

## CARE AND CONTROL

### Introduction

This policy acknowledges Lancashire County Council's Restrictive Physical Intervention Protocol. It also acknowledges previous joint guidance provided by the DfES and DoH on the use of restrictive physical intervention and guidance on the use of reasonable force provided by the DfE.

The person responsible for the implementation of this policy is the Principal, who is an Advanced Team Teach Tutor. This policy is reviewed annually by the Principal and the Governing Body. It is intended to support all teaching, support staff and volunteers who come into contact with pupils within the school by explaining the school's arrangements for care and control. Its contents are available to parents and pupils and a statement about the school's Pupil and Student Conduct Policy is made to parents in the school prospectus and on the school website. This statement includes information on the use of restrictive physical intervention to control or restrain pupils.

This policy should be read in conjunction with other school policies and guidance relating to the interaction between adults and pupils/students, in particular the Pupil and Student Conduct Policy

### Policy aims

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school and the majority of pupils respond positively to the discipline and behaviour support strategies practised by staff. This ensures the well-being and safety of all pupils and staff in school. In exceptional circumstances, the use of restrictive physical intervention may be required. Tor View School acknowledges that physical interventions are only a small part of a holistic approach to behaviour management and support.

As such, 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 restrictive physical intervention is necessary;
- (ii) are provided with appropriate training to deal with these difficult situations.

## **Minimising the need to use force**

At Tor View School we aim to create a calm environment in order to minimise the risk of incidents which require the use of restrictive physical intervention. Through the school ethos and curriculum we aim to promote independence, choice and inclusion and pupils are given maximum opportunity for personal growth and emotional well-being.

The Pupil and Student Conduct Policy promotes the development of good personal and professional relationships between staff and pupils/students across the school; it informs and guides staff to teach and reward appropriate pupil and student conduct that supports learning, progress, achievement and enjoyment of school life. All staff members are trained in how to defuse situations to prevent them from escalating. Similarly, staff members are taught how to de-escalate incidents should they arise.

Where specific pupil groups display behavioural needs which require a more individual approach, this is addressed through specific policy and practice which is sensitive to the broad needs of the group and promotes a consistent approach across teaching and support staff working with the group. Further information can be found in the Secondary Rewards and Sanctions Policy.

Where individual pupils persistently present challenging behaviour an individual Conduct Support Plan is drawn up. This plan details the specific proactive strategies to support the pupil in developing positive patterns of behaviour by encouraging them to communicate their needs and make choices appropriately. Furthermore, it specifies the reactive strategies, including the use of restrictive physical intervention, to be used to maintain the safety and well-being of all concerned, and the good order of the school. Use of restrictive physical intervention is only used when the risks involved in doing so are outweighed by the risks involved in not using restrictive physical intervention.

Pupils that have issues relating to sensory integration dysfunction or other conditions that may result in increased anxiety levels are supported individually through personalised programmes to help them to manage their anxiety.

## **Implications of current policy, protocol and guidance**

The Education and Inspections Act 2006 stipulates that reasonable force may be used to prevent a pupil from doing, or continuing to do any of the following:

- committing a criminal offence;
- causing injury to self or others;
- causing damage to property;
- prejudicing the maintenance of good order and discipline at the school, whether during a teaching session or otherwise (this includes authorised out-of-school activities).

As teaching and non-teaching staff work 'in loco parentis' and have a 'Duty of Care' towards their pupils, they could be liable for a claim of negligence if they fail to follow the guidance within this policy. The use of Team Teach techniques is one of our control methods for reducing risks presented by children's challenging behaviour. Pupils' Conduct Support Plans are Safe Systems of Work under Health and Safety Regulations. As such it is imperative that these plans are followed and implemented by all members of staff.

The application of any form of restrictive physical intervention inevitably carries an attached risk of unintended harm and this places staff and the school at risk of potential litigation. 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 restrictive physical intervention.

