

# RIPLEY ST THOMAS

A CHURCH OF ENGLAND ACADEMY



## Care and Control Policy

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*Believe.....*

## **CARE and CONTROL POLICY**

### **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 the school to explain the school's arrangements for care and control. Its contents are available to parents and pupils. A copy of the Care and Control Policy is made available to parents and pupils on the academy's website. This policy includes information on the use of reasonable force to control or restrain pupils. It also includes information on searching, screening and confiscation.

### **Purpose of policy**

Good personal and professional relationships between staff and pupils are vital to ensure good order in the academy. It is recognised that the majority of pupils in the academy respond positively to the behaviour for learning strategies practised by staff. This ensures the well-being and safety of all pupils and staff in the academy. 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.

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.

### **However individual members of staff cannot be required to use physical restraint.**

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 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.

### **Key points**

- School staff have a 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 academy leaders should support their staff when they use this power.

## **What is reasonable force?**

1. The term reasonable force covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with pupils.
2. Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.
3. 'Reasonable in the circumstances' means using no more force than is needed.
4. As mentioned above, Academy staff generally use force to control pupils and to restrain them. 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.
5. 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.
6. Academy 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.

## **Who can use reasonable force?**

All members of academy staff have a legal power to use reasonable force.

This power applies to any member of staff at the academy. It can also apply to people whom the Principal has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying pupils on an academy organised visit.

Only members of staff who are specifically authorised by the Principal and trained can use restrictive holds. The Principal will maintain a list of those who have been authorised and training which has been provided. This list will be reviewed regularly.

## **Staff from the Authority working within the school**

Support Services will have their own policies of care and control of pupils but service staff will, whilst on academy premises, be expected to be aware of and operate within the policy of this academy.

## **When can reasonable force be used?**

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property or from causing disorder.
- In an academy, force is used for two main purposes – to control or to restrain them.
- The decision on whether or not to physically intervene is down to the professional

judgement of the staff member concerned and should always depend on the individual circumstances.

- The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

#### **Academies can use reasonable force to:**

- prevent a pupil from leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight between pupils; and
- restrain a pupil at risk of harming themselves or others through physical outbursts.

Wherever possible, these judgements should take into account of the particular characteristics of the pupil, including his or her age, understanding and any SEN or disability that he or she may have. This would include the outcomes of any risk assessment and, as appropriate, any specific strategies and techniques set out in the pupil's positive handling plan. There is a legal duty to make reasonable adjustments for pupils with disabilities and pupils with special educational needs, in accordance with their individual plans.

#### **Academies cannot:**

- use force as a punishment – it is always unlawful to use force as a punishment.

#### **Power to search pupils without consent**

In addition to the general power to use reasonable force described above, the principal and authorised staff can use such force as is reasonable given the circumstances to conduct a search. The Search and Confiscation Policy should be referred to if this is a necessity.

#### **Using force**

Before using force staff should, wherever practicable, tell the pupil to stop misbehaving and communicate in a calm and measured manner throughout the incident. Staff should not give the impression of acting out of anger or frustration, or to punish a pupil, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. Assistance should be called for as soon as possible in any such situation. The following strategies are recommended:

- 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 and reasonable force uses the minimum degree of force to prevent a child harming him or herself, others or property.

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil running off the pavement onto a busy road or preventing a pupil from hitting someone with a dangerous object such as a glass bottle or hammer.

Staff should make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a pupil.

Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

### **Using appropriate restrictive holds**

In more extreme circumstances, appropriate restrictive holds, which will require specific expertise or training, may be needed. However, a panel of experts (Physical Control in Care Medical Panel 2008) identified that certain restraint techniques presented an unacceptable risk when used on children and young people. The techniques in question are:

- the 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning forward, while a third monitors breathing;
- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

### **Staff training**

Whilst it is acknowledged that in academies and other education settings certain members of staff by virtue of their job have a legal right to use reasonable force, staff who may be called upon to use Restrictive Physical Interventions with pupils should be appropriately trained. It can be dangerous to both pupils and staff to use Restrictive Physical Interventions without training. The training should stress that de-escalation is the preferred option. Ideally staff should be given time to develop relationships with pupils before they might want to use Restrictive Physical Interventions.

No member of staff will be expected to undertake the use of reasonable force without appropriate training. 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.

There will be particular training needs for staff working closely with pupils with SEN and/or disabilities. Risk assessments will help inform decisions about staff training.

Training will cover ways of avoiding or defusing situations in which physical intervention might become necessary as well as methods of physical intervention. Training should cover the use of release or break away techniques to cover the occasions where a pupil has taken him or herself to the floor. Staff should be medically fit to carry out Restrictive Physical Interventions.

### **Recording and reporting incidents**

Where physical intervention has been used to manage a pupil, a record of the incident **may** need to be kept. Where physical control or restraint has been used a record of the incident **will** be kept. This record should be made and given to the Vice Principal who will keep it securely, which will include:

- name of pupil
- date, time and place of incident
- a brief description of the incident and actions taken

The incident report will be completed as soon as possible after the incident, normally prior to staff going off duty and be signed by all staff involved and the Principal or Vice Principal. The Principal or a person acting on his or her behalf must be informed at the earliest opportunity.

