

# **SAMLESBURY Church of England Primary School**

Growing, Learning & Inspiring through God's Love and  
Grace



## **07051 CARE AND CONTROL POLICY**

**Date written:** October 2019

**Date agree and ratified by the Governing Body:** October 2019

**Date of next review:** October 2020

**Signed:**

**Date:**

# **SAMLESBURY CHURCH OF ENGLAND PRIMARY SCHOOL**

## **CARE AND CONTROL POLICY**

### **Spring 2020**

#### **1. Introduction**

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 should be made available to parents and pupils.

The policy has been developed in response to Department for Education advice on the use of reasonable force (July 2013) and should be read in tandem with other school policies relating to interaction between adults and pupils, notably the Behaviour Policy.

The responsible person for the implementation and review of the policy is the Headteacher.

#### **2. Purpose of Policy**

Good personal and professional relationships between staff and pupils are vital to ensure "Good Order" in our school. It is true that the vast majority of pupils respond positively to the discipline and control practised by staff. This ensures the well being and safety of all pupils and staff in the school. It also acknowledges that in very exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required.

This policy seeks to ensure that staff in Samlesbury Church of England Primary School clearly understand their responsibilities in taking appropriate measures where reasonable force is required. It is essential that staff are well informed and appropriately trained to deal with these difficult situations and understand fully the rationale and implications of this policy document. The policy should also be explained to parents and pupils, and made available to parents on request.

*The need to use reasonable force will only be exercised in exceptional circumstances.*

#### **3. Underpinning values**

Everyone attending or working in Samlesbury Church of England Primary 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.

Pupils attending Samlesbury Church of England Primary School and their parents have a right to:

- individual consideration of a child's needs by the staff who have responsibility for their care;

- 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 for all pupils and staff working in school;
- be provided with high quality education for children in an environment where they are protected from harm;
- be informed about the school's complaints procedure.

#### **4. School / Staff Responsibilities**

The school takes seriously its responsibilities to care for, protect and nurture pupils who attend the school. This means that the school will take any steps considered necessary to:

- protect pupils from harm;
- provide a safe environment in which all children can develop to their potential;
- ensure that pupils understand the need for, and respond to clearly defined limits which govern behaviour in school.

Staff have a responsibility to act at all times in a manner which reflects positively on their professional status and which at no time oppresses, demeans, humiliates or abuses the pupils with whom they work.

To undertake any form of physical control places staff in a vulnerable situation. It can therefore only be justified according to those circumstances described in this policy. Staff therefore have a responsibility to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

At all times staff will follow the DfE guidance on use of reasonable force below.

#### **5. Recording.**

Where physical restraint has been used, records of the incident will need to be kept. A brief note should be made in the serious incident book. This will include:

- name of the pupil;
- date, time and place of the incident;
- names of any staff or pupils who witnessed the incident;
- a brief description of the incident and how it developed;
- attempts made to calm the situation;
- the outcome of the incident including any injuries sustained by any pupil or member of staff;
- any damage to property which has resulted;
- how parents have been informed;
- and, after investigation, a summary of actions taken.

Such information should be entered as soon as possible after the incident and be signed by all persons involved, including the pupil and prior to staff going off duty. This will encourage dialogue following the incident. Detailed investigation of an incident will be cross-referenced to the Incident Book and kept in relevant files.

Where staff have been involved in an incident involving reasonable force they should have access to counselling and support. Within our schools, this will be available through the LA

Any incident is stressful to pupils and staff. Staff will benefit from support at the time of the incident and later. This will firstly be provided within school.

## **6. Incident review.**

Whenever a member of staff has occasion to use reasonable force, this will be recorded and documented as above. A review of the Incident Book will take place including antecedents and consequences. This will help to ensure staff are following the correct procedures and will alert the headteacher to the needs of any child whose behaviour can only be contained by the use of reasonable force.

The enquiry will also address patterns of incidents and evaluate trends which may be emerging.

The chair of governors should be informed of incidents but other governors should not be involved as an incident may require further action.

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints but will not eliminate them completely.

There could be follow-up investigations by either Police or Social Services Directorate under Child Protection Procedures.

## **7. Training.**

Physical intervention is extremely rare at Samlesbury CE Primary School. Therefore, in line with DfE and LA guidelines we shall not be training staff in the use of physical control. The school uses effective behavioural control methods in line with the school's behaviour policy. However, should an incident occur in which it was necessary to use physical restraint, the County's Special Needs Advisory Service would be contacted immediately and an individual handling plan would be made and, if necessary, training arranged. Where physical intervention occurs, a priority is always given to the 'duty of care for that pupil'.

## **8. Authorised staff.**

Only the Headteacher and qualified teaching staff can act in the way above.