Staff members need to be aware that they are responsible for:

- assessing risks related to individual circumstances which may arise in the course of their day-to-day duties and;
- making judgements about when the use of restrictive physical intervention is necessary and the degree of force which may be regarded as reasonable to manage a situation.

Staff members need to be aware that they are required to justify their decisions in writing through the recording and reporting procedures outlined later in this document.

Restrictive physical intervention 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.

The Violent Crime Reduction Act 2006 gives schools the power to screen or search pupils for weapons. At Tor View School it is extremely unlikely that pupils would conceal weapons and therefore staff members have not received training in weapons disarmament and staff will not be requested to undertake searches. As the power to search should only be used where it is judged to be safe, if the school decides that a search may be necessary then the police would be called.

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

Positive Handling describes a broad spectrum of risk reduction strategies and is part of a holistic approach involving policy, guidance, management of the environment, and deployment of staff. It also involves personal behaviour, diversion, diffusion, and de-escalation. Conduct Support Plans at Tor View are designed to support staff to positively manage pupils' challenging behaviour. They are based on a risk assessment and identify positive prevention strategies and how a pupil may need to be supported in a crisis.

## **1. Physical Contact**

In line with their role of providing pupil care and supporting pupils to access a broad and balanced curriculum situations may arise in which proper physical contact occurs between staff and pupils. It would seem reasonable that young children do require opportunities for close contact such as cuddles/hugs or sitting on a staff member's knee and as long as this is sensitively carried out and age/person-appropriate the Governors would fully support this approach.

## **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. This technique cannot be emphasised enough and in the hands of a skilful practitioner many pupils can be diverted from a potentially volatile situation into a less confrontational situation i.e. it may be possible to “defuse” a situation by a timely intervention.

## **3. Restraint and Restrictive Physical Intervention (RPI)**

These terms are defined as follows:

“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.”

DfE, 2011

“Restrictive physical intervention involves the use of force to control a person's behaviour and can be employed using bodily contact, mechanical devices or changes to the person's environment.”

DfES, 2002

Restraint and restrictive physical intervention are a last resort and will only be used when there is an immediate risk to pupils, staff or property. All such incidents must be recorded on a Serious Incident Form or RF1 form which is then documented in the Serious Incident Book (both available in the Senior Management Office. If anyone is injured a HS1 accident/incident report (Deputies Office) must also be completed. Records of incidents must be given to the Principal as soon as possible, and by the end of the school day at the latest.

The scale or nature of physical intervention or restraint/restrictive physical intervention must be proportionate to both the behaviour of the individual to be controlled, and the nature of harm they cause. Where force is required to overpower the will of the pupil then this should be defined as restrictive physical intervention.

## **Seclusion, time out and withdrawal**

**Seclusion:** this is where a pupil or student is forced to spend time alone against their will in a locked room or room which they cannot leave. This is considered a form of restrictive physical intervention.

**Time out:** this involves restricting the pupil or student's access to positive reinforcements as part of their behaviour programme by placing them in a room or area which they may freely leave. It is a specific behaviour management technique and does not necessarily literally mean time spent out of the class/group, but rather refers to a withdrawal of attention and/or things they find rewarding (it could be as simple as turning away from a child who is attention seeking, or positioning a child away from the class/group). This withdrawal of attention could also be achieved by sending a pupil to another class/group or a quiet area.

**Withdrawal:** this involves removing the pupil or student from a situation which causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities. This can mean removing a child from the class/group to allow them time to calm down or to prevent a situation from escalating. They may need time away from staff and pupils (either on their own or in another class/group) in order to break the cycle/pattern of their behaviour or to reduce their level of anxiety/distress. This "quiet time" could be time in the playground, a quiet room, or sitting in an office supervised by a senior member of staff. Where a pupil uses a quiet room where the door is closed a member of staff must monitor the pupil's behaviour / response every 5 minutes until the door is opened or a member of staff enters the room.

## **Planned and emergency physical interventions**

A **planned intervention** is one that is described / outlined in the pupil's Conduct Support Plan. This should cover most interventions, as possible scenarios will be identified and planned for when the Conduct Support Plan is drawn up. These interventions may include the use of Team Teach techniques.

