



CARE AND CONTROL OF PUPILS

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Outstanding Achievement for All

CARE AND CONTROL OF PUPILS POLICY

1. Introduction

This policy has been prepared for the support of all teaching and support staff who come into contact with pupils and for volunteers working within academies across AAT to explain arrangements for care and control. Its contents are available to parents and pupils. It includes information on the use of reasonable force to control or restrain pupils.

The policy has been developed in response to the recommendations of the Department for Children, Schools and Families guidance on "The Use of Force to Control or Restrain Pupils", which was issued following the enactment of Section 550A of the 1996 Education Act, 'Reducing the need for restraint' HMI Gov 2019 and BCP Guidance 2020.

The policy should be read in conjunction with other specific and related Academy policies relating to interaction between adults and pupils specifically the Academy's Behaviour Policy.

The Trust policy will be reviewed annually by the Senior Leadership team and the Trustees.

2. Purpose of the Policy

Positive inter-personal and professional relationships between staff and pupils are vital to ensure good order in the school. It is recognised that the majority of pupils within our academies respond positively to the discipline and behaviour management approaches practised by staff. This ensures the wellbeing and safety of all pupils and staff across our provisions. 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 to safeguard the pupil themselves, others or prevent damage.

Principals will ensure that all staff in their Academy:

- 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
- are provided with appropriate training to deal with these difficult situations.

We start from the premise that staff should work positively and confidently with children and find the least intrusive way possible to support, empower and keep children safe. The foundation of good practice in working with children should be:

- building relationships of trust and understanding
- understanding triggers and finding solutions
- if incidents do occur, defusing the situation and/or distracting the child wherever possible.

The application of any form of physical control can place staff and pupils in a vulnerable situation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow the 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 Control:

a) Physical Contact

Situations in which proper physical contact occurs between staff and pupils, e.g. in the care of pupils with learning disabilities; in games/P.E.; to comfort pupils.

b) 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 hand, arm or shoulder with little or no force.

c) Physical Restraint This will involve the use of reasonable force when there is immediate risk to pupils, staff or property or if good order is being seriously prejudiced. All such incidents must be recorded.

The use of restraint is permissible in our academies. There will be times when staff feel that they need to intervene physically to keep children safe (or to keep staff safe). Nothing in this document is intended to undermine actions of adults that we would expect from any reasonable parent to keep their child safe or to imply a 'no touch' approach. We expect adults to be skilled and confident in finding the best ways to keep children safe; ways that promote their rights, respect their dignity and help equip them for the future.

When evaluating a restraint or a restriction of liberty, the legislation requires us to consider:

- Was this action legal and necessary – for example, was this action taken to prevent a child injuring themselves or someone else or causing serious harm to property or in a school to maintain good order and discipline?
- Could this action be considered as 'reasonable' in this particular circumstance?
- Was it the minimum force necessary? Was it proportionate?
- Restraint that deliberately inflicts pain should not be used.
- It is always unlawful to use force as a punishment.

Physical contact or intervention without force is not consider a physical restraint.

3. Underpinning Values

Everyone attending or working in our academies have the right to:

- a) Be treated with respect and dignity;
- b) Learn and work in a safe environment;
- c) Be protected from harm, violence, assault and acts of verbal abuse;
- d) Recognition of their unique identity.

Pupils attending academies across our Trust and their parents/carers have a right to:

- a) Individual consideration of pupil needs by the staff who have responsibility for their care and protection;
- b) Expect staff to undertake their duties and responsibilities in accordance with the Academy's policies;
- c) Be informed about Academy rules, relevant policies and the expected conduct of all pupils and staff working in school;
- d) Be informed about the Academy's Complaints Policy and procedures.

The Academy will ensure that pupils and staff understand the need for, and respond to, clearly defined limits which govern behaviour in the school, in summary comply with pupil and staff expected codes of conduct.

Parents should have committed themselves through the Home-School Agreement signed at the initial induction meeting to ensure the good behaviour of their child and that he/she understands and follows the Academy's Behaviour Policy.

4. Authorised Staff

Authorisation to control pupils using restrictive practices is given to academy staff but it is not given to volunteers or parents through this policy.

Staff across the Academy are trained in conflict management / physical intervention / restraint practices

The Academy will maintain a list of those who have been authorised and undertaken training. This training record will be reviewed annually by the Principal

5. Staff from the Authority Working Within the Academy

External Support Services will have their own policies for care and control of pupils but these external staff will, whilst on the Academy's premises, be expected to be aware of and operate within the policy of this Academy.

6. Training

Training for all staff will be made available through continuous professional development at the Academy. No member of staff will be expected to undertake the use of reasonable force without appropriate training or guidance. 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.

7. Strategies for Dealing with Challenging Behaviour

Staff consistently use positive strategies, within a graduated response framework, to encourage acceptable behaviour and good order.

Pupils will have a risk assessment that identifies potential risks based on previous behaviours. These are reviewed termly. Staff must make themselves aware of the risk assessments of pupils that they frequently support. Some pupils will require an Individual Behaviour Plan to ensure the use of consistent strategies. Pupils and Parents should be involved in the production of any plan building on the strengths of the child or young person. Staff must familiarise themselves with pupils' individual plans where appropriate. These will indicate potential triggers, which should be avoided, alongside supportive measures agreed to manage and prevent situations from escalating.

