

# Notes of Meeting: Wednesday 29<sup>th</sup> November 2006

- Present:
- Miss Paine (Assistant Headteacher),
  - Mrs Newberry (Student Support Co-ordinator)
  - Mr Himmel (Head of Year 7)
  - Mr O'Dwyer (Father of Josie O'Dwyer)

(The meeting commenced at 3.05pm and closed at 4.15pm.)

## **The purpose of the meeting:**

Mr O'Dwyer had requested the meeting following a series of incidents at school. He wanted to express parental concerns about the school's arrangements to protect Josie O'Dwyer's health, safety, well being and dignity. Mr O'Dwyer wished to discuss, in particular:

1. The School's arrangements for greeting Josie on her arrival in the morning
2. The School's arrangements for Josie to eat her snacks and her lunch
3. Josie's relationship with pupil 'S'
4. School / home communication (i.e. following adverse incidents)
5. Post-incident investigation and reporting
6. Pro-active strategies to improve Josie's response to criticism (and perceived criticism) by her peers

Mr O'Dwyer had also requested copies of:

- The school's assessment of times in the school day which will place high demands on Josie's sensory integration and her social communication skills
- The schedule of adult 1:1 support currently provided for Josie during school time

## **1. Arrangements for start of school day**

On Monday and Tuesday mornings, Josie arrives at the school by taxi and is escorted by the taxi driver to the School's Reception. It has been Josie's parents' understanding that Josie would be met at the Reception by a Responsible Adult member of Staff and supervised 1:1 until the start of class (to ensure a calm, organised start to her school day).

It had become apparent to Josie's parents, (i.e. from a series of adverse incidents occurring), that Josie was not being met by a responsible adult at the Reception (and was instead making her way to the "Breakfast Bar".)

This was not disputed by the school.

An aggravating factor was that Josie was sometimes being delivered to school earlier than the school could accommodate her (i.e. before 8.30am.)

The school's schedule of support for Josie begins at 8.45 am.

It was agreed after discussion that Mr O'Dwyer and the school would both contact Dorset County Council and request that the taxi driver deliver Josie to school at (not before) 08.45 am and personally escort her to the "Hive" where a responsible adult will be on duty to receive her and supervise her 1:1 (including escorting her safely to her first class.)

**NOTE: Mrs O'Dwyer brings Josie to school on the remaining days and brings her directly to the Hive. Arrangements for the end of the school day are working well.**

## **2. Arrangements for eating snacks and lunch**

Mr O'Dwyer said he'd received information (from Josie; Mrs O'Dwyer and the Home/School Book) that suggested Josie was being expected to eat her snacks and lunch on a bench, outside in the open air. He said that if that were the case, he didn't consider the arrangements were suitable for Josie, given her difficulties organising and feeding herself. He said that Josie really needed to be sat at a table, with her feet flat on the floor.

Mrs Newberry said that the "bench" was not just a bench but a picnic table and that Josie was able to sit at the table with her feet on the ground. Mr O'Dwyer said that he was relieved to hear the explanation.

The discussion then turned to why Josie was eating her food outside. Mrs Newberry explained it was because she believed that being out in the "fresh air" was a good thing for children. She said that in inclement weather, Josie eats in the "Sandwich Room" accompanied by a sixth former.

Mr O'Dwyer said that to avoid incidents of bad behaviour it was crucial that Josie always eats her snack and her lunch; and that the best way of securing this objective would be for Josie to be taken to a calm (non-stimulating) environment to eat.

Mr Himmel stressed the importance of Josie mixing with her peers, rather than being on her own with an adult all the time and he said that if Josie was being separated from other pupils in her class during break and lunch times it was defeating the principle of inclusion.

Mr O'Dwyer reminded those present that, because of her difficulties, Josie would be suffering higher levels of anxiety and stress than other pupils – and that it would benefit her to have regular periods of respite in a calm (non-stimulating) environment.

Mr O'Dwyer said that if a choice had to be made, the most sensible choice would be for Josie to get the respite time and the opportunity to eat in a calm, distraction free environment and if necessary miss out on any benefits of inclusion'.

Mr O'Dwyer then related details of an incident that had occurred on Monday 20<sup>th</sup> November (See Annex A) where Josie had spilt (a great deal of) the contents of a yoghurt pot on herself during the morning break time. He said Josie had made her own (inadequate) efforts to clean herself up, but received no adult support to help clean up the spillage. She was left to wander around for the rest of the day covered in the mess.

Mr O'Dwyer said that Josie had thus been allowed to compromise her dignity – and that this was something which the school had a statutory duty to protect her from doing (i.e. under the Human Rights Act.)

Mr O'Dwyer then described how, immediately following the yoghurt spillage, Josie had been involved in an altercation with another pupil ('S'). He said that 'S' had pointed out that Josie had spilt her yoghurt on herself. The outcome was that Josie had scratched S's face.

Mr O'Dwyer said that at the lunch break that day, 'S' (accompanied by her boyfriend 'C') had confronted Josie while she was eating her lunch outside the Hive. There was a short verbal exchange that related to the yoghurt incident, culminating in 'S' punching Josie in the mouth and calling her a "fucking spastic" and 'C' calling Josie a "fucker".

Mr O'Dwyer said that his information was that another pupil ('M') had run into "the Hive" and summoned Mr Padfield, who'd then dealt with the incident by admonishing 'S' and sending Josie to the Medical Room.

**Mr O'Dwyer said it was clear that Josie was not being supported 1:1 at the times of the incidents.**

Mr O'Dwyer pointed out that this conflicted with the recent advice given by the Educational Psychologist.

Mrs Newberry conceded that Josie was not being supervised continually, 1:1, by a responsible adult during break and lunch times.

Mrs Newberry said Josie received constant 1:1 supervision all day, except for 10 minutes at lunchtime (i.e. from 08.45 till 12.50 pm and from 1.00 pm to 4.30 pm.)

Mr O'Dwyer said that at the Annual review meeting on 16<sup>th</sup> November he'd been given to understand that Josie was receiving 1:1 adult support during all unstructured time. He reminded Mrs Newberry of her words on the day "Josie is covered every minute of every day."

Mrs Newberry explained that although during her initial weeks at school the arrangements had been for Josie to eat her snacks and lunch in the Hive, as part of a school strategy aimed at helping Josie to develop her 'independence and self-help skills' and for only 10 minutes during the lunch hour each day, the level of Josie's supervision had recently been downgraded from 1:1 to 'a responsible adult being nearby'. She said that the decision had followed on from Josie having settled successfully in to school.

Mr O'Dwyer said that recent events and the history and predictability of adverse incidents happening during "unstructured times" called into question the adequacy of the school's arrangements to support Josie.

Mrs Newberry said Josie's 'statement' is for 20 hours support a week, with an initial transition period of 27 hours. She said Josie was currently receiving 32 hours support including an extra hour after school on three days a week.

Mrs Newberry said that the school had to balance Josie's needs with its responsibilities to the other children. She said the existing arrangements represented a fulfillment of the school's SEN obligations and that she considered that upgrading the level of support was unnecessary.

Mr O'Dwyer reminded the officials that he would not have requested the meeting if it the series of adverse incidents that had occurred recently hadn't happened.

Mr O'Dwyer said he was more concerned about Josie's physical and emotional security whilst at school than he was about her academic progress. Mr O'Dwyer said that if, as it seemed to be, it was a 'manpower resource' issue, he would prefer the school to utilise

the quota of hours of SEN support to provide 1:1 support for Josie during unstructured times.

Mr O'Dwyer said the school had a duty of care in Common Law, a statutory duty of care under Health & Safety legislation and responsibilities under the Human Rights Act which the school would be ignoring if it didn't take the reasonable and practicable steps to protect Josie's health, safety and well being (including her dignity), that he was asking for.

Mr O'Dwyer said that unless he received the school's assurances that Josie would be supported 1:1 by a responsible adult during 'unstructured' times, he would feel duty bound to remove Josie from the school on safety grounds. Mr O'Dwyer said he would regard a refusal by the school to meet his reasonable request as unreasonable 'constructive exclusion' of Josie by the school.