An **emergency physical intervention** may be necessary if a situation arises that was not foreseen or is uncharacteristic of the pupil. Members of staff retain their duty of care to pupils and any response, even in an emergency, must be proportionate to the circumstances. Staff should use the minimum force necessary to prevent injury and maintain safety, consistent with the training that they have received. Following any such incident, a Conduct Support Plan will be devised (or the existing plan updated) to support effective responses to any such situations which may arise in the future.

Positive Handling at Tor View School (defined as the full range of strategies used to manage behaviour including where necessary restrictive physical intervention) is seen as a proactive response to meet individual pupil needs and any such measures will be most effective in the context of the overall ethos of the school,

the way that staff exercise their responsibilities, and the range of behaviour management strategies used.

### **Underpinning values**

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:

- 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 policies;
- be informed about school rules, relevant policies and the expected conduct of all pupils and staff working in school;
- expect Conduct Support Plans to be designed to achieve outcomes that reflect the best interests of the child whose behaviour is of immediate concern and others affected by the behaviour requiring intervention;
- 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.

### **Prevention**

#### ***Primary Prevention***

This is achieved by:

- the deployment of appropriate staffing numbers;
- the deployment of appropriately trained and competent staff;
- avoiding situations and triggers known to provoke challenging behaviour;
- creating opportunities for choice and achievement;
- developing staff expertise through a programme of Continuous Professional Development;

- exploring pupils' preferences relating to the way(s) in which they are managed.

### **Secondary Prevention**

This involves the recognition of the early stages of a behavioural sequence that is likely to develop into violence or aggression and employing 'defusing' techniques accordingly to avert any further escalation.

Where there is clearly documented evidence that particular sequences of behaviour escalate rapidly into violence, the use of a restrictive physical intervention (RPI) at an early stage in the sequence may, potentially, be justified if it is clear that:

- primary prevention has not been effective, and;
- the risks associated with **NOT** using RPI are greater than the risks of using RPI, and;
- other appropriate methods, which do not involve RPI, have been tried without success.

### **Judgements**

It may be necessary to make a judgement regarding the relative risks and potential benefits arising from activities which might provoke challenging behaviours compared with the impact on the pupil's overall quality of life if such activities are not allowed.

A decision to use therapeutic devices to prevent problem behaviour **MUST** be agreed by a multi-disciplinary team in consultation with service-users, their families, those with parental responsibility and advocates, and recorded within an individual's Conduct Support Plan.

### **Risk assessment and deciding whether to use force**

Both challenging behaviour and restrictive physical interventions will involve a risk – to both staff and pupils. A risk assessment aims to balance these risks. The aim of the individual pupil's Conduct Support Plan and of this policy is to reduce the risks associated with pupils' challenging behaviour as far as is reasonably practicable – the risks that are associated with the behaviour itself and the risk of managing that behaviour. The risks of employing an intervention should be lower than the risks of not doing so.

Pupils whose challenging behaviour may pose a risk to staff or pupils will be the subject of a Risk Assessment and will have a Conduct Support Plan drawn up as a result of this. These will be shared with all staff and stored in each individual pupil's black file in their form room.

All staff authorised to use restrictive physical intervention with pupils receive training in Team Teach techniques and receive information about the risk to pupils of positional asphyxia. There are very clear protocols delivered during training to minimise the possibility of this and to ensure that appropriate safeguards are implemented.

Due to the extremely challenging nature of the behaviour of a very few pupils in the school, these pupils may have Team Teach Ground Recovery Holds written into their Conduct Support Plan. These are advanced techniques and carry elevated levels of risk. As a result, these are only considered as a possibility if a comprehensive risk assessment indicates that there is a foreseeable risk of serious injury due to a pupil's behaviour and if their behaviour cannot be controlled in any other way. There are very clear and strict safeguards for these circumstances and a multi-disciplinary meeting would be called prior to a ground hold being advised for a pupil. These techniques would not be part of a planned response without parental consent. Staff who may need to use these advanced techniques would receive additional advanced training.