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

In deciding what is a serious incident, teachers should use their professional judgement and consider the:

- pupil's behaviour and level of risk at the time of the incident;
- degree of force used;
- effect on the pupil or member of staff; and
- the pupil's age.

In addition, specific details of the use of reasonable force will be recorded on Form RF1 (see Appendix A) which will include:

- the names of the staff and pupils involved, including those who witnessed the incident
- the date, time and duration of the intervention
- the reason for using a physical intervention, rather than using an alternative strategy
- the nature of any de-escalation used seeking to prevent the need to intervene physically
- the type of physical intervention used
- whether or not anyone was hurt, if so the action taken
- whether or not anyone was distressed, if so the action taken
- any damage to property
- whether/how parents/carers have been informed

- the views of the pupil

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

After the review of the incident, copies of Form RF1 will be placed on the pupil's file and in the Serious Incident file.

An Incident Form on 'Medical Tracker' should be completed to assess if a RIDDOR will be required. The Academy's health and safety coordinator should be asked consulted.

Where staff have been involved in an incident involving reasonable force they should have access to counselling and support. Within the academy, this will be made available through the Principal. Support from the Employee Welfare and Counselling Service 08000214154 is available to staff if there are concerns or queries.

The Academy does not require parental consent to use force on a pupil. Parents/carers should be contacted as soon as practicable after any recordable incident. It is not always advisable as a matter of course to give parents a copy of the incident record, but parents/carers should be told when and where the incident took place, which members of staff were directly involved (anonymised where necessary), why they decided that force had to be used, what force was used, whether there were any injuries and what follow-up action (support and/or disciplinary) was being taken in relation to their child.

It is good practice for governors to monitor incidents where force has been used.

Members of staff who have been assaulted will wish to consider reporting that to the police.

### **Post-incident support**

Serious incidents that require use of force can be upsetting to all concerned and may result in injuries to the pupil or to staff. Immediate action should be taken to provide first aid for any injuries and to access medical help for any injuries that go beyond first aid. It is also important that staff and pupils are given emotional support.

As soon as possible after the incident the member of staff should be de-briefed by the Principal or designated member of staff. The de-brief should allow for reflection and deal with the emotions raised by the incident.

The response of the young person should be sought and he or she should also be allowed to reflect on the incident. Any risk assessment should be reviewed.

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:

- Child Protection Procedure (this may involve investigations by Police and/or Social Services).
- A decision may be needed whether multi-agency partners need to be involved and if so, which partners, in line with the Early Help Assessment Framework. This

- could include Child and Adolescent Mental Health Services (CAMHS).
- Contact with the LADO
- Staff Facing Allegations of Abuse Procedure
- Staff or Pupil Disciplinary Procedure
- School Behaviour for Learning 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.

### **Complaints and allegations**

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.

All complaints about the use of force should be thoroughly, speedily and appropriately investigated.

Where a member of staff has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.

Suspension must not be an automatic response when a member of staff has been accused of using excessive force. The Academy should refer to the 'Dealing with Allegations of Abuse against Teachers and Other Staff' guidance (see the 'Further sources of information' section at the end of this policy) where an allegation of using excessive force is made against a teacher. This guidance makes clear that a person must not be suspended automatically, or without careful thought.

The Academy must consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

If a decision is taken to suspend a teacher, the Academy should ensure that the teacher has access to a named contact who can provide support.

The Chair of Governors will be informed of complaints but other governors will not be involved as a complaint may require further action on their part.

Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

As employers, academies, schools and local authorities have a duty of care towards their employees. It is important that the Academy provides appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

### **Other physical contact with pupils**

It is not illegal to touch a pupil. There are occasions when physical contact, other than



reasonable force, with a pupil is proper and necessary.

Examples of where touching a pupil might be proper or necessary:

- During the care of pupils with learning disabilities;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching;
- To give first aid; and
- When comforting a distressed pupil

### **Monitoring and Review**

Whenever a member of staff has occasion to use physical control or restraint, 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. It may be necessary to implement a risk assessment for an identified pupil presents challenging behaviour. (see Appendix 2).

This process will also address patterns of incidents and evaluate trends which may be emerging. Serious incidents will be reported to the governors of the Standards and Effectiveness Committee on a bi-annual basis.

### **Further sources of information**

- Screening, searching and confiscation – advice for headteachers, staff and governing bodies (DfE January 2018)
- Use of reasonable force – advice for headteachers, staff and governing bodies (DfE July 2013)
- The Education Act, 1996
- Keeping Children Safe in Education Statutory Guidance for Schools and Colleges (updated September 2019)
- UKCCIS sexting in schools and colleges, responding to incidents and safeguarding young people (published August 2016).

