



Policies and Procedures
Care and Control Policy

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Care and Control Policy

1 Introduction

Positive relationships between staff and pupils are the foundation on which good order and discipline are based within Lightcliffe Academy. The purpose of the policy is to clarify the situation for all teaching and support staff working with children, to inform them what is acceptable in relation to the use of physical intervention to manage challenging behaviour, and to prevent any misunderstanding of their intentions. There is a common misconception that any physical contact with a child is in some way unlawful. This is NOT true. There are situations where it is necessary to physically assist a pupil in the course of their academic work, for example:

- a PE teacher assisting a pupil who is doing a difficult manoeuvre or who has been injured
- a music teacher who needs to show a pupil how to play an instrument
- a teacher involved in outdoor education who needs to assist a pupil in a strange environment or picking up a small child who has fallen and hurt themselves.

In relation to inappropriate behaviour, schools have become used to and skilled at defusing conflict situations without the use of force. We traditionally distract, cajole, persuade and negotiate with young people as well as reminding them of rules, privileges, rewards and sanctions. There may be circumstances, however, where verbal de-escalation alone is not enough to deal with the risks that present themselves, and physical steps need to be taken.

This policy should be read in conjunction with the academy's Behaviour Policy, Health and Safety Policy and Child Protection Policy.

Every effort will be made to ensure that all staff at Lightcliffe Academy:

- clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where physical intervention is necessary.

2 Underpinning Values

Everyone attending or working in this 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 this 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 academy's policies
- be informed about academy rules, relevant policies and the expected conduct of all pupils and staff working in the academy
- be informed about the academy's complaints procedure

The academy will ensure that pupils are given support to understand the need for and respond to clearly defined limits, which govern behaviour in the academy.

3 Strategies for Dealing with Challenging Behaviour

As endorsed in the academy's Behaviour Policy, staff consistently use 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 Circular 10/98.

- 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, if possible summon assistance from other staff
- Physical intervention. Reasonable force being used to prevent a child harming him or herself, others or property

4 Duty of Care

Under The Children Act of 1989, all staff working within the academy have a 'Duty of Care' to the children. They act in 'loco parentis' and as such, may face a situation where physical intervention is the only option left available to them, in order to ensure safety. They would be expected to act 'as the responsible parent in the context of the academy' and failure to do this, either by taking no action or by unreasonable force, could leave them in neglect of their duty of care.

5 Definitions of Intervention

- Physical intervention (Positive handling) - the use of any physical handling technique that has the child's compliance, e.g. shepherding.
- Restrictive physical intervention (Restraint) - the positive application of force with the intention of overpowering the child.

It is a legal requirement that all incidents of **restrictive physical intervention** be recorded, monitored and evaluated.

6 Section 550A

Section 550A of the Education Act, 1996 'The Use of Force to Control or Restrain Pupils' states:

A member of the staff of a school may **use such force as is reasonable** in the circumstances to prevent a pupil from doing, or continuing to do any of the following:

- committing a criminal offence
- injuring themselves or others
- causing damage to property
- compromising the good order or discipline of the school

This policy allows for the physical restraint of pupils in disciplinary or dangerous situations. This must not include any form of corporal punishment and should be limited to the minimum force absolutely necessary for the minimum amount of time.

Examples of situations where guidance could apply:

- when a pupil attacks a member of staff
- when a pupil attacks another pupil
- when a pupil is engaged in, or is on the verge of committing, deliberate damage or vandalism
- when 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 (for example, in the lab or on the sports field)
- when a pupil at risk absconds from class or tries to leave the school
- when a pupil persistently refuses to obey an order to leave a classroom
- when a pupil is seriously disrupting a lesson

It is the policy of the school that only in exceptional circumstances may physical restraint be used by an adult working within the school, and that our policy in this regard be made known to staff, governors, parents and pupils and that clear contingencies are known to all.

7 The Application of Force

When circumstances justify, staff **AS A LAST RESORT**, may:

- physically interpose between pupils
- block a pupil's path
- hold a pupil in a controlled manner
- use escorting techniques in a controlled manner
- in extreme circumstances, use more restrictive holds

If possible, the use of restraint needs a second adult present to assist with and/or witness the incident. Staff must be aware of recommendations in 10/98, and not hold pupils in such a way that they may be injured or prevented from breathing. Pupils must not be slapped, kicked or punched, held face down to the ground, have limbs twisted, be pulled by ears or tripped.

Staff are expected to continue to use all available verbal and non-verbal support and de-escalation strategies to defuse difficult situations. Duty of care expects staff to take responsible action; failure to do so, in certain circumstances could be construed as neglect.

8 Reasonable Force

There is no legal definition of 'reasonable force'. It will always depend upon the circumstances of each individual case.

THE USE OF ANY DEGREE OF FORCE IS UNLAWFUL IF THE PARTICULAR CIRCUMSTANCES DO NOT WARRANT THE USE OF PHYSICAL FORCE.

The degree of force employed must be in proportion to the circumstances of the incident and must be the minimum needed to achieve the desired result.

9 Responsibility of Staff

Where a pupil is recognised as likely to behave in ways which may require physical restraint the a Risk Assessment will be completed and an individual Care and Control Plan will then be drawn up in conjunction with the SEN Co-ordinator and shared with all pertinent staff at the school. The plan will also be made available and discussed with parents/carers.

The force used must be appropriate in the sense that a 'reasonable adult' should think it suitably addresses the tariff level of challenging behaviour. It should always be the last resort and in no circumstances be used in anger and/or to inflict pain.

Adults must avoid putting themselves into physical danger. If self-defence is necessary then the minimum force must be used. It is for the Principal or the SLT to decide whether circumstances are such that the Police should be called and to include this in the Care and Control Plan.

It is essential to 'debrief' as soon as possible after the incident (child and staff member(s) involved) and to follow Union guidelines regarding a 'cooling-off' period for pupils and staff involved.

10 Staff from the LEA working within the Academy

Support Services will have their own policies for care and control of pupils. When working within school it is the Principal's responsibility to ensure that colleagues from Support Services are aware of school policy and practice.

11 Action After an Incident

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 Behaviour Programme
- Child Protection Procedure (this may involve investigations by Police and/or Social Services)
- Staff or Pupil Disciplinary Procedure
- School Behaviour Policy
- Exclusions Procedure in the case of violence or assault against a member of staff

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.

12 Recording and Reporting of Incidents

If physical force is used on a Pupil the Principal must be notified at once. The name of the pupil will then be recorded in the appropriate academy document, along with the time, circumstances, witnesses, details of any injury sustained and the pupil's responses. Wherever possible, the parents will be notified before the pupil gets home and be given the opportunity to discuss the incident.

13 Monitoring Incidents

Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documents following agreed procedures. 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 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 academy needs.

14 Complaints

In the event of a complaint, the normal procedures of the academy will be used. It is possible that a dispute over the use of force by a member of staff could lead to an investigation, either under disciplinary procedures or by the Police and Social Services. DFEE Circular 10/95: Protecting Children from Abuse gives specific guidelines about this and about procedures for dealing with allegations against teachers.

15 Training Issues

All responsible adults will be made aware as part of their professional development , of the response that is expected in the school in relation to behaviour of pupils. Copies of this policy will be issued to all 'responsible adults'.