### **Health and Safety of Staff**

Under the Health and Safety at Work Act, employees have a responsibility to report any circumstances which give rise to an increased risk to their Health and Safety.

Staff who have, or acquire, permanently or temporarily, any medical condition that may impact on their ability to carry out the strategies detailed in a pupil's Conduct Support Plan have a duty to report these to the Deputy Principal immediately as this may impact on their own safety and that of colleagues and/or pupils.

### **Using Force**

No legal definition of reasonable force exists. The term 'reasonable force' covers the broad range of actions that involve a degree of physical activity. For the purposes of this policy and the implementation of it in Tor View School:

- 'reasonable in the circumstances' means using no more force than is needed; staff members are expected to use a **minimum** degree of force for the **shortest period of time** only when it is necessary to prevent a pupil harming themselves or others, from damaging property, or causing disorder;
- 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;
- staff would be expected to follow the pupil's Conduct Support Plan in the first instance to manage an incident/challenging behaviour;

- if this was unsuccessful and the situation continued to escalate staff would then be expected to employ other Team Teach techniques that they have been trained;
- only if all of the above have been tried and are unsuccessful should staff even consider any other form of restraint; the overriding consideration should still be the reasonable and proportional nature of the force used; any form of restraint that is likely to injure a pupil (particularly anything that could constrict breathing) should only be used in **EXTREME** emergencies and when there was no viable alternative.

All the techniques used take account of a young person's:

- age;
- gender;
- level of physical, emotional and intellectual development;
- special needs;
- social context.

They also provide a gradual, graded system of response.

Where behavioural records and/or risk assessment identify a need for a planned approach, Conduct Support Plans are written for individual pupils and where possible, these will be designed through multi agency collaboration and, with parental consent, shared with other agencies/services supporting the child to facilitate consistency of approach so far as is possible.

## **Staff Training**

Training at some level will be available for all staff at Tor View School. For most staff this is enhanced by Team Teach training in the use of positive handling and it is the responsibility of the Principal to ensure this training is kept up to date. No member of staff will be expected to use Team Teach techniques 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.

Lancashire Children's Services Authority (CSA) and Tor View School are committed to using Team Teach. Team Teach Ltd is a training provider that is accredited through the British Institute of Learning Difficulties (BILD) and adheres to their Code of Practice on physical intervention. Tor View School acknowledges that physical techniques are only a small part of a wider holistic approach to behaviour management.

Most school staff working directly with pupils will receive a 12-hour Basic Course in Team Teach as the school is considered to be a medium risk setting. This is in

line with County guidance and Team Teach policy. This level of training is required for most staff as they are expected to be able to actively support each other, and pupils, if an incident occurs and a child needs physical intervention to keep themselves and/or others safe.

Some staff may work on a part-time basis or have physical difficulties which mean they would be less likely to be as physically involved in an incident and would therefore play a supporting role rather than being physically involved. Such staff may work individually with pupils and may need 'personal safety techniques' should a pupil become agitated whilst they are working with them. If the pupil was already agitated they would not be working with them without school staff also being present. For these staff the Team Teach 6-hour Foundation Course is sufficient to meet their needs and provides them with sufficient training to keep them and the pupils safe.

This distinction in training and certification is considered a sensible risk-assessed approach to managing the training needs of all staff supporting our pupils, and has been approved by Team Teach Ltd.

### **Support Following Incidents**

Physical techniques are not treated in isolation and the school is committed to ensuring that as a result of incidents learning opportunities are created for pupils that allow them to 'own' and take responsibility for their behaviour at a level appropriate to their stage of development.

Whilst the physical techniques are intended to reduce risk, there is always risk when two or more people use force to protect, release or restrain. Team Teach techniques seek to avoid injury to the pupil, but it is possible that bruising or scratching may occur accidentally, and these are not to be seen necessarily as a failure of professional technique, but a regrettable and infrequent side effect of ensuring that the pupil remains safe. Any such injury will be recorded and reported using Record of First Aid Treatment book and a body map (both available in the Deputy Principals' Office).

