



# CUL ACADEMY TRUST LTD CARE AND CONTROL POLICY

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## **POLICY ON CARE AND CONTROL OF PUPILS**

### **STATEMENT FOR PARENTS ON THE USE OF REASONABLE FORCE**

If staff become aware of, or have a need to become involved in, situations where a child may be at risk of hurting themselves or others, or if the behaviour of a child seriously disrupts good order in the school or causes damage to property, staff may need to take steps to intervene physically. In such circumstances staff must follow the school's policy for dealing with such situations. Any parent wishing to view this policy may do so on request.

## Care and Control Policy (incorporating Physical Restraint)

‘The use of Positive Handling to manage Physically Challenging Behaviour.’

### 1.0 Introduction

1.1 The policy has been developed in response to The School and Inspections Act 2006 section 93 which reinforces previous guidance. It also takes cognisance of recent DfE and DOH letters of guidance and follows the guidance for ‘The Use of Reasonable Force To Control or Restrain Pupils’ issued by Birmingham Education Service. It follows the outline of the Birmingham City Council model Care and Control Policy

1.2 All members of CUL Academy Trust Limited staff who work directly with students are required to undertake specialised training within the first 3 months of commencing employment.

1.3 The policy should be read in conjunction with other school policies relating to interaction between adults and pupils.

1.4 The policy has been prepared for the support of all teaching and support staff who come into contact with pupils and for peripatetic staff working within the school to explain the school's arrangements for care and control. Its contents are available to parents and pupils. A statement about the Behaviour policy is made to parents in the school prospectus and is available on the school website. This statement includes information on the use of reasonable force to control or restrain pupils using PRIME Care Training.

### 2.0 Purpose of Policy

2.1 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 practised by staff. This ensures the well-being and safety of all pupils and staff in school. 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. CUL Academy Trust Limited acknowledges that physical techniques are only part of a whole setting approach to behaviour management. CUL Academy staff are all trained in PRIME Care, which means all physical actions must be Proportionate, Reasonable, Justifiable, Necessary and Accountable.

2.2 Every effort must 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.

### 3.0 Implications of the policy

3.1 The Education and Inspections Act 2006 stipulates under Section 93, that reasonable force may be used to prevent a pupil from doing, or continuing to do any of the following:

- engaging in any behaviour prejudicial to maintaining good order and discipline at the school or among any of its pupils, whether the behaviour occurs in a classroom during a teaching session or elsewhere within school (this includes authorised out-of-school activities).
- self – injuring.
- Causing personal or damage to the property of another person (including the pupil).
- committing a criminal offence
- committing any other offence.

3.2 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.

3.4 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. The Violent Crime Reduction Act 2006 effective from September 2007 gives schools powers to screen or search pupils for weapons. Should this searching expose staff to unacceptable risks then The DfES guidance on this will need to be followed. For example where it states that: "Searching without consent (Safety reminder); no one should be authorised to do a search before being trained. The power to search should only be used where it is judged to be safe. If the School decides it is unsafe to search they should call the police"

### 4.0 Definitions of Positive Handling

Although no legal definition of reasonable force exists, for the purpose of this policy and the implementation of it in CUL Academy Trust Limited, reasonable means both necessity and proportionality have to be justified:

- Positive Handling uses the proportionate 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.

#### 4.1 Physical Contact

Situations in which proper physical contact occurs between staff and pupils, e.g., in the care of pupils and in order to support their access to a broad and balanced curriculum

#### 4.2. 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.

#### 4.3. Physical Control/Restraint

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 must be recorded** and be stored in an accessible way. **All incidents must be recorded** on Progresso and My Concern, an incident report must be completed and the Principal, Vice Principal, DSL, carers and referrers must all be informed.

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

### 5.0 Underpinning values

5.1 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.

5.2 Pupils attending this school 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.

5.3 The school will ensure that pupils understand the need for, and respond to,

clearly defined limits, which govern behaviour in the school.

## 6.0 Training

6.1 Training for all staff will be the responsibility of the company CUL Academy Trust Ltd. and will use Positive Reactions in a Managed Environment ( PRIME) training and support.

6.2 CUL management will conduct bi-annual refresher training for all staff on care and control practices as part of the normal staff annual inset programmes and will make sure that a copy of the Care control policy always available in the staffroom.

6.3 Arrangements must be made clear as part of the induction of staff and training must be provided as part of ongoing staff development.

6.4 CUL Academy Trust Limited acknowledges that physical techniques are only a part of a whole setting approach to behaviour management and therefore agrees to:

- review its Behaviour Policy on at least a two-year cycle.
- deliver training and follow procedures to monitor incidents.

6.5 All training includes theory on the following:

- Restrictive Physical Intervention National perspective
- Causes of challenging behaviour
- Primary prevention strategies
- Secondary prevention strategies
- Positive behaviour management
- De-escalation
- Risk assessment
- Behaviour support planning
- De – brief
- Effective review of policy following the training

6.6 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 children that allow them to 'own' and take responsibility for their behaviour.