**RESTRAINT RECORDING FROM RF1**

**APPENDIX 1**

Name of pupil on whom reasonable force was used by a member of staff:	Tutor Group:	Date of incident:	Time of incident:	Location of incident:
Report compiled by:	Names of staff involved directly:		Names of staff involved as witnesses:	
Names of other pupils involved directly: (please include any details of SEN, disability)		Names of other pupils involved as witnesses: (please include any details of SEN, disability)		
Description of incident:				

***PLEASE MAKE SURE THAT AN INCIDENT REPORT HAS ALSO BEEN COMPLETED. THIS REPORT MUST BE GIVEN TO THE PRINCIPAL.***

1. De-escalation techniques used and details of any warnings given that force might be used:
  
2. Why was the decision made to use restraint? Was it:
  - a) To prevent young person from committing a crime? [ ]
  - b) To prevent young person from causing injury to him/herself? [ ]
  - c) To prevent young person from causing injury to others? [ ]
  - d) To prevent young person from causing damage to property? [ ]
  - e) To prevent young person from causing serious disruption? [ ]
  - f) To prevent young person from running away? [ ]
  - g) Other? (Please specify) [ ]
  
3. Description of physical restraint holds used:  
(Please include the approximate time span of any holds)
  
4. Why was the restraint ended?

5. Did the young person suffer any injuries as a result of this incident?  
Injury location and description, including any first aid and/or medical attention required.
  
6. Did staff or others suffer any injuries as a result of this incident?  
Injury location and description, including any first aid and/or medical attention required.

**POST INCIDENT INFORMATION** (To be completed after form has been submitted)

7. Was any post-incident support offered and given to the young person?
  - a) De-brief with Pastoral staff name..... [ ]
  - b) De-brief with member of Leadership Team [ ]
  - c) Other (please specify) [ ]
  - d) Offer declined by young person [ ]
  
8. Was any post-incident support requested by and given to member of staff?
  - a) De-brief with colleague [ ]
  - b) De-brief with member of Leadership Team [ ]
  - c) Occupational Health Counselling [ ]
  - d) Not requested [ ]
  
9. Report read and discussed with young person      Yes [ ]      No [ ]
  
- Young person agrees with content                      Yes [ ]      No [ ]

If no, what is the young person's view? / If yes, does the pupil have any comment?

10. Parent/Carer informed of incident? (It may be most appropriate for a member of the Leadership Team to make this phone call, but please check that this happens).  

Yes [ ]      No [ ]
  
11. Please include here any views expressed by parents/carers:
  
12. Please note here details of any disciplinary action taken against the pupil(s)
  
13. Please include here details of any information about the incident shared with staff not involved in it and external agencies:

**Signature of person reporting to parent/carer(s)**

Signed \_\_\_\_\_

Print name \_\_\_\_\_

Date \_\_\_\_\_

**Signature of person submitting incident report**

Signed \_\_\_\_\_

Print name \_\_\_\_\_

Date \_\_\_\_\_

**Signature of Principal**

Signed \_\_\_\_\_

Print name \_\_\_\_\_

Date \_\_\_\_\_

Entered in Serious Incident file

Log Number

*Copies must be placed in Young Person's File and to Principal.*

## Appendix 2

Name of pupil:

Date:

### RISK ASSESSMENT PROFORMA FOR ASSESSING AND MANAGING FORESEEABLE RISKS FOR CHILDREN WHO PRESENT CHALLENGING BEHAVIOURS.

Name of child:

Tutor group:

Name of teacher completing this assessment:

School: Ripley St Thomas

<b>Identification of Risk</b>	
Describe the foreseeable risk.	
Is the risk potential or actual?	
List who is affected by the risk.	
<b>Assessment of Risk</b>	
In which situation does the risk usually occur?	
How likely is it that the risk will arise?	
If the risk arises, who is likely to be injured or hurt?	
What kind of injuries or harm are likely to occur?	
How serious are the adverse outcomes?	

Assessment completed by :

Signature:

Date:

<b>Risk Reduction Options</b>			
<b>Measures</b>	<b>Possible options</b>	<b>Benefits</b>	<b>Drawbacks</b>
<b>Proactive interventions to prevent risk</b>			
<b>Early interventions to manage risk</b>			
<b>Reactive interventions to respond to adverse outcomes</b>			

<b>Agreed Behaviour Management Plan &amp; School Risk Management Strategy</b>		
<b>Focus of measures</b>	<b>Measures to be employed</b>	<b>Level of risk</b>
<b>Proactive interventions to prevent risks</b>		
<b>Early interventions to manage risks</b>		
<b>Reactive interventions to respond to adverse outcomes</b>		

Agreed by:

Relationship to child:

Date:

**Communication of Behaviour Management Plan & School Risk Management Strategy**

Plans and strategies shared with:	Communication Method	Date Actioned
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Staff Training Issues		
Identified training needs	Training provided to meet needs	Date training completed

Evaluation of Behaviour Management Plan & School Risk Management Strategy		
Measures set out	Effectiveness in supporting the child	Impact on risk
Proactive interventions to prevent risks		
Early interventions to manage risks		
Reactive interventions to respond to adverse outcomes		
<b>ACTIONS FOR THE FUTURE</b>		

Plans and strategies evaluated by:

Relationship to the child:

Date: