptive children from the classroom where they have refused to follow an instruction to do so whereby the behaviour
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- 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;
- prevent a pupil from injuring others;
- restrain a pupil at risk of harming themselves through physical outbursts.
- 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).

**Examples of behaviours where reasonable force may be used:**

- 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).
- 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.

**Schools cannot:**

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

**Power to search pupils without consent**

In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property. Furthermore, school can conduct a search if they believe the pupil is in possession of alcohol, illegal drugs, stolen items, tobacco, fireworks and images of a pornographic nature.

Force **cannot** be used to search for items banned under the school rules.

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

## **Authorised Staff**

All school staff members have a legal power to use reasonable force in order to prevent children committing a criminal offence, injuring themselves or others or damaging property, and to maintain good order and discipline.

Within our school authorisation is not given to volunteers or parents to restrain pupils. Parents and volunteers are told what steps to take in the case of an incident where control or restraint is needed, for example to contact a member of staff.

## **Staff from the authority or outside agencies 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.

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. Training will be appropriate to the age, maturity and learning needs of the pupils.

## **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.

## **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 / control 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/ control may involve staff:

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

- shepherding a pupil away

In extreme circumstances, 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.

The judgement on whether to use force and what force to use, should always depend on the circumstances of each case and - crucially in the case of pupil with SEN or disabilities- information about the individual concerned. School will complete individual Risk Assessments for those pupils that school have identified as being more likely to require physical control and restraint, such as a pupil with SEN and specific behavioural issues.

### **Recording**

Where physical intervention/ control has been used to manage a pupil, a record of the incident needs to be kept using CPOMs. This needs to be completed prior to the member of staff going off duty for the day. This record is signed by the staff member and headteacher then kept in her office.

The information that needs to be recorded must include:

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

This information will be held on the child's file.

Either a health and safety accident or violent incident form may need to be completed and returned to the LEA 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.

After an incident, the head teacher will review it and investigate it further if 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 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).

Parents will be notified of any recorded incident on the same day (as far as is reasonable).

### **Monitoring incidents**

A review of all incidents will be carried out (at least an annual basis) by the head teacher and the governing body. The results will be used to inform planning to meet individual pupil and school needs. The outcomes of review will be incorporated in a revised risk assessment.

Physical interventions are not treated in isolation and the school is committed to ensuring that following incidents, learning opportunities are created for children that allow them to reflect on and take responsibility for their behaviour.

Procedures are also in place to ensure that appropriate support is provided for staff and that following any incident, pupil and staff relationships are repaired (wherever possible) to ensure that a positive learning environment is maintained.

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.

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 Authority's Well Being Team.

### **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 investigated through the school's complaints policy. If necessary, the complaint will be dealt with by the staff disciplinary procedures or the child protection procedures.

This policy will be reviewed by the Governors on bi-annually.