The Headteacher is responsible for making clear to whom such authorisation has been made, in what circumstances and settings they may use force and for what duration this authorisation will last. The headteacher will ensure that those authorised are aware of, and understand properly, what the authorisation entails.

## **9. Staff from the LA working within the school.**

Peripatetic staff will work within the policy of their own Service which should dovetail with that of the school. Whilst on school premises they will be expected to operate within the policy of the school.

## Use of reasonable force - Advice for headteachers, staff and governing bodies (Dept Education Guidance 2013)

### Contents

Summary

About this departmental advice

Expiry or review date

Who is this advice for?

Key points

What is reasonable force?

Who can use reasonable force?

When can reasonable force be used?

Power to search pupils without consent

Communicating the school's approach to the use of force

Using force

Staff training

Telling parents when force has been used on their child

What happens if a pupil complains when force is used on them?

What about other physical contact with pupils?

Frequently Asked Questions

Further sources of information

Other departmental advice and guidance you may be interested in

Associated resources (external links)

### Summary

#### About this departmental advice

This is non-statutory advice from the Department for Education. It is intended to provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary and to make clear the responsibilities of headteachers and governing bodies in respect of this power.

#### Expiry or review date

This advice will next be reviewed in May 2022.

#### Who is this advice for?

This advice is for:

School leaders and school staff in **all schools** in England.

1 "All schools" include Academies, Free Schools, independent schools and all types of maintained schools

#### Key points

School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.

Suspension should not be an automatic response when a member of staff has been accused of using excessive force.

☐☐ Senior school leaders should support their staff when they use this power.

### **What is reasonable force?**

1. The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
2. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
5. Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
6. School staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the pupil.

### **Who can use reasonable force?**

All members of school staff have a legal power to use reasonable force<sup>2</sup>.

This power applies to any member of staff at the school. It can also apply to people whom the headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

<sup>2</sup> Section 93, Education and Inspections Act 2006

### **When can reasonable force be used?**

Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.

In a school, force is used for two main purposes – to control pupils or to restrain them.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

#### **Schools can use reasonable force to:**

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- restrain a pupil at risk of harming themselves through physical outbursts.

#### **Schools cannot:**

use force as a punishment – it is always unlawful to use force as a punishment.

### **Power to search pupils without consent**

In addition to the general power to use reasonable force described above, headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”<sup>3</sup>:

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force cannot be used to search for items banned under the school rules. Separate guidance is available on the power to search without consent – see the ‘Further sources of information’ section for a link to this document.

<sup>3</sup> Section 550ZB(5) of the Education Act 1996

### **Communicating the school’s approach to the use of force**

Every school is required to have a behaviour policy and to make this policy known to staff, parents and pupils. The governing body should notify the headteacher that it expects the school behaviour policy to include the power to use reasonable force.

There is no requirement to have a policy on the use of force but it is good practice to set out, in the behaviour policy, the circumstances in which force might be used. For example, it could say that teachers will physically separate pupils found fighting or that if a pupil refuses to leave a room when instructed to do so, they will be physically removed.

Any policy on the use of reasonable force should acknowledge their legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).

Schools do not require parental consent to use force on a student.

Schools should not have a ‘no contact’ policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm.

By taking steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

### **Using force**

A panel of experts identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:

the ‘seated double embrace’ which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing;

the ‘double basket-hold’ which involves holding a person’s arms across their chest; and

the ‘nose distraction technique’ which involves a sharp upward jab under the nose.

Physical Control in Care Medical Panel - 2008

### **Staff training**

Schools need to take their own decisions about staff training. The headteacher should consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so. Some local authorities provide advice and guidance to help schools to develop an appropriate training programme.

### **Telling parents when force has been used on their child**

It is good practice for schools to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to schools to decide whether it is appropriate to report the use of force to parents.

In deciding what is a serious incident, teachers should use their professional judgement and consider the: pupil's behaviour and level of risk presented at the time of the incident; degree of force used; effect on the pupil or member of staff; and the child's age.

References to parent or parents are to fathers as well as mothers, unless otherwise stated.

### **What happens if a pupil complains when force is used on them?**

All complaints about the use of force should be thoroughly, speedily and appropriately investigated.

Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.

When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools should refer to the "Dealing with Allegations of Abuse against Teachers and Other Staff" guidance (see the 'Further sources of information' section below) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

Schools must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

As employers, schools and local authorities have a duty of care towards their employees. It is important that schools provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

### **What about other physical contact with pupils?**

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

Examples of where touching a pupil might be proper or necessary:

Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;

When comforting a distressed pupil;

When a pupil is being congratulated or praised;



To demonstrate how to use a musical instrument;

To demonstrate exercises or techniques during PE lessons or sports coaching; and

To give first aid.

