



Hope Academy

A joint Catholic & Church of England Academy

CARE AND CONTROL POLICY (USE OF REASONABLE FORCE)



Status	Statutory
Responsible Authority	Local Academy Council
Date Approved	October 2022
Responsible Person	DSL
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CARE AND CONTROL

Introduction

Good behaviour is essential for an effective, orderly, pleasant and safe learning environment. All of us, whatever our role in Hope Academy, contribute to the quality of the experience others enjoy, to their ability to get the most from their education and, ultimately, to their sense of comfort and happiness.

The policy should be read in conjunction with other Academy policies relating to interaction between adults and pupils, including:-

- Behaviour for Learning
- Child Protection
- Safeguarding

The 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 are available to parents and pupils via our school website. Parental consent is not required to restrain a pupil.

Purpose of policy:

Good personal and professional relationships between staff and pupils are vital to ensure good order in our school. It is recognised that the majority of pupils in our school respond positively to the discipline and control practiced by staff. This ensures the well-being and safety of all pupils and staff. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required. We acknowledge that physical techniques are only part of a whole setting approach to behaviour management.

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 reasonable force is necessary and
- (ii) Are provided with appropriate training to deal with these difficult situations.

Implications of the policy:

Section 93 of the Education and Inspections Act 2006 enables school staff to use such force as is reasonable in the circumstances to prevent a pupil from doing, or continuing to do, any of the following:

- committing any offence (or, for a pupil under the age of criminal responsibility what would be an offence for an older pupil)
- causing personal injury to, or damage to the property of, any person (including the pupil themselves);
- prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise. (Section 93 of the *Education and Inspections Act 2006* makes it clear that force may be used to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

Staff authorised by the Principal can use such force as is reasonable when searching a pupil without consent for prohibited items except where the search is for an item banned by the school rules – please refer to our Drugs policy for further details.

The application of any form of physical control places staff in a vulnerable situation. 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 physical intervention.

Reasonable force 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.

Definitions of Positive Handling:

No legal definition of reasonable force within a schools context exists, however for the purpose of this policy,

'Reasonable Force uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming himself, herself, others or property'.

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'. (DfES/DOH Guidance for Restrictive Physical Interventions, July 2002).

This policy does more than simply outline the use of physical intervention at Hope Academy. It aims to provide a transparent overview of how we use physical contact to both care for and, where appropriate control our pupils. Working within philosophy of 'Every Child Matters' with a particular focus in relation to the strands of 'staying safe' and 'enjoying and achieving', our Care and Control policy describes the acceptable physical interaction between staff and pupils on a daily basis. Based on the principles of moving from least intrusive to more restrictive holding we have divided interaction into three definable areas.

Physical Contact:

Situations in which physical interaction occurs between staff and pupils to either care for pupils who may be distressed or have severe and profound learning disabilities, or in subject areas such as physical education in order to promote inclusive learning opportunities and deliver the National Curriculum. In addition staff will also use positive touch to comfort pupils and as part of the PSHCE/social curriculum in order to teach them more appropriate ways of seeking attention. Where possible, staff will always endeavor to use 'safe hugs' and the 'friendly hold' as defined in Team Teach training – see below.

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 with little force. The techniques implemented here will include 'turn, gather, guide' and the 'friendly or small child hold'. The important factor within these situations is the compliance of the child as a result of the intervention.

Physical Control and Restraint/Restrictive Physical Intervention:

This will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. It is important to note that the use of 'reasonable force' should be seen as a last resort. All such incidents are recorded and reported to parents and will be stored in an accessible way.

As indicated the level of compliance from the pupil determines whether or not the interaction is an intervention or a control/restraint.

Underpinning values:

Everyone attending or working at Hope Academy 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 Hope Academy and their parents have a right to:

- individual consideration of 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;
- be informed about the school's complaints procedure.

The school will ensure that parents/carers and pupils understand the need for and respond to clearly defined limits, which govern behaviour in the school. In turn parents/carers will have committed themselves through the 'Home School Agreement' to promote the good behaviour of their child and that efforts have been made by them to ensure that he/she understands and follows the school's Behaviour for Learning Policy.

Authorised staff:

At Hope Academy the power to use reasonable force applies to any member of staff, and any other person to whom the Principal has authorised to have control or charge of pupils. This can also include people to whom the Principal has given temporary authorisation to have control or charge of pupils such as unpaid volunteers.

The power may be used where the pupil (including a pupil from another school) is on the school premises or elsewhere in the lawful control or charge of the staff member (e.g. a trip or visit).

The school provides training for all staff when relevant.

Supply staff may appear on the 'authorised persons list' and are made aware of the school's policy.

