CARE AND CONTROL OF PUPILS

RATIONALE

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. The following statement is also made in the school's 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."

In addition to the prospectus, other school policies, the Home-School Partnership Document and the underlying ethos of the school also illustrate the underpinning values of this policy, notably that both pupils and staff have the right to work in a safe environment.

VALUES AND PRINCIPLES

The policy has been developed in response to the recommendations of Circular 09/10 "The Use of Force to Control or Restrain Pupils", issued following the enactment of Section 550A of the 1996 Education Act. It also follows the policies of Lancashire Education and Cultural Services Committee. It enables staff to use reasonable force to prevent a pupil from:

- Committing a criminal offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- Causing personal injury or damage to property; or
- Prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise.

To keep in mind the wider context of safety, this policy should be read in conjunction with other school policies relating to interaction between adults and pupils. The policy will be regularly reviewed by the Governors' Pastoral Sub-Committee.

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school. In conjunction with the Behaviour Policy, 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.
AIMS AND OBJECTIVES OF THE POLICY
In school force will generally be used for two main purposes – to control and to restrain them. However individual members of staff cannot be required to use physical restraint. 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.

GUIDELINES/DEFINITION OF REASONABLE FORCE AND RESTRAINT
All staff should be aware of the following definitions:

* Control can mean either passive physical contact (eg: standing between pupils or blocking pupil’s path) or active physical contact (eg: leading a pupil by the hand or arm, or ushering a pupil away by placing a hand in the centre of the back)

* Restraint will involve a member of staff physically preventing a pupil from continuing what they were doing after they have been told to stop. The use of restraint techniques is usually used in more extreme circumstances, such as when two pupils are involved in a fight and physical intervention is needed to separate them.

* Physical Contact Situations in which proper physical contact occurs between staff and pupils, eg, in the care of pupils with learning disabilities; in games/PE; to comfort pupils. (Circular 10/98 Paragraphs 33 and 34)

* 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.

* 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. An entry will be made in the School Serious incident Book.

TO WHOM DOES THIS POLICY APPLY
In this school the staff to which this power applies are

- all teachers and non-teaching staff in the school.
- Any other person whom the Head has authorised to have control or charge of pupils.

Staff and anyone else authorised by the Head will use reasonable force and restraint strictly within the guidelines of this and other school policies.

Authorisation is not given to

- volunteers or parents, except in exceptional circumstances as defined by the Headteacher or when in loco parentis.
- It does not include any pupils.
The power may also be used where the pupil (including a pupil from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (e.g., on a school visit/trip).

External 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. Arrangements will be made clear as part of the induction of all staff.

**PROCEDURES FOR DEALING WITH INCIDENTS**

In line with the 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 should be taken according to the circumstances of the incident:

* Verbal acknowledgement of unacceptable behaviour with request for the pupil to refrain.
* 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.

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).

In an instance where a pupil absconds from a class or tries to leave school reasonable force is only acceptable if a pupil could be at risk if not kept in the classroom or at school).

* 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. In the event of this situation the school will make a professional judgement concerning the involvement of the police.
* 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.
* The use of any degree of force can only be deemed reasonable if it is warranted by the particular circumstances of the incident, it is carried out as the minimum to achieve the desired result, the age, understanding and gender of the pupil, SEN and/or disability of the pupil are taken into account and it is likely to achieve the desired result.
* Wherever possible assistance should be sought from another member of staff before intervening.
Some examples of reasonable where reasonable force might be used are:

- To prevent a pupil from attacking a member of staff, or another pupil, or to stop a fight between two or more pupils;
- To prevent a pupil causing deliberate damage to property;
- To prevent a pupil causing injury or damage by accident, by rough play, or by misuse of dangerous materials or object;
- To ensure that a pupil leaves a classroom where the pupil persistently refuses to follow an instruction to do so;
- To prevent a pupil behaving in a way that seriously disrupts a lesson; or
- To prevent a pupil behaving in a way that seriously disrupts a school sporting event or school visit.

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. 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 incident book.

**RECORDING AND REPORTING SERIOUS INCIDENTS**

The recording and reporting of significant incidents of reasonable force and restraint is statutory arising from the Apprenticeship, Skills, Children and Learning Act 2009 (paragraphs 49-83).

A record will be made of any significant incident in the following categories:

- An incident where unreasonable use of force is used on a pupil would always be a significant incident.
- Any incident where substantial force has been used (e.g. physically pushing a pupil out of a room) would be significant.
- The use of a restraint technique is significant.
- An incident where a child was very distressed (though clearly not over reacting) would be significant.

In relation to significant incidents school will consider the following carefully:

- The pupil’s behaviour and the level of risk presented at the time.
- The degree of force used and whether it was proportionate in relation to the behaviour.
- The effect on the pupil or member of staff.

The Incident 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. The Serious Incident book is held with the School Manager. The incident will be reported to the pupil’s parents as soon as practicable after the incident. However the guidance states that ‘Parents should not be given a copy of the incident record as a matter or course, but they should be told when and where the incident took place, why it was decided that force had to be used, the strategies used to try to avoid having to use force, what force was used, whether there were any injuries and what follow-up actions (support and/or disciplinary) was being taken in relation to their child’.
The requirement is to notify ‘each’ parent. Where a child has a mother and father who both have parental responsibility and where the child is the subject of a Care Order under section 31 of the Children Act 1989, or being accommodated under section 20 the that Act, the requirement will be to report the incident to the child’s mother, father and the relevant local authority (usually the Social Services Department).

If the reporting of an incident to a parent would be likely to result in significant harm to the pupil, then the incident should be reported to the Local Authority where the pupil normally lives.

In addition, specific details of the use of reasonable force will be recorded on Form RF1. 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.

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

The Headteacher 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:

Any complaints about staff will be dealt with under the School's Complaints about Staff Procedure. The Chair of Governors will be informed of complaints but other governors will not initially be involved as a complaint may require further action on their part.

Governors accepted                June 22nd, 1999
Re-written:                       September 2010
Updated                           October 2011
Updated                           September 2012
Reviewed:                         October 2012
                                      December 2013
                                      October 2014