



# **Dixons City Academy**

## **Policy Documentation**

### **Policy: Care and Control of Students**

**Responsibility for Review: Principal**  
**Date of Last Review: April 2013**

# Care and Control of Students

## Statement of Policy

The Academy firmly believes that in most instances, staff should not use any form of physical restraint on a student. The Education Act of 1996 and the Education and Inspections Act 2006, clarifies the powers of teachers and other staff in school to use reasonable force to prevent pupils committing a crime, causing injury, damage or disruption. In summary, this policy notes that force cannot be used as punishment or as a premeditated strategy for control and the normal expectation would be that it would not be used at all.

All schools are expected to devise a policy which can be understood by staff, parents, Governors and students. This policy needs to be read in conjunction with the Child Protection Policy, Positive Behaviour Policy, Professional Conduct Policy and Violence at Work Policy.

## Authorised Staff

The Act allows all teachers at this Academy to use reasonable force to control or restrain students in **certain circumstances**. It should be remembered at all times that the use of reasonable force is open to interpretation and very much depends on a teachers risk assessment of the situation at the time. A guiding principle is whether any other strategy could have been used at the time. Other staff can be authorised to exercise this control and restraint and at Dixons City Academy the following staff have been authorised:

- Caretakers
- All Technicians
- All Secretarial Staff
- All Support Assistants
- Librarians
- Student Teachers in Teaching Experience visits

## The Extent of the Responsibility of those Authorised

Section 550A of the Education Act allows teachers and those authorised to have control or charge of pupils to use such force as is reasonable in the circumstances to prevent a student from doing, or continuing to do, any of the following:

- committing a criminal offence (including behaving in a way that would be an offence if the student were not under the age of criminal responsibility)
- injuring themselves and others
- causing damage to property (including the students own property)
- engaging in any behaviour prejudicial to maintaining good order and discipline at school or among any of its students, whether in the classroom or elsewhere

This provision applies whether the student is at school or on an organised activity e.g. field trip or visit. However, the section does cover all situations in which it might be reasonable to use a degree of force. For example, everyone has the right to defend themselves

against an attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil was at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene.

## Types of Incident

There are a wide variety of situations where force might be appropriate, or necessary, to control or restrain a student:

- where action is necessary in self defence
- where there is a developing risk or injury, or significant damage to property
- where a pupil is behaving in a way that is compromising good order and discipline

Examples of situations in the first two of the above categories include:

- a student attacks a member of staff, or another student
- students are fighting
- a student is engaged in, or is on the verge of committing, deliberate serious damage or vandalism to property
- a student is causing, or at risk of causing injury or damage by accident, by rough play or by misuse of dangerous materials or objects
- a student is running in a corridor or on a stairway in a way in which he or she might cause an accident likely to injure him or herself or others
- a pupil absconds from class or tries to leave school (NB this will only apply if a student could be at greater expected risk if not kept in the classroom or at school)

Examples of situations that fall into the third category are:

- a student persistently refuses to obey an order to leave a classroom
- a student is behaving in a way that is seriously disrupting a lesson

In the third category, control or restraint should only be used if the student could cause harm to the teacher or other students (eg through violation of health and safety).

## Definitions of Positive Handling

This policy does more than outline the use of positive handling at Dixons City 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 the 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 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 PDS curriculum in order to teach them more appropriate ways of seeking attention.  
**Physical intervention:** (This will be termed "control" in the new guidance.) this may

be used to divert a pupil from destructive or disruptive action, for example, guiding or leading a pupil by the arm or shoulder with little or no force. The techniques implemented here will include 'turn, gather, guide' and the 'friendly hold'. The important factor within these situations is the compliance of the child.

Physical control and restraint/restrictive physical intervention: (This will be termed "restraint" in the new guidance.) 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, reported and be stored in an accessible way.

The following strategies are employed as a means by which to deal proactively with challenging behaviours and so ensure that restrictive physical interventions are used as a last resort and only when absolutely necessary.

- De-escalation, diffusion and distraction activities
- Firm, verbal instructions advising that one does not like the behaviour exhibited and the consequences if the behaviour continues
- Supervised time out of the situation
- Withdrawal of class/school privileges
- Positive handling techniques such as prompts, guides and escorts.
- Behaviour Analysis recording to evaluate inappropriate behaviours and develop a plan of action through a behaviour management strategy to reduce such behaviours
- Behaviour management strategies are discussed with parents and children (if appropriate) and an indication of the positive handling techniques (Prompts, guides and Escorts.) that may be used.

## Reasonable Force

There is no legal definition of 'reasonable force'. It will always depend on all the circumstances of the case. There are two relevant considerations:

- **The use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it.** The use of any degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore, physical force could not be justified to prevent a student from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.
- **The degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result. If force is judged to be necessary it consideration should be made to the age, gender and emotional development of the student.**

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on the age, understanding and sex of the student.

Before intervening physically a teacher should, wherever practicable, tell the student who is misbehaving to stop, and what will happen if he or she does not. The teacher should continue attempting to communicate with the student throughout the incident, and should make it clear that physical contact or restraint will stop as it ceases to be necessary. A calm and measured approach to a situation is needed and teachers should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the student.

Sometimes a teacher should not intervene in an incident without help (unless it is an emergency). For example, when dealing with an older student or a physically large student, or if the teacher believes he or she may be at risk of injury. In those circumstances the teacher should remove other students who might be at risk, and summon assistance from a colleague or colleagues, or where necessary phone the Police. The teacher should inform the student(s) that he or she has sent for help. Until assistance arrives the teacher should continue to attempt to defuse the situation, and try to prevent the incident from escalating.

## **Application of Force**

Physical intervention can take several forms. It might involve staff:

- Using techniques such as prompt, guide and escort
- physically interposing between students
- blocking a student's path
- (in extreme circumstances) using more restrictive holds that are reasonable and proportionate in their nature

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force', for example, to prevent a young student running off a pavement onto a busy road, or to prevent a student hitting someone, or throwing something. Staff should avoid touching a student in a way that might be considered inappropriate.

Where the risk is not so urgent the teacher should consider carefully whether, and, if so, when, physical intervention is right. Teachers should always try to deal with a situation through other strategies before using force. All teachers need developed strategies and techniques for dealing with difficult students and situations which they should use to defuse and calm a situation. In a non-urgent situation force should only be used when other methods have failed. That consideration is particularly appropriate in situations where the aim is to maintain good order and discipline, and there is no direct risk to people or property. As the key issue is establishing good order, any action which could exacerbate the situation needs to be avoided. The possible consequences of intervening physically, including the risk of increasing the disruption or actually provoking an attack, need to be carefully evaluated. The age and level of understanding of the student is also very relevant in those circumstances. Physical intervention to enforce compliance with staff instructions is likely to be increasingly appropriate with older students. It should never be used as a substitute for good behavioural management.

Under recent legislation (2005 Violent Crime Reduction Bill), the Principal or his Deputy may search a student if they have reasonable grounds for suspecting that they are carrying an offensive article or weapon. In most foreseen circumstances, however, the police will be called.

## **Strategies for dealing with challenging behaviours**

As endorsed in Dixons behaviour policy, staff will 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, staff, property, buildings or the environment. Where unacceptable behaviour threatens good order and discipline and provokes intervention, some or all of the following approaches may be taken according to the circumstances of the incident:

- Consistent application of the Academy PRIDE system
- Verbal acknowledgement of unacceptable behaviour with request for the pupil to refrain (this should include 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 the consequences of the continued inappropriate behaviour.
- A statement of intent that physical intervention may well be used alongside a reminder that holding will cease when the child shows compliance.
- Physical intervention – reasonable force being used to prevent a child harming themselves, others or property.

With reference to the DOH/DFES guidance of July 2002, the strategies of 'Time Out' and 'Withdrawal' may be used. It is not in the behaviour policy at Dixons to use seclusion as a behaviour management tool. It is important to understand the distinctions between:-

- Seclusion- where an adult or child is forced to spend time alone, unsupervised, against their will.
- Time Out- which involves restricting the young person's access to all positive reinforcements as part of the behavioural programme
- Withdrawal- which involves removing the young 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.

## **Recording Incidents**

It is important that there is a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where force is used. At Dixons there is a simple form (See appendix) for staff to complete. It may help to prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint. Following any such incident the member of staff concerned should immediately tell the Principal or Vice Principal and provide a the written report as soon as possible afterwards. That report should include:

- the name(s) of the student(s) involved, and when and where the incident took place

- the names of any other staff or students who witnessed the incident
- the reason that force was necessary (e.g. to prevent injury to the student, another student or member of staff)
- how the incident began and progressed, including details of the students behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long
- the students response, and the outcome of the incident
- details of any injury suffered by the student, another student, or a member of staff and of any damage to property

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. They should also keep a copy of the report. Incidents involving the use of force can cause the parents of the student's involved great concern. It is school policy to inform parents of an incident involving their child, and giving them an opportunity to discuss it. The Principal or Vice Principal will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing.

## **Complaints**

Involving parents when an incident occurs with their child should help to avoid complaints from the parents. It may not prevent all complaints, however, and a dispute about 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 Department under child protection procedures.

The possibility that a complaint might result in a disciplinary hearing, or a criminal prosecution, or in a civil action brought by a student or parent, cannot be ruled out. In those circumstances it would be for the disciplinary panel or the court to decide whether the use and degree of force was reasonable in all the circumstances. In that event, however, the panel, or court, would have regard to the provisions of section 550A. It would also be likely to take account of the schools policy on restraint, whether that had been followed, and the need to prevent injury, damage, or disruption, in considering all the circumstances of the case.

## **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 their line manager and senior staff to the needs of any pupils whose behaviour may require the use of reasonable force. The monitoring of incidents will take place on a regular basis and the results used to inform planning to meet individual pupil and school needs. To support the Principal and the school and ensure objectivity, TBC is the named Governor who supports this process by undertaking regular audits of incidents and feeding back findings to the Principal and Governing body.

## **Physical Contact with students in other circumstances**

There are occasions when physical contact with a student may be proper and necessary other than those covered by Section 550A of the 1996 Act. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports or DT, or if a member of staff has to give first aid. Younger students and students with special educational needs may need staff to provide physical prompts or help. Touching may also be appropriate where a student, particularly a younger child is in distress and needs comforting. Staff will use their own professional judgement when they feel a student needs this kind of support. (*See Professional Conduct and Child Protection Policies*).

There may be some students for whom touching is particularly unwelcome. For example, some students may be particularly sensitive to physical contact because of their cultural background, or because they have been abused. It is important that all staff receive information on these youngsters. Staff will receive information, (normally from the Head of Year and IN) about these students. Physical contact with students becomes increasingly open to question as students get older, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.





**1.1 Concise details of how the incident began and presenting behaviours?**

**1.2 Strategies other than restrictive physical intervention that were used-Please tick**

Verbal/non verbal advice and support	Humour
Reassurance	Options (offered)
Calm talking/communication /help script	Distraction
Time out ( offered)	Time out (directed)
Step away/move away	Help Protocol
Pupil(s) told to stop fighting	
Other : Please describe	

**1.3 Description of graded restrictive physical intervention used**

**Approx duration of physical intervention .....**

**1.4 Record of any immediate injuries to pupil**

**Action Taken**

**Time of check..... Staff name .....**

**Record of later check .....**

Time of check..... Staff name .....

1.5 Were any other pupils injured? YES/NO  
Name(s).....

1.6 Were you injured? YES/NO

1.7 Were any other adults injured? YES/NO  
Name(s).....

1.8 Record of any damage to property

1.9 Measures taken to ensure that the pupil was calmed after the incident

1.10 Signature of staff making report .....Date.....

Dixons City Academy

CARE AND CONTROL OF PUPILS

RECORD OF THE USE OF RESTRAINT

SECTION TWO : LEADERSHIP TEAM ACTION

SERIOUS INCIDENT BOOK REFERENCE NUMBER .....

2.1 Person completing this section .....

2.2 How parents /carers informed/by whom

2.3 Signature of member of staff informing parents/carers.....

Date..... Time .....

2.4 Any further action /information

2.5 Signature of Principal/Vice Principal

Name ..... Signature .....

Role..... Date.....

Does the pupil have a positive handling plan? YES/NO

Has this incident been logged in the Serious Incident Book? YES/NO