

# **CARE/ CONTROL AND PHYSICAL RESTRAINT POLICY 2009/10**



**CROSSDALE DRIVE PRIMARY  
SCHOOL**

## CROSSDALE DRIVE PRIMARY SCHOOL

# Care and Control Policy

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 takes cognisance of recent DCFS and DOH letters of guidance and follows the policies and guidance of Nottinghamshire Children and Young Peoples Services.

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 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 on request and also on the website. A statement about the Schools Behaviour policy is made to parents in the School prospectus. This statement includes information on the use of reasonable force to control or restrain pupils.

### **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 well-being and safety of all pupils and staff in Crossdale primary 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. Crossdale Primary School acknowledges that physical techniques are only part of a whole setting 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.

**Crossdale Drive Primary School is committed to safeguarding and promoting the welfare of children and young people and expects all staff, volunteers and visitors to share this commitment.**

### **Implications of the policy**

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 within school (this includes authorised out-of-school activities).
- self – injuring
- causing injury to others
- committing a criminal offence

**Individual members of staff cannot be required to use physical restraint. However, as teaching and non-teaching staff work in ‘loco parentis’ and should always operate with an appropriate ‘Duty of Care’, 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 this 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.

### **Definitions of Positive Handling.**

No legal definition of “reasonable force” exists however for the purpose of this policy and the implementation of it in Crossdale Drive Primary School:

- Positive Handling uses 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 (paragraph. 3.4 page 10 *DfES Guidance ref: LEA/0242/2002 – contact DfES SEN Schools Team*)

### 1. Physical Contact

Situations in which proper physical contact occurs between staff and pupils, e.g. in the care of pupils and in order to support their access to a broad and balanced curriculum.

### 2. 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 arm or shoulder where the pupil is compliant.

### 3. 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 be stored in an accessible way.

If at all possible, more than one member of staff should be present if physical restraint is necessitated.

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

### **Underpinning values at Crossdale :**

**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:**

**At Crossdale Drive Primary 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’ in an emergency, however the following people have had MAPA training:**

**Mr Cresswell, Mr Mate, Mrs Cox, Miss Spafford, Mrs Lees, Mrs Phoenix, Miss Braden**

**so they must be sent for if such a situation appears necessary or has been carried out to enable immediate support for the teacher and child.**

The school will provide training for all authorised staff and the Head teacher retains a list of all those staff trained. The list is reviewed on an annual basis (or more frequently if the context requires it).

Authorisation is not given to volunteers or parents.

**Staff from the LEA working within the school.**

Support Services will have their own policies for Care and Control of pupils. When working within school it is the Head teacher’s responsibility to ensure that colleagues from Support Services are aware of school policy and practice.

It is important that all services policies are cross referenced within one agency or this may lead to potential difficulties re corporate accountability; to simply say they must have a policy and also be aware of policy may not be enough. Ultimately the head teacher in the school will be accountable for their actions while in the school. We would advocate a whole LEA approach where possible.

**Training**

Training for all staff will be made available and will be the responsibility of the Head teacher. 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.

Crossdale Drive Primary School acknowledges that physical techniques are only a part of a whole setting approach to behaviour management. The governors of

the school are committed to working within the LEA's framework for accessing training in that: -

- It will review its behaviour policy on at least a two-year cycle.
- Training will be delivered on a needs based approach and procedures are in place to monitor incidents.

### **Strategies for dealing with challenging behaviour**

As endorsed in the school's Behaviour Policy, staff utilise consistent 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 the safety of the pupil involved, other pupils or members of staff and provokes intervention, 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; (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, and send a message to the Head or Deputy Head Teacher..
- Physical intervention. Reasonable force being used to prevent a child harming him or herself, others or property.

## **Types of Incident:**

The incidents fall into three broad categories: -

- Where action is necessary in self-defence or because there is an imminent risk of injury.
- Where there is a developing risk of injury, or significant damage to property.
- 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.

Examples of situations which fall into the third category (which would require the emergency attendance of the Head :

- 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.

Class Teachers **would not** be expected to use physical interventions for these third category situations at Crossdale Drive Primary School.

Wherever possible Physical Restraint should only be used by those with appropriate training. However, it is acknowledged this may not always be possible and physical restraint may be used as an emergency measure by someone without appropriate training to ensure the safety of children in their care. In this instances, someone with appropriate training should be called for immediately.

### **Recording**

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.

This is book is retained by the Head teacher.

Appropriate documentation 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.

After the review of the incident, a copy of the details will be placed on the pupil's file.

A Health and Safety Accident/Incident Form will be completed and returned to the 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.

### **Monitoring incidents**

Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documented following agreed procedures.

Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Head teacher to the needs of any pupil(s) whose behaviour may require the use of reasonable force.

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 ensure governors are aware that agreed procedures are followed.

### **Action after an incident**

The Head teacher 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:

Review of Behaviour Programme;  
Child Protection 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.

### **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 and/or Child Protection Procedures.

### **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.

**EQUAL OPPORTUNITIES:**

To be read in conjunction and under the requirements of Crossdale Drive Equal Opps. Policy.