Mr O'Dwyer added that he did not envisage that Josie would always need to have this high level of support; only until Josie had learned how to conduct herself appropriately and the problem of her scratching others had been resolved.

Mr O'Dwyer said that he appreciated the challenge facing the school in relation to fully satisfying Josie's needs and that if ever a member of staff who'd been scheduled to have responsibility for Josie during the lunch time failed to come to work, the school could telephone him and if he was able to (which he said he usually would be) he'd be willing to undertake the duty.

**After listening to Mr O'Dwyer's pleadings, Miss Paine acceded to Mr O'Dwyer's request for Josie to be supervised 1:1 by a responsible adult during all unstructured times at school – until such time as agreed by all parties that it was no longer necessary.**

**Miss Paine also agreed that Josie should immediately revert to eating her lunch in the 'Hive'.**

### **3. Josie's relationship with 'S'**

Mr O'Dwyer asked about the relationship between Josie and 'S', (the girl who'd been involved in the 'yoghurt' incident referred to earlier.)

Mr Himmel said that the girls are in the same class, that they were friends and that 'S' is very supportive of Josie.

Mr O'Dwyer said that the information he'd been given (by Josie and Mrs O'Dwyer) differed from Mr Himmel's perception.

Mr O'Dwyer said that Mrs O'Dwyer had told him that S's name came up frequently when Josie was being asked why she was upset; and that Josie had scratched 'S' on several occasions previously – after being teased and called names like “Spastic” and “Gay boy”.

Mr O'Dwyer then related details of an incident that had taken place only the previous day (28/11/2006). He said 'S' and another pupil ('G') were sitting together in the 'Breakfast Bar' at the school. Josie approached them and asked if she could join them. 'S' had rejected Josie's request saying “No. You can't sit with us”. Josie responded by scratching 'S'. 'S's reaction was to swear at Josie calling her a “Fucking bitch”. (See Annex B)

Mr O'Dwyer said that he'd spoken to Josie and that she'd said she'd prefer it if 'S' could be prevented from coming near her.

Mr O'Dwyer asked if this could be facilitated.

**Mr Himmel assured Mr O'Dwyer that he'd keep an eye on the situation and see to it that, as far as practicable, for the immediate future, Josie and 'S' are kept apart.**

#### **4. School / home communication**

It was agreed at the Annual Review meeting held on 16<sup>th</sup> November that a notebook would be used to inform home of positive behaviour, of details of any homework to be completed at home and of any instances of poor behaviour. Any concerns to be followed up with a phone call.

Mr O'Dwyer said that whilst the Home / School Book had notified Mrs O'Dwyer of incidents that had happened, details of the incidents were scant. ("Josie scratched so and so" Josie scratched so and so" etc.)

Mr O'Dwyer said that ideally Mrs O'Dwyer should be made aware of as much detail as possible as early as possible about adverse incidents that happen at school – so as to be properly prepared to debrief Josie.

**Mrs Newberry and Mr Himmel both said that their other duties meant that they wouldn't always be able to telephone Mrs O'Dwyer to discuss incidents prior to Josie finishing school /arriving home. But, they both agreed to try and do so.**

Mr O'Dwyer said that he and Mrs O'Dwyer would always try and glean as much information as they could from Josie about incidents that happen and relay the information as quickly as possible to the school.

Mrs Newberry said that it would also be helpful if incidents / events at home which could have an effect on Josie's behaviour at school were recorded in the Home / School Book or a phone call made.

Mr O'Dwyer said that he would inform Mrs O'Dwyer and ask her to write a note in the Home / School Book in the event of such circumstances arising.

## **5. Post-incident investigation and reporting**

Mr O'Dwyer asked whose responsibility it was to investigate adverse outcome incidents.

Mr Himmel said he held that responsibility.

Mr O'Dwyer asked Mr Himmel whether he had identified any triggers or any pattern to the incidents that had happened recently.

Mr Himmel said that he hadn't.

Mr O'Dwyer said that finding out and recording what had provoked / precipitated the recent instances of inappropriate behaviour by Josie was crucial to learning how to avoid / prevent future incidents.

Mr Himmel agreed.