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, some or all of the following approaches could be taken according to the circumstances of the incident:

- a) Verbal acknowledgement of unacceptable behaviour with request for the pupil to refrain (this includes negotiation, care and concern, (PACE approach etc);
- b) 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 potential need to intervene physically with reason given. If physical restraint is anticipated, staff should ensure another staff member is always present.
- c) Physical intervention. If restraint is necessary, staff will use the minimum degree of force to prevent a child harming him or herself, others or property.

8. Escalating Situations

Section 93 of the Education and Inspections Act 2006 enables school staff to use forces during incidents described in the DFE Circular 10/97 Section 550A of the Education Act falling into three broad categories:

- a) where action is necessary in self-defence or because there is an imminent risk of injury;
- b) where there is a developing risk of injury, or significant damage to property;
- c) where a pupil is behaving in a way that is compromising good order or discipline

9.. Acceptable measures of Physical Restraint

The use of any degree of force can only be deemed reasonable if:

- a) it is warranted by the particular circumstances of the incident;
- b) it is delivered in accordance with the seriousness of the incident and the consequences which it is desired to prevent;
- c) it is carried out as the minimum to achieve the desired result;
- d) the age, understanding and gender of the pupil are taken into account;
- e) it is likely to achieve the desired result.

If a situation escalates and intervention is deemed to be necessary, assistance must be sought from another member of staff before any intervention takes place.

Physical restraint uses the minimum degree of force necessary for the shortest period of time to prevent a pupil harming themselves, others or property.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, the Trust recognises that it is not always possible to avoid injury to a pupil, when staff need to apply physical restraint techniques in the most extreme circumstances.

Forms of physical intervention that may involve staff without use of force include:

- a) physically interposing themselves between pupils;
- b) blocking a pupil's path;
- c) escorting a pupil;
- d) shepherding a pupil away.

Academies may make use of safe, seclusion or withdrawal spaces to support behavioural issues. Removing/withdrawing a child / young person against their will, should be recognised as a restraint.

Trained staff may need to use more restrictive holds. Any such measures will be most effective in the context of the overall ethos of the school, the way in which staff exercise their responsibilities and the behaviour management strategies used. Wherever reasonable force is used, staff must keep talking to the pupil unless in doing so risks are escalated.

10. Recording

In the event of the need to use physical restraint specific details of the incident will be recorded on a Form RF1 - see Appendix 1. This details:

- a) how the incident developed which will include the analysis of triggers that led to the behaviour becoming so challenging
- b) attempts made to calm the situation; documenting interventions used to prevent escalation once the behaviour had started to escalate including the length of time for each intervention
- c) details of restraint techniques
- d) names of any staff or pupils who witnessed the incident;
- e) the outcome of the incident including any injuries sustained, by any pupil or member of staff;
- f) any damage to property which has resulted;
- g) how parents and other agencies as appropriate such as social care, have been informed;
- h) after investigation, a summary of action taken.

Staff may find it helpful to seek advice from a senior colleague or representative of their professional association/union when compiling a report.

Principals need to review all RFI incidents to ensure that practice was undertaken with the best interests of the child and young person in mind. They must be satisfied that the incident form provides an accurate account of what happened and seek unbiased accounts from all parties involved. The child/young person's view needs to be taken into account.

Restraint can be distressing to a child / young person. Any child / young person who receives a restrictive or physical intervention should be assessed for signs of injury or physical/ emotional distress and details should be recorded onto the RF1. They should be offered a debrief and ongoing support as required.

The use of physical restraint can undermine relationships between staff and pupils and their families. It is important that incidents are followed up with the necessary investigative and restorative processes. Risk assessments and individual behavioural plans should be reviewed as a matter of course.

After the review of the incident, copies of Form RF1 will be stored electronically and securely.

In the event of injury, a Health and Safety Accident/Incident Form (HS1) will be completed and returned to the appropriate authority.

Where staff have been involved in an incident involving reasonable force at all levels they should have access to debriefing, counselling and support as required. Within the Academy, this will be made available through the Principal.

11. Recording and Reporting Incidents

The purpose of recording is to ensure policy guidelines are followed, to inform parents, to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry.

12. Action after an Incident

Parents/carers must be informed when pupils are involved in positive handling incidents that involve restrictive holds when a RF1 has been completed. This should be done on the day of the intervention and undertaken by a senior leader and recorded on the RF1

The Behaviour/Pastoral Lead and/or 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:

- Child Protection Procedure (this may involve investigations by Police and/or Social Services)
- Staff Facing Allegations of Abuse Procedure
- Staff or Pupil Disciplinary Procedure
- School Behaviour Policy
- Exclusions 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.

13. 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 dealt with under the Academy's Complaints Policy.

Where a complaint is made which involves an allegation of an injury being inflicted on a pupil this incident needs to be directly reported to the Principal. The Principal will decide if it is appropriate to contact the LADO. The Principal will seek advice from the LADO if a complaint is received that names a member of staff.

The Chair of the Academy Committee will be informed of complaints.

14. Monitoring of Incidents

Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documented. 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 can only be contained by the use of reasonable force.

Trust Directors will have responsibility for monitoring RF1 documentation across their Sectors and reporting outcomes of findings to the CEO and Trustees within accountability procedures and processes.

This process will also address patterns of incidents and evaluate trends which may be emerging and support the review of individual pupil risk assessment and future planning documentation. Monitoring will also highlight areas of development at a whole school level which will inform school development planning.

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