

# **ST JOHN VIANNEY CATHOLIC PRIMARY SCHOOL**

## **CARE AND CONTROL POLICY**

**(School's policy has been written using the DFE information for content guidance and may make reference to specific sections of the said guidance).**

### **Safeguarding Statement**

At St John Vianney Catholic Primary School we respect and value all children and are committed to providing a caring, friendly and safe environment for all our pupils so they can learn, in a relaxed and secure atmosphere. We believe every pupil should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at St. John Vianney Catholic Primary School. We recognise our responsibility to safeguard all who access school and promote the welfare of all our pupils by protecting them from physical, sexual and emotional abuse, neglect and bullying.

# CARE & CONTROL POLICY

## Introduction

The purpose of our Care and Control policy is to clarify and inform all teaching and support staff what is acceptable in relation to the use of physical intervention to manage challenging behaviour. There are situations where physical contact with a pupil is necessary to assist them in the course of their academic work, for example:

- During P.E./ Games where a teacher might assist a pupil with a difficult manoeuvre or who has been injured;
- During a music lesson where a teacher may need to show a pupil how to play the instrument;
- During educational visits /outdoor education where a suitably qualified teacher may need to assist a pupil in a strange environment, to use equipment (e.g. climbing harness) or provide support following an accident/ injury.

In relation to inappropriate behaviour, staff in school are skilled at defusing conflict situations without the use of force. This includes distracting, persuading and negotiating with pupils as well as reminding them of rules, privileges, rewards and sanctions. There may be circumstances however, where verbal de-escalation alone is not enough to deal with the risks that present themselves, and physical steps need to be taken.

This policy has been developed with reference to Section 93 of The Education and Inspections Act 2006, Section 550A of The Education Act 1996, Use of reasonable force DFE guidance document 2011, The Use of Force to Control or Restrain Pupils DFES guidance document 2003: Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties and the joint DFES/DOH guidance document July 2002: Guidance for Restrictive Physical Interventions.

This policy should be read in conjunction with the school's safeguarding policies which are:

- Safeguarding Policy
- Child Protection Policy
- Behaviour Policy
- SEN Policy
- Intimate Care Policy
- Health & Safety Policy

Every effort is made to ensure that all staff at St. John Vianney Catholic Primary School clearly understand this policy and their responsibilities in the context of their 'duty of care' in taking appropriate measures. This includes:

- Where physical intervention is necessary.
- Provision of appropriate training to deal with incidents safely and effectively.

### **Underpinning values**

Everyone working in or visiting school has a right to:

- Be treated with respect and dignity;
- Learn and work in a safe environment;
- Be protected from harm, violence, assault or acts of verbal abuse.

Pupils attending this school and their parents have a right to:

- Be safe and be protected from harm;
- Consideration of individual 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 ratified policies and protocols;
- Be informed about school rules, relevant policies/protocols and the expected conduct of all pupils and staff working in school;
- Be informed about the school's complaints procedure.

We will ensure that our pupils are given support to understand the need for and how to respond to the clearly defined limits which govern behaviour in the school.

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

As endorsed in school's Behaviour Policy, we use positive strategies to encourage acceptable behaviour and maintain good order. Every effort is made to resolve conflicts positively and without harm to pupils or staff. The following approaches may be implemented according to the circumstances of the incident:

- Initial verbal acknowledgement of unacceptable behaviour with a request for the pupil to refrain (this includes de-escalation techniques, negotiation, care and concern);
- A 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 staff's intention to intervene physically and that this will cease when the pupil complies (wherever possible assistance/support will be sought from other suitably qualified staff);
- Physical intervention. Reasonable force being used in line with legislation and guidance.

### **Duty of Care**

All staff working within school have a 'duty of care' to our pupils. This may mean they will use physical intervention however, this will only be used as a final option to ensure safety and when other approaches have been unsuccessful. 'Duty of care' means staff have lawful justification for taking reasonable physical steps to prevent injury or damage. Failure to do this, either by taking no action or by using unreasonable force, could leave them in neglect of their duty of care. Section 93 of the Education and Inspections Act 2006 'The Power of Members of Staff to Use Force' states:

"A member of the staff of a school may **use such force as is reasonable** in the circumstances to prevent a pupil from doing, or continuing to do any of the following;

- committing an offence;
- injuring themselves or others, or causing damage to property;
- compromising the good order or discipline of the school.

This policy allows for the physical restraint of pupils in disciplinary or dangerous situations. This must not include any form of corporal punishment and should be limited to the minimum force absolutely necessary for the minimum amount of time.

The following are examples of situations where the above guidance could apply:

- If a pupil attacks a member of staff;
- If a pupil attacks another pupil;
- If a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism;
- If 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;
- If a pupil at risk absconds from class or tries to leave the school / off-site educational visit (further details can be found in our Pupil Absconding protocols);
- If a pupil persistently refuses to obey an order to leave a classroom;
- If a pupil is seriously disrupting a lesson.

It is the policy of school that only in **exceptional** circumstances may physical restraint be used by an adult working within the school. This policy is ratified by governors and shared with staff, parents/ guardians and pupils to ensure clear contingencies are known to all.

## **The Use of Force to Control or Restrain**

The use of force to control or restrain will only apply where circumstances justify such action. We regard this as a last resort and staff may:-

- Physically interpose between pupils;
- Block a pupil's path;
- Hold a pupil in a controlled manner;
- Use escorting techniques in a controlled manner;
- In extreme circumstances, use more restrictive holds.