**Mr O'Dwyer asked for a special effort to be made to investigate any future incidents in detail and to record the findings, so as to establish as early as possible causative and contributory factors / influences.**

**Mr Himmel agreed to do his best in this respect.**

## **6. Pro-active strategies to improve Josie's response to criticism (and perceived criticism) by her peers**

Mr O'Dwyer said that it was not in Josie's nature to be physically aggressive in a bullying, domineering way and that **historically any scratching more often than not followed on from Josie being told by a peer that she can't do something she wants to do, or where Josie forms a perception that she is being disrespected, demeaned, cheated out of her turn on a piece of equipment, etc.**

Mr O'Dwyer said that, knowing that Josie has a tendency to (quickly) resort to scratching when confronted with such situations it should be possible to improve her response by contriving similar situations and being on hand and watching Josie carefully, ready to intervene. He said that as soon as the observer sees Josie preparing to react, they should interrupt and suggest appropriate ways that Josie could use to resolve the situation.

Mrs Newberry said that school staff had been doing this.

Mr O'Dwyer suggested that since the strategies being employed by the school staff weren't working, perhaps it would be a good idea to seek external support/ advice if that hadn't been done already.

**Mrs Newberry agreed and said she would contact the Dorset Speech and Language Therapy Service for advice and support with dealing with Josie's social communication skills and Mr Himmel said he would contact the Clifford Centre Behaviour Unit, for advice.**

**Re: The school's assessment of times in the school day which will place high demands on Josie's sensory integration and her social communication skills and the schedule of adult 1:1 support currently provided for Josie during school time**

At the start of the meeting, Mrs Newberry produced the school's assessment and schedule of support for Josie. She showed it to Mr O'Dwyer.

The one page document confirmed that the schedule of support being provided by the school did not ensure that Josie was being supervised 1:1 by a responsible adult during unstructured (predictably high risk) times.

This was discussed (see pages 3-6).

At the end of the meeting Mr O'Dwyer was asked by Miss Paine to hand the 'schedule of support' document back to Mrs Newberry – with the explanation that it was only a "Draft".

**Miss Paine said that the school would be amending the 'schedule' in the light of the information discussed during the meeting and would provide Mr O'Dwyer with a copy of the amended schedule as soon as possible.**

## Other matters

Mrs Newberry said Mrs O'Dwyer has been asked to ensure Josie's nails are kept short and she said she'd like Mr O'Dwyer to remind Mrs O'Dwyer about this.

Mr O'Dwyer said he would.

Mrs Newberry said that Josie had a tendency to pick her nose and that on one occasion she'd wiped her dirty finger on a TA's sleeve. Mrs Newberry said that Student Support staff had asked Mrs O'Dwyer to buy a cream to put onto Josie's fingers that would discourage her from picking her nose and wiping it on the Teaching Assistants' sleeves. Mrs Newberry asked if Mr O'Dwyer could also speak to Mrs O'Dwyer about getting the cream.

Mr O'Dwyer agreed to speak to Mrs O'Dwyer about this.

Mrs Newberry asked Mr O'Dwyer if he could also speak with Mrs O'Dwyer about ensuring the lunchbox and food that Josie brings to school are suitable for Josie to manage independently.

Mr O'Dwyer said that as far as he was aware Mrs O'Dwyer was doing her best to do that, but he would speak to Mrs O'Dwyer about it.

Mr O'Dwyer said that Josie can't always be relied on to toilet herself efficiently and may need adult support with this.

Mrs Newberry said that in the circumstances she will seek advice on the school's position regarding toileting mainstream secondary school pupils.

Mr Himmel asked Mr O'Dwyer how he handled Josie when she behaved 'defiantly'.

Mr O'Dwyer said that he would usually employ some form of distraction.

Mr O'Dwyer said that in certain (serious) circumstances (e.g. where Josie's behaviour endangered herself or others) he would make Josie sit still and contemplate her actions. Mr O'Dwyer said that he would keep Josie sitting still until she signified that she understood why what she'd done was wrong. He said Josie normally did so fairly quickly.

Mr O'Dwyer said he would always look to identify the reasons underlying Josie's behaviour.

