

By Email: 01/07/07



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Your Ref: Dr. C Travell / C /180

Dear John,

Re: Ringwood School - Staff Training / Capabilities

Thank you for your letter dated 22nd June.

I have drawn the LEA's attention to serious shortcomings in the arrangements for managing pupil behaviour at Ringwood School and I have provided ample evidence to demonstrate that the school's practice of not training **any** staff in how to safely carry out necessary physical interventions, significantly and unequivocally conflicts with the advice, recommendations and guidance issued by the DfES and the Department of Health.

I have also highlighted that Ringwood School's Policy doesn't even mention the school's legal duty to prevent pupils from engaging in behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils – let alone give advice or guidance to staff on how to go about it.

And, I have pointed out that the absence of any staff trained in physical intervention calls into question Ringwood School's suitability for the placement of pupils with emotional, learning and/or behavioural difficulties, autism, etc.

My reason for complaining to the LEA is that I consider the LEA has a (legally enforceable) duty of care to ensure that a school's arrangements are appropriate (i.e. in line with DfES/ Department of Health Guidance) before placing such pupils at the school – and that to knowingly ignore significant shortcomings would be negligent.

I have also invited the LEA to make representations to the School to ensure that the school's behaviour management arrangements are upgraded.

A summary of your reply would be that you (the LEA) consider that Ringwood School's practice of not training ANY staff in how to safely carry out necessary physical interventions:

- Doesn't conflict with the current DfES and Dept of Health Guidance
- Doesn't preclude the LEA's placement at the school of pupils with SEN
- Is consistent with the arrangements in other schools in Hampshire

You have also confirmed that the LEA will not be taking any action to ensure Ringwood School remedies the shortcomings in its behaviour management arrangements and that, notwithstanding your awareness of the inadequacies, the LEA is to continue to place pupils with SEN at the school.

It seems to me, as I'm sure you'll agree, we have reached an impasse, in so far as, we shall not be able to reach agreement on this.

Consequently, unless I hear from you soon to the contrary, I shall assume that I have fully complied with the terms of the Council's Complaints Policy. (As you may know, this is a pre-requisite of the range of legal remedies available to me.) I shall also now refer my concerns to the Secretary of State for Children, Schools and Families.

Yours truly,

Jim O'Dwyer

Peter J O'Dwyer

Please feel free to reply by e-mail: jim.odwyer@btinternet.com

Here's some more food for thought:

Autistic Spectrum Disorders | Good Practice Guidance **02 Pointers to good practice**

Published by DfES and DoH - Ref: DfES/597/2002

(See page 93)

Pointer

9. Are appropriate policies and systems in place at LEA and school level to manage and support pupils with challenging behaviour?

Evidence/ features to look for

- Staff have access to appropriate training.
- The school's policy on physical intervention is developed in the light of the guidance on *Restrictive Physical Interventions* (See below)

Joint DfES and DoH Guidance for Restrictive Physical Interventions **How to provide safe services for people with Learning Disabilities and Autistic Spectrum Disorder**

Published July 2002

"We welcome this guidance, which has been carefully developed over the past 2 years with considerable help from the health, social care and education sectors. For the first time, guidance covers all areas of service that children and adults with learning disabilities and difficulties will use throughout their lives.

It is vitally important for all staff to have effective training and support in the use of restrictive physical interventions.

People with learning disabilities have a right to be treated with respect, care and dignity especially when they are behaving in ways which may be harmful to themselves or others and as a result require physical intervention from staff.

By using this guidance staff will be helped to act appropriately and in a safe manner, so ensuring effective responses in difficult situations...."

And, this is what DfEE Circular 10/98 says "All members of staff who may have to intervene physically with pupils must clearly understand the options and strategies open to them. They must know what is acceptable and what is not."