If implementing the above control and restraint measures, another member of staff or suitable adult should be present. This will provide assistance and a witness to the incident. Staff must be aware of DFE recommendations as set out in the DFE guidance document, and not hold pupils in such a way that they may be injured or prevented from breathing. Pupils must not be slapped, kicked or punched, have limbs twisted, be pulled by the ears or tripped. **At all times** staff are expected to continue to use all available verbal and non-verbal support and strategies to defuse and de-escalate difficult situations. As previously stated, duty of care dictates that staff must take responsible action. Failure to do so, in certain circumstances could be construed as neglect.

## **Definitions of Intervention**

**Reasonable Force** - There is no legal definition of 'reasonable force'. It will always depend upon the circumstances of each individual case. However, the use of force to control or restrain is unlawful if the particular circumstances do not warrant physical intervention. The degree of force employed must be in proportion to the circumstances of the incident and must be the **minimum** needed to achieve the desired result.

**Physical intervention** - the use of any physical handling technique that has the pupil's compliance (e.g. prompting, herding).

**Restrictive physical intervention (Restraint)** - the positive application of force in order to overcome rigorous resistance, completely directing and controlling a person's free movement (i.e. the pupil is no longer compliant).

It is a legal requirement that all incidents of restrictive physical intervention be recorded, monitored and evaluated. At St. John Vianney Catholic Primary School we require staff and witnesses to record incidents of physical intervention and restrictive physical intervention. This is monitored and evaluated by Margaret Roberts (Head Teacher), Deputy Head Teacher/s, Assistant Head Teacher/s and Christopher Johnson (Chair of Governors).

## **Responsibility of the Head Teacher**

Margaret Roberts (Head Teacher) is responsible for:-

- Ensuring all staff are aware of the designated named staff, disseminating in what circumstances and settings they may use force and for what duration of time this authorisation will last;
- Ensuring designated named staff understand what this authorisation entails and fully prepare them to undertake such a role;
- Ensuring staff who are not authorised to use force to control or restrain know what steps to take in the case of an incident where control or restraint is needed;
- Ensuring multi-agency colleagues from other organisations are made aware of school's policies and procedures re the use of force to control or restrain.

## **Responsibility of Staff**

The Education and Inspections Act 2006 'The Power of Members of Staff to Use Force' allows all staff at our school to use reasonable force to control or restrain pupils. The Head Teacher has designated which members of staff have school's authorisation to use limited physical force on pupils in situations described earlier.

Where it is known that a pupil may be likely to behave in ways which may require physical restraint, a risk assessment will be completed and an individual Positive Handling Plan (PHP) will be prepared. This will detail the action to be taken should it becomes necessary. This plan will be drawn up in conjunction with input from Special Educational Needs Co-ordinator Kate Hawley and the Head of Pastoral Care Margaret Roberts then shared with all pertinent staff in the school. The plan will also be made available, discussed and agreed with parents/guardians. The plan will detail how force may be used to suitably address the tariff level of challenging behaviour. Although an agreed plan is in place, use of force to control or restrain will always be the last resort and in no circumstances be used in anger and/or to inflict pain.

St. John Vianney Catholic Primary School also has a 'duty of care' to staff, volunteers and visitors. Adults are advised to avoid putting themselves into physical danger. If self-defence is necessary then the **minimum** force must be used. Should an incident occur it is essential that a 'debrief session' takes place as soon as possible after the incident. This process should include the pupil/s, staff or adults involved and follow union guidelines regarding a 'cooling-off' period for pupils and staff involved.

## **Local Authority or Multi-Agency staff working in school**

St. Helens Local Education Authority and other multi-agency staff (e.g. school nurse, CAMHS) have their organisation's policies for care and control however, when working within our school all multi-agency colleagues will be made aware of our school's policy and practice.

### **Action following an incident**

Should an incident occur the Head Teacher will ensure a review takes place and will instigate further investigation if required. (This may be delegated to a senior member of staff). If further action is required in relation to a member of staff or a pupil, this will be pursued through the appropriate procedures. This may include:

- A review of the Behaviour Policy;
- Safeguarding/Child Protection Procedures (this may involve referral to/investigations by Police and/or Social Care);
- Pupil Disciplinary Procedure;
- Exclusions Procedure in the case of violence or assault against a member of staff;
- Staff HR processes e.g. disciplinary/ competency procedures, management investigation.

The member/s of staff involved will be kept informed if any of the above action is taken. In the case of any action concerning a member of staff, he/she will be advised to seek advice and support from his/her professional association/union.

### **Recording and Reporting of Incidents**

If a physical intervention or restrictive physical intervention is used on a pupil, Margaret Roberts (Head Teacher) must be notified at once. The name of the pupil will then be recorded in the appropriate school document/database, along with the time, circumstances, witnesses, details of any injury sustained and the pupil's responses. Wherever possible, the parents will be notified before the pupil gets home and be given the opportunity to discuss the incident.

### **Monitoring incidents**

Monitoring of incidents will take place on a regular basis and the results used to inform planning to meet individual pupil and school needs. A report of all incidents will be provided to governors as part of the annual behaviour review. The report will not contain names of the pupils or staff involved.

### **Complaints**

In the event of a complaint following the use of force to control or restrain being implemented, St. John Vianney's complaint policy and procedures will be followed. It is possible that a dispute over the use of force by a member of staff could lead to an investigation, either under disciplinary procedures/ management investigation or by the Police and Social Care. In such cases action will be taken in accordance to school's H.R. policies and procedures. St.Helens Council Local Education Authority guidance will also be considered and appropriate support sought.

## **Training**

It will be the responsibility of the Head Teacher to ensure staff, volunteers and visitors are aware of the contents of this policy and arrange suitable staff training where necessary. This policy will also be included as part of school's induction process for new staff and volunteers.