He said that once you understood how Josie thinks, it becomes easier to comprehend what motivates/provokes her to behave the way she does and consequently easier to 'manage' her. (Mr O'Dwyer has provided the school with information about Josie that would help staff to better understand Josie's wants, needs and sensitivities.)

Miss Paine asked Mr O'Dwyer if he felt being at Ringwood School was suitable for Josie.

Mr O'Dwyer said it was clear that the school was finding 'managing' Josie challenging and that her behaviour during lessons was proving disruptive.

Mr O'Dwyer said he was concerned that whereas in the beginning Josie was happy at school, she was now apprehensive about going there. He said he would be monitoring the situation closely.

Mr O'Dwyer said that in his opinion some kind of part Home and part School education programme would probably be best for Josie.

Miss Paine said that an alternative may be EOTAS<sup>1</sup> and Mr O'Dwyer said he'd like her to investigate this.

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<sup>1</sup> The EOTAS Services provides support and high quality learning experiences for those pupils unable to attend school because of medical or psychiatric reasons or as a result of exclusions.

<http://www.hants.gov.uk/tc/edeotas/eotashome.html>

## **Annex A (Parents notes)**

### **Monday 20<sup>th</sup> November 2006**

A note in the new “Home/School Book” reported that during (the morning) break-time, Josie scratched a pupil called ‘S’ **for no apparent reason** and that two pupils saw it happen. Then at lunchtime Josie scratched her again and ‘S’ punched her.

When she got home Josie’s blazer was covered in yogurt.

#### **Info on the two incidents elicited from speaking to Josie at home on the evening of 20<sup>th</sup> November**

Josie says that two pupils, ‘M’ and ‘L’ were assigned to watch over her at break time and lunchtime. **(No adult supervision)**

#### **Incident at the morning break**

Josie says that at the morning break she was eating a yogurt on a bench outside “the Hive” during the course of which she spilt the yogurt on her blazer (big time!)

‘S’ drew Josie’s attention to the fact that she’d spilt the yogurt on her Blazer.

Josie was embarrassed and reacted by denying that she had spilt yoghurt on herself (even though it was quite plain that she had.)

‘S’ insisted that she had - and Josie scratched her on the face.

It is not clear what happened next but, it seems that ‘S’ ran off.

Josie said she cleaned up the yogurt spillage herself - and did not receive any adult (or pupil) support to do so.

#### **Incident at lunchtime**

Josie says that at lunchtime, she was eating her lunch on the bench with ‘M’ and ‘L’ (outside “the Hive”) when ‘S’ came over with her boyfriend (C). ‘S’ said something derogatory to Josie about the earlier yogurt spillage.

Josie reacted to this by scratching ‘S’.

‘S’ responded by hitting Josie.

The blow landed on Josie’s mouth (causing pain and swelling – no bleeding).

## **Annex A (Parents notes) continued**

During the altercation 'S' called Josie a "fucking spastic" and 'C' called her a "fucker".

'M' ran into "the Hive" and summoned Mr Padfield.

Mr Padfield admonished 'S' and Josie was taken to the medical room. It isn't clear whether any medical treatment was given.

### **Sanction(s) applied?**

According to Josie, during the lunch break after the incident Mrs Bishop refused Josie's request to use the computer telling her that was because she'd been naughty.

### **NOTE: Josie and 'S' have been involved in previous incidents**

A few weeks ago, 'S' was scratched on the face by Josie after teasing calling her names (including "Spastic" and "Gay Boy.")

According to Mrs O'Dwyer, 'S's name comes up frequently when Josie is being debriefed at home about why she's been upset at school.

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## **Annex B (Parents notes)**

### **Tuesday 28<sup>th</sup> November**

According to Josie, she was dropped off at the school – a little early – by the Taxi Driver.

She went to Reception and then made her way through to the 'Breakfast Club'.

'S' was there with 'G' (another pupil). Josie asked if she could join them and 'S' said "No. You can't sit with us."

Josie responded by scratching 'S' (on her hand/ arm).

S's response was to call Josie a "Fucking bitch".

Josie says she then went and sat with a boy called 'N', (who apparently has been escorting Josie into the Breakfast Club for the past few days.)

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