



WEST LANCASHIRE COMMUNITY HIGH SCHOOL

CARE & CONTROL OF STUDENTS POLICY

Introduction

This policy has been prepared for the support of all teaching and support staff who come into contact with students and for volunteers working within the school to explain the school's arrangements for care and control. Its contents are available to parents and students. A statement about the school's Discipline and Behaviour policy is made to parents in the school prospectus. The statement includes information on the use of reasonable force to control or restrain students.

The policy has been developed in response to the recommendations of Circular 10/98 "The Use of Force to Control and Restrain Students", issued following the enactment of Section 550A of the 1996 Education Act. It also follows the policies of Lancashire Education and Cultural Services Committee.

The policy should be read in conjunction with other school policies relating to interaction between students and adults including 'Behaviour' and 'Bullying'.

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.

Purpose of the Policy

Good personal relationship between staff and students are vital to ensure good order in our school. It is recognised that the majority of students in school respond positively to discipline and control as practised by staff. This ensures the well being and safety of all students and staff in the school. It is 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:

1. 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
2. are provided with appropriate training to deal with these difficult situations.

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 in 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 students, staff or property are at risk.

Definitions

a) **Physical Contact**

Situations where proper physical contact occurs between staff and students, e.g. in the care of students with learning disabilities; in games/PE; to comfort students.

b) **Physical Intervention**

This may be used to divert a student from a destructive or disruptive action, for example guiding or leading a student by the hand, arm or shoulder with little or no force.

c) **Physical Control or Restraint**

This will involve the use of reasonable force when there is an immediate risk to students, staff or property. All such incidents must be recorded.

Underpinning Values

Everyone attending or working in West Lancashire Community High School (WLCHS) has a right to:

- Recognition of their own 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.

Students attending WLCHS and their parents have a right to:

- Individual consideration of student 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 students and staff working in school;
- Be informed about the school's complaints' procedure.

The school will ensure that students understand the need for and respond to clearly defined limits which govern behaviour in school.

Authorised Staff

In West Lancashire Community High School, all appointed teaching staff and specialist support assistants (TA's) who have control or charge of students are authorised to use reasonable force for management or control.

Authorisation is not given to 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 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 case of an incident where control or restraint are 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 the school's policy and have undertaken training at this school.

The headteacher will maintain a list of those who have been authorised and training which has been provided. This list will be constantly reviewed.

Staff from the Authority working within the school

Support services will have their own policies for care and control of students but service staff will, whilst on the school premises, be expected to be aware of and operate within the policy of the school.

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. Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development.

Strategies for dealing with challenging behaviour

Due to the Special Needs aspect of the school behaviour incidents can usually be categorised as:

- Communicative Behaviour
- Anxiety Driven Behaviour
- Oppositional behaviour

(Ref new format of Significant Behaviour Recording Form January 2017)

Behaviours displayed are not always with a specific intent of impacting others however addressing these behaviours is essential to helping our students' access learning and develop life skills.

Staff consistently use positive strategies to encourage acceptable behaviour and good order. Named students have Behaviour Support Plans (BSP) which outline appropriate strategies for managing specific challenging behaviours. In addition to this, a BSP may include a detailed plan relating to the use of physical intervention (PHP – positive handling plan)

Every effort will be made to resolve conflicts positively and without harm to students or staff, property, buildings or the environment. Where unacceptable behaviour threatens good order, discipline and safety of other students 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 student to refrain; (this includes negotiation, care and concern)
- Further verbal reprimand stating:
 - That this is the second request for compliance;
 - An explanation of why the observed behaviour is unacceptable;
 - An explanation of what will happen if the unacceptable behaviour continues.
- Warning of the intention to intervene physically and that this will cease when the student complies. If possible, summon assistance.
- Physical intervention. Reasonable force uses the minimum degree of force to prevent a child/young person harming him or herself, others or property.

These interventions may vary depending on individual student's behaviour support plans.

Escalating Situations

The 1996 Education Act (Section 550A) stipulates that reasonable force may be used to prevent a student 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 students, 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 student himself or herself;
- Committing a criminal offence (even if the student is below the age of criminal responsibility).

Types of Incidents

The incidents described in Circular 10/98 fall into three broad categories:

1. Where the action is necessary in self-defence or because there is an imminent risk of injury;
2. Where there is a developing risk of injury, or significant damage to property;
3. Where a student 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 student attacks a member of staff, or another student;
- Students are fighting;
- A student is engaged in, or is on the verge of committing, deliberate damage or vandalism to property;
- A student is causing, or is at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects;
- A student is running in a corridor or on a stairway in a way which he or she might have caused an accident likely to injure him or herself or others;
- A student absconds from a class or tries to leave school (NB this will only apply if a student could be at risk if not kept in the classroom or at school).

Examples of situations which fall into the third category are:

- A student persistently refuses to obey an order to leave a classroom;
- A student is behaving in a way that is seriously disrupting a lesson.

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 student are taken into account;

- e) it is likely to achieve the desired result.

Where appropriate for individual students, details of specific measures of physical intervention will be outlined in their PHP (positive handling plan). Wherever possible, before intervening, assistance should be sought from another member of staff.

Physical intervention uses the minimum degree of force necessary for the shortest period of time to prevent a student harming himself or herself, others or property.

This form of physical intervention may involve staff:

- Physically interposing themselves between students;
- Blocking a student's path;
- Escorting a student;
- Shepherding a student away.

In extreme circumstances, trained staff may need to use more restrictive holds. For named individuals, their PHP must be referred to.

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 student.

Recording

Where physical intervention has been used to manage a student (eg gather & guide), a record of the incident **may** need to be kept. The incident should be recorded using the Behaviour Log incident forms and details transferred electronically onto the SIMS system. 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 student;
- Date, time and place of the incident;
- A brief description of the incident and the actions taken.

The Serious Incident Book will be completed as soon as possible after the incident, normally prior to the staff going off duty and be signed by all staff involved and 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 students who witnessed the incident;
- The outcome of the incident including any injuries sustained by any student or member of staff;
- Any damage to property which has resulted;
- Whether/how parents have been informed;
- And, after an investigation, a summary of the 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 will be placed on the student'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.

Action after an incident

The headteacher, or allocated member of the Senior Management Team, 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 student, this will be pursued through the appropriate procedure:

Child/young person Protection Procedure (this may involve investigations by police and/or social services)
Staff Facing Allegations of Abuse Procedure
Staff or Students Disciplinary Procedure
School Behaviour Policy
Exclusions Procedure

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

In case of any action concerning a member of staff, he/she will be advised to seek advice from his/her professional association/union.

The parents/guardians of student involved in a serious incident where physical restraint has been used, will be informed in writing the same day.

Parents/Guardians will need to acknowledge receipt of the letter.

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.

The Chair of Governors will be informed about complaints but other governors will not be involved as a complaint may require further action on their part.

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 student(s) whose behaviour can only be contained through the use of reasonable force.

From September 2013, the information from incident reports has been recorded electronically onto the SIMS system which allows easy monitoring of student information such as significant changes in the behaviour, triggers, frequency and patterns of behaviour .The class teachers and support staff work with the TLR and HLTA Behaviour to monitor effectiveness of BSPs and PHPs, in order to review progress and or implement changes where necessary. The Chair of Governors meets with the Headteacher to oversee the data relating to behaviour incidents regularly (minimum twice per year).

Reviewed: Spring 2017
Next review: Spring 2018