### **Frequently Asked Questions**

**Q: I'm worried that if I use force a pupil or parent could make a complaint against me. Am I protected? A:** Yes, if you have acted lawfully. If the force used is reasonable all staff will have a robust defence against any accusations.

**Q: How do I know whether using a physical intervention is 'reasonable'? A:** The decision on whether to physically intervene is down to the professional judgement of the teacher concerned. Whether the force used is reasonable will always depend on the particular circumstances of the case. The use of force is reasonable if it is proportionate to the consequences it is intended to prevent. This means the degree of force used should be no more than is needed to achieve the desired result. School staff should expect the full backing of their senior leadership team when they have used force.

**Q: What about school trips? A:** The power may be used where the member of staff is lawfully in charge of the pupils, and this includes while on school trips.

**Q: Can force be used on pupils with SEN or disabilities? A:** Yes, but the judgement on whether to use force should not only depend on the circumstances of the case but also on information and understanding of the needs of the pupil concerned.

**Q: I'm a female teacher with a Year 10 class - there's no way I'd want to restrain or try to control my pupils. Am I expected to do so? A:** There is a power, not a duty, to use force so members of staff have discretion whether or not to use it. However, teachers and other school staff have a duty of care towards their pupils and it might be argued that failing to take action (including a failure to use reasonable force) may in some circumstances breach that duty.

**Q: Are there any circumstances in which a teacher can use physical force to punish a pupil?**

**A:** No. It is always unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, which is illegal.

### **Further sources of information**

#### **Other departmental advice and guidance you may be interested in**

Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002)

Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)

Screening, searching and confiscation – advice for headteachers, staff and governing bodies.  
Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, headteachers, school staff, governing bodies and proprietors of independent schools

### **Associated resources (external links)**

Police and Criminal Evidence Act 1984 (PACE) Code G: Revised Code of Practice for the Statutory Power of Arrest by Police Officers

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**LANCASHIRE EDUCATION AND CULTURAL SERVICES DIRECTORATE**

**POLICY ON CARE AND CONTROL OF PUPILS**

NAME OF SCHOOL (OR SERVICE): Samlesbury Church of England Primary School

**RECORD OF THE USE OF REASONABLE FORCE**

**Reference should be made to the School's Policy on Care and Control of Pupils (Paragraph 5. Recording) before completing this report form. This report should normally be completed as soon as practically possible after the incident.**

Name of Pupil	_____	Registration Group/Class	_____
Date and Time of Incident	_____	am/pm	Place _____
Reporting Staff	_____		_____
Staff Witnesses	_____		_____
Child Witnesses	_____		_____

**1. RECORD OF INCIDENT**

**Reason why reasonable force was thought necessary:**

Was the child concerned liable to injury? Yes / No

Were other children liable to injury? Yes / No

Were staff liable to injury? Yes / No

Was property about to be damaged? Yes / No

Was good order prejudiced? Yes / No

Other reasons: \_\_\_\_\_

**1.1 Concise details of how the incident began, nature of pupil behaviour, the use of techniques other than physical control to defuse the situation, and measures taken to avoid harm to the pupil.**

**1.2 Description of physical intervention/control/restraint used, including the degree of force used, how that was applied, and for how long.**

**1.3 Record of any injuries to pupils/staff (a body map should be attached [LACPC Multi-Agency Policy, Guidance and Procedures]).**

**1.4 Record of any damage to property.**

**1.5 Measures taken to ensure that the pupil was calmed after the incident.**

**1.6 Signature** \_\_\_\_\_

**Time** \_\_\_\_\_ **am / pm**      **Date** \_\_\_\_\_

**Report passed to** \_\_\_\_\_ **Designation** \_\_\_\_\_

## 2. ACTION TAKEN BY HEADTEACHER/DEPUTY HEADTEACHER/SENIOR MANAGER

2.1 Name \_\_\_\_\_ Designation \_\_\_\_\_

2.2 Incident Book completed Yes / No

Signed by Headteacher Yes / No Head to initial action

Parents informed Yes / No

Incident discussed with pupil Yes / No

Time \_\_\_\_\_ Date \_\_\_\_\_

Other Professionals informed Yes / No

Name	Designation	Date Informed

2.4 Action Log (any other actions taken/follow up from other professionals etc)

**Date**

**Summary of Actions/Reports**

Appendix 2: SERIOUS INCIDENT BOOK SAMPLE

Member of staff to complete							Headteacher/Governor		
Entry No	Date	Staff Signature	Time	Place	Name of Pupil (where appropriate)	Serious Incident	HS1	Filed	Signed