

Care and Control Policy

**THE ROEBUCK SCHOOL**

**POLICY ON THE USE OF FORCE BY STAFF TO CONTROL OR RESTRAIN PUPILS**

# Mission Statement

At The Roebuck School, we provide for our pupils a high quality education, in an inclusive and nurturing setting, through a curriculum that is taught in a way that interests, engages and excites children and provides them with skills they can use through life.

# Objectives

The key objective of this policy is to enable the pupils and staff of The Roebuck School to learn and work in an environment where their safety is maintained. It is designed to prevent serious breaches of school discipline and to prevent serious damage to property.

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 Schools' Behaviour Policy.

# Minimising the need to use force

At The Roebuck School we have a clear philosophy that the use of force to control or restrain pupils should only be employed as a last resort. Our aim is to create conditions within the school that minimise the number of occasions which would result in the use of force. We do this by:

* Seeking to create a calm environment that minimises the risk of incidents arising that might require the use of force
* Working hard to develop positive relationships between pupils and staff
* Recognising that situations which trigger challenging behaviour are often foreseeable and are therefore avoidable
* Adopting the Social and Emotional Aspects of Learning in order to teach pupils how to manage conflict and strong feelings.
* Ensuring that all staff are suitably trained to acquire the skills of positive behaviour management and managing conflict, as well as supporting each other during and after an incident.
* Endeavouring to use strategies that will de-escalate incidents if they do arise
* Only using force when it is considered that the risks involved in doing so are outweighed by the risks involved in not using force
* Wherever practicable, warning a pupil that force may have to be used before using it
* Creating risk assessment and positive handling plans for identified individual pupils, as needed.

## Staff authorised to use force

Section 93 of the Education and Inspections Act 2006 enables school 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.

The staff to which this power applies are:

* any member of staff at the school;

 any other person whom the head has authorised to have control or charge of pupils;  does not include any pupils, work experience students or classroom volunteers.

The power may 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 (for example on a school visit).

## Deciding whether to use force

Staff should be mindful of the following when taking a decision on whether the use of force is appropriate/necessary and should only use force when:

* the potential consequences of not intervening were sufficiently serious to justify considering the use of force;
* the chances of achieving the desired result by other means were low; and  the risks associated with not using force outweigh those of using force.

Staff who have responsibility for those pupils for whom a risk assessment/positive handling plan exists or pupils who present particular risks to themselves and others, will be made aware of this by the school’s SENCo or another member of the Senior Leadership Team.

If a staff member considers that a pupil presents an imminent threat that cannot be controlled by reasonable force, they should contact the first available member of the Senior Leadership Team who will advise on how to proceed.

**Using reasonable force**

There are three types of contact/intervention that it may be necessary to use when dealing with pupils –

## (a) 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.

## (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.

Staff members should employ the minimum amount of contact/intervention to achieve the desired results. Prior to the actual use of force, wherever possible, the member of staff should first give a clear oral warning to the pupil. They should also be aware that any use of restraint that is likely to injure a pupil (particularly anything that could restrict breathing) should only be used in extreme emergencies and where there is no viable alternative. Although it is recognised that this may not always be achievable, as far as possible, staff should not use force unless (or until) another responsible adult is present to support, observe and call for assistance.

Some examples of incidents which could give rise to the use of force 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;

Note - This list is not intended to cover every possible incident, nor will every incident on the list automatically result in the need for the use of force.

There may be occasion when it is foreseeable that a child who is on the Special Needs Record will require some form of restrictive physical intervention. In such circumstances, and making reference to this policy, a risk assessment and Positive Handling Plan will be prepared, based upon the guidance contained in the document – ‘Guidance on Restrictive Physical Intervention for People with Learning Disability and Autistic Spectrum Disorder in Health, Education and Social Care Settings.’ In such an instance appropriate members of staff will be given specialist training.

### Staff training

The Headteacher is responsible for assessing training needs, ensuring that all staff are appropriately briefed on the school’s policy and are given the necessary training in positive behaviour management. Training will take place during staff meeting or INSET sessions as appropriate and all staff with direct responsibility for pupils will be expected to attend. The school’s induction procedures will also enable new members of staff to familiarise themselves with the school’s policies and expectations in relation to behaviour management.

### Recording incidents

Where physical intervention has been used to manage a pupil, a record of the incident **may** need to be kept. Where significant physical control or restraint has been used a record of the incident **will** be kept. This record should be made using CPOMS

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.

### Reporting incidents

When a recordable incident takes place, parents will be contacted at the earliest opportunity and informed 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 action (support and/or disciplinary) is to be 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 or where the child is the subject of a Care Order under section 31 of the Children Act 1989, or being accommodated under section 20 of that Act, the incident will be reported to the child’s mother, father or the relevant local authority (usually the Social Services Department). If the Headteacher considers that it is likely that reporting an incident to a parent will result in significant harm to the pupil, then the incident will be reported to the local authority – for instance the Social Services Department or the Family or Children Services Department.

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:

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

The member of staff will be kept informed of any action taken.

Where necessary, a Health and Safety Accident/Incident Form (HS1) will also be completed and returned to the Authority.

### Post-incident support

Where pupils have been involved in and affected by an incident, the Headteacher will take steps to ensure that they are adequately supported, both in terms of their immediate physical and emotional needs. Where appropriate, the Headteacher will also seek to broker the rebuilding of relationships and to highlight any lessons which may be learned from the incident.

Where staff have been affected by an incident involving reasonable force, access to counselling and support will be 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

### Complaints and allegations

The clarity of purpose and procedures within this policy and the early involvement of parents is intended to reduce the likelihood of complaints but we recognise that it may not eliminate them.

Any complaints about staff will be dealt with under the School's Complaints Policy. 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.

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 and review

It is the Governing Body’s responsibility to monitor the impact of this policy and this will be done through the Headteacher, who will ensure that this policy is followed by all staff and monitor its impact on the number of incidents that occur in school.

The Senior Leadership Team will include a termly review of the use of force and any recordable incidents within its remit and the Headteacher will report these incidents to the chair of governors for inclusion in ‘chairs actions’ at the full governors meetings. The impact of the policy will be discussed at a full governors meeting and the policy will be reviewed annually by the school’s governing body.

### Further Information

This policy should be read in conjunction with other school policies relating to interaction between adults and pupils, including our policies on Behaviour and Discipline, Special Educational Needs, Anti-Bullying, Child Protection, Equal Opportunities, Race Equality, PSHCE, our Home-School Agreement.

We make a specific link between this policy and our Home-School Agreement where parents have committed themselves to ensure the good behaviour of their child and that he/she understands and will follow the school’s Behaviour Policy.

ALL PHYSICAL CONTACT WITH CHILDREN SHOULD REMAIN A LAST RESORT THIS IS EVEN MORE IMPORTANT DUE TO COVID19 RESTRICTIONS THAT ARE CURRENTLY IN PLACE.