In addition procedures are in place to ensure that appropriate support is provided for staff and that following an incident pupil/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

### **Visits out of school**

Our equal opportunities policy states that all pupils should be included in all curriculum activities. However, Health and Safety remains a priority and staff should carry out risk assessments for each pupil prior to each visit into the community. Due consideration should be given to the following:

- Is the pupil able to cope with the demands of the proposed visit?
- Are there sufficient, suitably trained staff - particularly if there should be an incident?

- How will you contact school to get extra help if necessary and how will you get back?
- Have you remembered to take some of the Public Concern Cards to give to any onlookers to avoid having to explain what is happening during an incident?

### **Authorised staff**

In line with The Education and Inspections Act 2006 and the subsequent guidance given by 'The Use of Reasonable Force to Control and Restrain Pupils' and 'Behaviour and discipline in schools' all members of staff at Tor View School have the legal power to use reasonable force. In addition, anyone whom the Principal has temporarily put in charge of pupils automatically has the statutory power to use reasonable force. The Principal is responsible for making it clear to whom such authorisation has been given, in what circumstances and settings they may use force and for what duration of time this authorisation will last. The Principal will ensure that those authorised are aware of, and understand, what the authorisation entails.

The school provides training for all authorised staff and the Principal retains a list of all those staff trained and authorised. The list is reviewed on an annual basis. At Tor View School, volunteers, students on placement, visitors or parents will not be placed in charge of pupils who may present with challenging behaviour, and as such are not authorised by the Principal to use reasonable force. Supply staff must ensure that they are familiar with this school's policy. Appropriate guidance will be given if they have not undertaken Team Teach training.

Those whom the Principal has not authorised will be told what steps to take in the case of an incident where control or restraint is needed. All staff will receive training in managing behaviour as part of their induction training including the 'staff help' protocol.

*All members of staff are reminded that all pupils who have challenging behaviour will have a Conduct Support Plan, which should be strictly adhered to. These plans are reviewed regularly at Department Meetings and all staff members are encouraged to make a contribution to the plans. A pupil's Conduct Support Plan constitutes a Safe System of Work under Health and Safety Regulations. If any member of staff believes that a Conduct Support Plan is no longer effective/suitable for any reason they MUST discuss this with the class teacher responsible for writing it BEFORE making any adjustments to it.*

### **Staff from the CSA and PCT working within the school**

Support Services may have their own policies for Care and Control of pupils. When working within Tor View School it is the Principal's responsibility to ensure that colleagues from Support Services are aware of school policy and practice, and comply with this.

## **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 good order and discipline and necessitates intervention, some or all of the following approaches should be taken according to the circumstances of the incident and in association with the Education and Inspections Act 2006 Section 93:

- 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 cooperation;
  - 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 cooperates, if possible summon assistance from other staff – use “staff help” protocol or walkie talkies
- Physical intervention i.e. reasonable force being used to prevent a pupil harming him or herself, others or property.

## **Types of Incident**

The incidents described in The Education and Inspections Act 2006 ‘The Use of Reasonable Force to Control and Restrain Pupils’ 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 (NB this will only apply if a pupil could be at risk if not kept in the classroom or at school).

Examples of situations which fall into the third category are:

- 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.

### **Acceptable measures of physical intervention (PI)**

The use of Team Teach PI techniques can only be deemed reasonable if:

- it is warranted by the particular circumstances of the incident;
- it is delivered in accordance with the seriousness of the incident and the consequences which it is desired to prevent;
- it is carried out with the minimum level of physical intervention necessary to achieve the desired result;
- the age, understanding and gender of the pupil are taken into account;
- it is likely to achieve the desired result.

Wherever possible assistance should be sought from another member of staff before intervening.

### **This form of physical intervention may involve staff:**

- physically interposing themselves between pupils;
- blocking a pupil's path;
- escorting a pupil;
- shepherding a pupil away;
- supportively holding a pupil to keep them or others safe until they have regained control of themselves or can be supported to an area to calm down.

In some circumstances, trained staff may need to use more restrictive Team Teach restrictive physical intervention techniques. Acceptable methods are taught as part of the training procedures made available to appropriate staff.

Any such measures will be most effective in the context of the overall positive and caring ethos of the school, the way in which staff exercise their responsibilities, and the behaviour management strategies used. Staff may need to rotate roles and have a break if the incident is prolonged (over 10 minutes) – you **must** follow the pupil's Conduct Support Plan.

It is acknowledged that with some disengagement techniques pupils may encounter some minimal discomfort when appropriate release techniques are used. However, this is very brief and transient, and poses less of a risk than the behaviour they are employed in response to e.g. biting.

Almost all staff members are trained in First Aid and there is a school nurse on site. Any of these may be called upon to implement First Aid or seek further guidance in the event of an injury or physical distress arising as a result of a physical intervention

### **Recording incidents**

Where restrictive physical intervention has been used a record of the incident will be kept. Where a pupil has a Conduct Support Plan that specifies the use of specific restrictive intervention techniques, incidents in which these techniques have used are recorded using a physical intervention log. This log is reviewed every 6-8 weeks. Where a pupil does not have a Conduct Support Plan any incident of restrictive physical intervention is recorded using the Child Protection On-line Management System (CPOMS) as soon as possible after the incident (within 24 hours), normally prior to staff going off duty. This system acts as database of all such incidents in which an individual pupil has been involved. All incidents involving a pupil being taken to the ground and held using the Team Teach techniques Front Ground Recovery, Back Ground Recovery or Shield Ground Recovery, which involve a pupil being held prone or supine on the ground, are recorded using an RF1 form regardless of whether the pupil has a Conduct Support Plan.

After the review of the incident, a copy of the details will be placed on the pupil's file as part of their educational record.

An Accident/Incident Form will be completed where more serious injury has occurred to a pupil. An Accident/Incident Report Form will be completed where more serious injury has occurred to a member of staff.

### **Reporting incidents**

All incidents recorded on a RF1 form or entered onto the Child Protection On-line Management System will be reported to parents. This may be by telephone or in the home-school diary, depending on the nature of the incident and the procedure agreed with parents when their child's Conduct Support Plan is devised / reviewed.

All incidents involving or which lead to the exclusion of a pupil will be reported to parents by telephone. An email including the RF1 and any additional information will also be sent to the CSA Team Teach Adviser; the school's adviser; Chair of Governors; and Team Teach.

Where there is any concern over the appropriateness of a response the CSA Team Teach Adviser may refer the incident to the Lancashire Children's Safeguarding Board for clarification and/or investigation.

### **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 Principal 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 (at least half-termly) and the results used to inform planning to meet individual pupil and school needs. To support the Principal and school and ensure objectivity the School Advisor and a School Governor will be involved in the monitoring process.

The Principal will present an annual summary of incidents that have involved the use of force to the Governing Body Health and Safety Committee.

### **Action after an incident**

At Tor View School we have a debrief procedure which should be utilised if staff need to debrief after an incident. Where staff have been involved in an incident involving reasonable force they should have access to counselling and support should they wish it. Within the school, this will be made available/supported through the Principal or Deputy. Staff may also contact the Directorate's Counselling Line (01772 263346).

The Principal 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 Conduct Support Plan;
- child protection procedure (this may involve investigations by Police and/or Social Services);
- staff or pupil disciplinary procedure;
- school Pupil and Student Conduct Policy;
- exclusions procedure; in the case of violence or assault against a member of staff this may be considered;

- 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.

In some circumstances it may be appropriate to provide additional training or professional support for particular staff in relation to the management of incidents where although the criteria for the application of the above procedures were not met, it is decided that the incident could have been managed more effectively.

### **Support Following Incidents**

Any member of staff or pupil at the school involved in or witnessing a serious incident involving the use of RPI may require additional support following the incident.