Training:

Training for all staff will be made available and is the responsibility of the Principal. Prior to any practical training theoretical aspects of effective behaviour management will have been delivered and arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going continued professional development for staff.

Physical techniques are not used in isolation and Hope Academy, is committed to ensuring that as a result of incidents learning opportunities are created for children that allow them to 'own' and take responsibility for their behaviour.

In addition, procedures will be put 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.

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 appropriate Positive Handling Plans are written for individual children and where possible, these will be designed through multi agency collaboration e.g. when devising Pastoral Support Plans.

Risk Assessments are completed against each child when physical restraint may need to be used in the context of the identified target behaviour(s) and environments in which they occur. The assessment should identify the benefits and the risks associated with the strategies being proposed. Broad category risk assessments based on a 'traffic light system' of green for low risk, amber for increased risk and red for higher risk are accepted as they are easily understood by staff at all levels in the school.

Training in this area includes a comprehensive review of the agreed standard incident monitoring forms and any school-specific pupil level recording that is being used for planning and evaluating behaviour modification strategies.

Teachers or other staff whose job includes responsibility for pupils cannot lawfully be prevented from using reasonable force. The absence of accredited training does not preclude a member of staff from using reasonable force when needed.

Strategies for dealing with challenging behaviour:

As endorsed in the school's Behaviour for Learning 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 provokes intervention, some or all of the following approaches should be taken according to the circumstances of the incident.

- 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 a repeated request for compliance;
 - an explanation of why observed behaviour is unacceptable;
 - an explanation of what will happen if the unacceptable behaviour continues.
- A statement of intent that physical intervention may well be used alongside a reminder that holding will cease when the child shows compliance. If possible summon assistance.
- Physical intervention. Reasonable force being used to prevent a child harming him or herself, others or property.

Types of Incident:

Examples of situations that may call for judgments of this kind include:-

- A pupil attacks a member of staff or another pupil;
- Pupils are fighting, causing risk of injury to themselves or others.
- A pupil is committing, or on the verge of committing deliberate damage to property.
- A pupil is causing, or at risk of causing, injury or damage by accident, through rough play, or by misuse of dangerous material(s) object(s).
- A pupil absconds from a class or tried to leave school other than at an authorised time. Refusal of a pupil a pupil to remain in a particular place is not enough on its own to justify use of force. It would be justifiable where allowing a pupil to leave would:
 - Entail serious risks to the pupil's safety(taking account age and understanding), to the safety of other pupils or staff, or damage to property; or
 - Lead to a behaviour that prejudices good order and discipline, such as disrupting other classes.
- A pupil persistently refuses to follow an instruction to leave a classroom.
- A pupil is behaving in a way that seriously disrupts a lesson.
- A pupil is behaving in a way that seriously disrupts a school sporting event or school visit.

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.

- 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.
- 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.

It is important to note that the use of reasonable force will only be applied at Hope Academy as a last resort, when all other alternatives have been exhausted and that any force used will be reasonable and proportionate.

Recording:

Where physical control or restraint has been used a record of the incident will be kept. This record should be formally made in writing by the key member of staff involved. Any appropriate documentation will be completed as soon as possible after the incident, normally prior to staff leaving the site and be signed by all staff involved and by the Principal where relevant – handed to a senior member of staff.

All adults involved in and/or observing the incident will be required to complete a statement. The young person is also welcome to contribute their account in whatever way is appropriate.

The incident will be reported to each parent/carer by telephone initially. If it is likely that reporting an incident to a parent will result in significant harm to the pupil, then the incident should be reported to the Local Authority.

After the review of the incident, a copy of the details will be placed on the pupil's file.

The appropriate Health and Safety Accident/Incident Form(s) will be completed and returned to the Authority in situations where injury has occurred to either members of staff or pupils.

Action after an incident:

Where staff have been involved in an incident involving reasonable force they should have the opportunity for a brief period of rest and relaxation and in the case of more serious incidents, access to counseling and support.

Key points to consider:-

School staff have a legal 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.

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 the pupil's IEP/BSP/Positive Handling Plan.
- School Behaviour Policy
- Exclusions Procedure
- Child Protection Procedure
- Staff or Pupil Disciplinary Procedure.

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.

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.

Any complaints about staff will be investigated through the School's Complaints Policy. If necessary the complaint will be dealt with by the Staff Disciplinary Procedures and/or Child Protection Procedures.

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 Head teacher 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 and the results used to inform planning to meet individual pupil and school needs. A Register of False Accusations made against staff will be maintained as an additional safeguard for staff where necessary.

Monitoring, Evaluation and Review

This policy will be led by a senior member of staff designated by the Principal and reviewed by the Governing Body. The policy will be reviewed every 3 years unless an incident occurs that suggests a review.

As in all else we do, we move forward together as a body of colleagues in mutual support and respect.