6.7 Authorised staff

In this school all staff are authorised to use reasonable force within the context of The Education and Inspections Act 2006 - The Use of Reasonable Force to Control



and Restrain Pupils’.

The school provides training for all authorised staff and CUL Academy Trust Ltd retains a list of all those staff trained and authorised. The list is reviewed on an annual basis (or more frequently if the context requires it).

Authorisation is not given to volunteers, parents/carers or anyone who is not contracted to CUL Academy Trust to use force against any pupil.

6.8 Whilst the Physical techniques used can reduce risk, there is always risk when two or more people engage to use force to protect, release or restrain.

In addition, procedures must 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 should also provide a gradual, graded system of response.

Risk Assessments need to be 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.

### 6.9 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 provokes 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 compliance;
  - 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 complies.
- Physical intervention. Reasonable force being used to prevent a child harming him or herself, others or property.

## 6.10 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:

1. Where action is necessary in self-defence or because there is an imminent risk of injury.
2. Where there is a developing risk of injury, or significant damage to property.
3. 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.

## 6.11 Acceptable measures of physical intervention

- Strategies for preventing the occurrence of behaviours which precipitate the use of a physical intervention.
- Strategies for 'de-escalation' or 'diffusion' which can avert the need for a physical intervention.
- Procedures for post incident support and debriefing for staff, children, service users and their families.
- The concept of reasonable force where 'reasonableness' is determined with reference to all the circumstances, including:
  - a. The seriousness of the incident;
  - b. The relative risks arising from using a physical intervention compared with using other strategies;



- c. The age, cultural background, gender, stature and medical history of the child or service user concerned;
  - d. The application of gradually increasing or decreasing levels of force in response to the person's behaviour;
  - e. The approach to risk assessment and risk management employed.
- The distinction between *planned* physical interventions (where incidents are foreseeable) in that they have occurred previously and a response planned following an appropriate risk assessment and the use of force in *emergency* situations (which cannot reasonably be anticipated)
  - With some disengagement techniques pupils may encounter some minimal discomfort when appropriate release techniques are used.
  - First aid procedures to be employed and those responsible for implementation in the event of an injury or physical distress arising as a result of a physical intervention

Unacceptable practices include:

- Removing clothing from a child.
- Intentionally inflicting physical pain.
- Any action not in keeping within legislative requirements on the use of force and physical restraint.

Consideration must be made to clarify the distinction between:

- **seclusion** where an adult or child is forced to spend time alone against their will in a room, which they cannot leave.
- **time out** which involves restricting the pupils access to all positive reinforcements as part of the behavioural programme in a room or area, which they may freely leave
- **withdrawal** which involves removing the person 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

Wherever possible, assistance must be sought from another member of staff. PRIME-Care, at CUL Academy Trust Limited, 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 behaviour management strategies used.

## 8 Recording

8.1 Where physical control or restraint has been used a record of the incident must be kept. This record should be made in a school incident report, as well as the bound and numbered book, Progresso and My Concern, which is statutory for all special school provisions.

This is a bound and numbered book, with numbered pages, retained by the Vice Principal in charge of the site, monitored by the Principal.

Appropriate documentation must be completed as soon as possible after the incident, (within 24 hours) normally prior to staff going off duty and be signed by all staff involved and the Vice Principal, and notice of the incident given to the Head Teacher.

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

A Health and Safety Accident/Incident Form must be completed and returned to the placing Authority in situations where injury has occurred to either members of staff or pupils.

Where staff have been involved in an incident involving reasonable force they should have access to counselling and support.

### 8.2 Monitoring incidents

Whenever a member of staff has occasion to use reasonable force, this must 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 must take place on a regular basis and the results used to inform planning to meet individual pupil and school needs.

### 8.3 Action after an incident

The Principal must 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 must be pursued through the appropriate procedure:

- Review of Behaviour Programme
- Child Protection Procedure (this may involve investigations by Police and/or Social Services)
- Staff or Pupil Disciplinary Procedure

- School Behaviour Policy
- Review of placement with the possibility of exclusion in the case of violence or assault against a member of staff.

The member of staff must be kept informed of any action taken.

In the case of any action concerning a member of staff, he/she must be advised to seek advice from his/her professional association/union.

#### 8.4 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 must be investigated through the School's Complaints Policy. If necessary the complaint must be dealt with by the Staff Disciplinary Procedures and/or Child Protection Procedures.

Please see:

- Attendance and Exclusion Policy
- Behaviour Policy,
- Health and Safety Policy,
- Safeguarding Policy.

This policy was adopted for full implementation on

This policy will be reviewed by the Governing Body on a 3 yearly cycle and must be signed by the Chair of Governors and the Principal.

Policy Reviewed:	3.11.2016
Next Review:	December 2017
Signature of Chair of Governors 	Signature of Principal 