Staff should ensure that they are fully recovered from an incident before resuming their duties and colleagues are encouraged to seek and offer support where it is deemed necessary.

Pupils who may be distressed by events can be offered the following support:

- quiet time taking part in a calming activity;
- quiet time away from the incident/trigger;
- resuming their usual routine/previous activity as soon as possible, especially for pupils with Autistic Spectrum Disorder;
- time with a member of staff to debrief the incident, using a symbol debrief sheet or other alternative or augmentative forms of communication (AAC).

### **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.

Where the nature of any complaint made by a pupil, parent or other person in relation to the use of Restrictive Physical Intervention within the school indicates that an allegation of mishandling by a member of staff is being made which complies with the criteria contained in CSA guidance (currently contained in Appendix R of the Lancashire Safeguarding Children Guidance), the matter will be reported to the Local Authority Designated Officer (LADO) in accordance with LA procedures.

In such circumstances the investigation of the complaint/allegation and any resulting action in respect of child protection, disciplinary or other procedures will be carried out in accordance with the guidance received from the LA.

This section should be read in conjunction with the school's complaint procedure. A full copy is available from the school office.

In respect of this particular policy it should be noted that:

1. all complaints about the use of force should be thoroughly, speedily and appropriately investigated;
2. 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;
3. 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;
4. suspension should 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 where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person should not be suspended automatically, or without careful thought;
5. 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;
6. 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;
7. 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;
8. as employers, schools and local authorities have a duty of care towards their employees, it is important that school provide appropriate pastoral care to all members of staff.

## **Whistle Blowing**

Whilst the training in Team Teach provided to all staff, encourages the use of help protocols and reflective practice, it is acknowledged that under some circumstances, physical intervention can be misapplied. Staff members are reminded that part of their duty of care to pupils includes the requirement to report any such matters which cause them concern in relation to pupil management and welfare. Any such concerns, (short of immediate Child Protection concerns which should of course be passed to the DCPO), should be raised with the Principal and Team Teach Tutor, another Senior Manager or with the Chair of Governors in order to allow concerns to be addressed and practice improved.

## **Reference documents**

DfE (2014) Behaviour and discipline in schools: Advice for headteachers and school staff – [www.gov.uk/government/publications](http://www.gov.uk/government/publications)

DfE (2012) Use of reasonable force – Advice for Principals, staff and governing bodies - [www.education.gov.uk](http://www.education.gov.uk)

DfES (2007) The Violent Crime reduction Act 2006 (screening and searching of pupils for weapons guidance for school staff) - [www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity/](http://www.teachernet.gov.uk/wholeschool/healthandsafety/schoolsecurity/)

DfES / DoH (2002) Guidance on the use of restrictive physical interventions for staff working with Children who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders - [www.teachernet.gov.uk/wholeschool/sen/piguide](http://www.teachernet.gov.uk/wholeschool/sen/piguide)

DfES / DoH (2003) Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties - [www.teachernet.gov.uk/wholeschool/sen/piguide](http://www.teachernet.gov.uk/wholeschool/sen/piguide)

Lancashire County Council (2012) Protocol on the use of restrictive physical interventions in schools, residential homes and other care settings for children - [www.lancashire.gov.uk](http://www.lancashire.gov.uk)

Risk Assessment Pro Forma - <http://www.teachernet.gov.uk/docbank/index.cfm?id=5334>

The Education and Inspections Act 2006 - Section 93 replaces section 550A of the Education Act 1996 - <http://www.opsi.gov.uk/ACTS/en2006/06en40-f.htm>

The Children's Act 1989 - [http://www.opsi.gov.uk/acts/acts1989/Ukpga\\_19890041\\_en\\_1.htm](http://www.opsi.gov.uk/acts/acts1989/Ukpga_19890041_en_1.htm)

	<b>Name/Initials:</b>	<b>Date:</b>
<b>Written By:</b>		Jun 14
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	SDi	Jan 2018
	SDillon	April 19