



Care and Control Policy

September 2021

Date of Next Review – September 2022

Responsibility for Review: Director of Care, Guidance and Support

Date of Last Review: September 2021

Care and Control of Students: including Use of Reasonable Force, Confiscation, and Searching

1.0 Policy statement

Apollo Partnership Trust firmly believes that, in most instances, staff should not use any form of physical restraint on students. The Education Act of 1996 and the Education and Inspections Act of 2006 clarify the powers of teachers, and other staff in school, to use reasonable force to prevent students 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 of control.

2.0 Scope and purpose

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, Behaviour Policy, and Professional Conduct Policy.

The purpose of the policy is to define reasonable force, to explain who can use it and to explain when it can be used and for what reason. The policy explains our use of 'positive handling' in order to be transparent with parents and carers. It also describes our power to search students and confiscate prohibited items. This policy covers all students; we acknowledge our duty to make reasonable adjustments for disabled children and those with SEND.

3.0 Authorised staff

The Act allows all teachers in this trust to use reasonable force to control or restrain students in certain very defined circumstances (see below), where not intervening could lead to the risk of harm to others (e.g. a fight). It should be remembered at all times that the use of reasonable force is open to interpretation and very much depends on a teacher's 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 Apollo Partnership Trust in addition to senior leaders and teachers the following staff have been authorised:

- all premises staff
- all technicians
- all admin staff
- all support staff
- all catering staff
- all pastoral staff
- student teachers on teaching experience visits

4.0 The extent of the responsibility of those authorised

4.1 Section 550A of The Education Act allows teachers and those authorised to have control or charge of students, 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 student's 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

4.2 This provision applies whether the student is at school or on an organised activity e.g. field trip or visit. However, the section does not 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. The member of staff should use reasonable force to control the situation. Similarly, in an emergency, for example, if a student were at immediate risk of injury, or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene.

5.0 Reasonable force

5.1 There is no legal definition of ‘reasonable force’ and the term covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with student. Force is usually used either to control or restrain. This can range from guiding a student to safety by the arm through to more extreme circumstances, such as breaking up a fight or where a student needs to be restrained to prevent violence or injury. ‘Reasonable in the circumstances’ means using no more force than is needed. ‘Control’ means either passive physical contact, such as standing between students or blocking a student’s path, or active physical contact, such as leading a student by the arm out of a classroom. ‘Restraint’ means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances; for example, when two students are fighting and refuse to separate without physical intervention. Staff will always try to avoid acting in a way that might cause injury. In extreme, cases it may not always be possible to avoid injuring the student.

There are two relevant considerations when thinking about the use of physical intervention to control:

- does the situation warrant it? For example, it would not be appropriate to use force on a trivial matter
- is the degree of force employed proportionate to the circumstances of the incident, and the seriousness of the behaviour, or the consequences it is intended to prevent? Any force should be the minimum needed to achieve the desired result. If force is judged to be necessary, consideration should be given to the age, gender, emotional and physical development of the child

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 gender of the student.

Before intervening physically, a member of staff should, wherever practicable, tell the student who is misbehaving to stop and what will happen if he or she does not. The member of staff 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 staff 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 member of staff 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 member of staff believes he or she may be at risk of injury. In those circumstances, the member of staff should remove other students who might be at risk and summon assistance from a colleague or colleagues or where necessary phone the police. The member of staff should inform the student(s) that he or she has sent for help. Until assistance arrives, the member of staff should continue to attempt to defuse the situation and try to prevent the incident from escalating.

5.2 When can reasonable force be used?

Reasonable force can be used to prevent students from hurting themselves or others, from damaging property, or from causing disorder. In a school, force is used for two main purposes: to control students 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.

6.0 Types of incident

6.1 There are a wide variety of situations where force (herein referred to as positive handling) might be appropriate, or necessary, to control or restrain a student:

- where action is necessary in self defence
- where there is a developing risk of injury or significant damage to property
- where a student 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 attacking a member of staff, or another student, or students fighting
- a student engaging in, or on the verge of committing, deliberate serious damage or vandalism to property
- a student causing, or at risk of causing, injury or damage by accident, by rough play or by misuse of dangerous materials or objects
- a student 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 student absconding from class or trying 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, or trying to control the student could lead to physically harming them. This may depend on the age of the student)

Examples of situations that fall into the third category are:

- a student persistently refusing to obey an order to leave a classroom
- a student behaving in a way that is seriously disrupting a lesson and cannot be managed through the usual behaviour policy and routines

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

Staff cannot, under any circumstances, use force as a form of punishment.

6.2 Power to search students

Staff have the power to search students and their lockers and coats, without consent and the Head of School/Headteacher and senior staff can use reasonable force to do so (see above). Members of staff have the power to search for “prohibited items” such as:

- knives and weapons
- alcohol and illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been, or is likely to be, used to commit an offence, cause personal injury or damage to property

All staff are authorised to search for these items, however searches MUST be conducted by at least two members of staff.

The police will always be informed on the discovery of any illegal or dangerous item and efforts will be made to work with the police to determine where the item(s) came from.

If a member of staff has to use reasonable force, we will inform parents. If a member of staff has used reasonable force for the reasons stated in the policy and a parent complains about its use, it is not for the member of staff to prove that their actions are reasonable, it is for the complainant to show that they were not.

7.0 Definitions of positive handling

7.1 This policy does more than outline the use of positive handling at the school. It aims to provide a transparent overview of how we use physical contact to both care for and, where appropriate, control our students. Our Care and Control policy describes the acceptable physical interaction between staff and students 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 students to either care for students 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 academic curriculum. In addition, staff will also use positive touch to comfort students, and as part of the pastoral curriculum in order to teach them more appropriate ways of seeking attention.
- **Physical intervention:** this may be used to divert a student from destructive or disruptive action; for example, guiding or leading a student 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 involve the use of reasonable force when there is an immediate risk to students, 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 to be recorded, reported and stored in an accessible way.

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

- use of the academy positive behaviour routines and strategies
- 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
- supervision
- 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
- referral to external agencies for expert guidance and support
- 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

8.0 Application of force

8.1 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 member of staff should consider carefully whether, and if so when, physical intervention is right. Members of staff should always try to deal with a situation through other strategies before using force. All members of staff 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 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.

8.2 Strategies for dealing with challenging behaviours

As endorsed in the 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 students, staff, property, buildings or the environment. Where unacceptable behaviour threatens 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 positive behaviour system
- verbal acknowledgement of unacceptable behaviour with request for the student 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 Apollo to use seclusion as a behaviour management tool. It is important to understand the distinctions between these:

- 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
- withdraw 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

8.3 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 Apollo, there is a simple form (see Appendix 1) 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 Head of School/Headteacher or Deputy Heads and provide a 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 student's 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 student's response and the outcome of the incident
- details of any injury suffered by the student, another student, 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/carers of the students involved great concern. It is trust policy to inform parents/carers of an incident involving their child and give them an opportunity to discuss it. The Head of School/Headteacher, Deputy Heads 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.

8.4 Complaints

All complaints will be dealt with in line with the Trust Complaints policy and will be investigated thoroughly and speedily.

Involving parents/carers when an incident occurs with their child, should help to avoid complaints from the parents/carers. However, it may not prevent all complaints, 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.

Where a member of staff has acted legally and in line with this policy, this will provide a defence to any criminal or civil action. The onus is on the person making the complaint to prove that his / her allegation is true and not for the member of staff to show that he / she has acted reasonably. Suspension of the member of staff will not be automatic and will be considered in line with our Disciplinary policy and our policy on dealing with allegations.

8.5 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 students 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 student and school needs. To support the Head of School/Headteacher, and the academy and ensure objectivity, the named safeguarding governor in each academy will support this process by undertaking regular audits of incidents and feeding back findings to the Head of School/Headteacher and governing body.

8.6 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, DT or Music, 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 Policy).

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 from the Cars and Guidance Teams about these students. Physical contact to comfort 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.

September 2021

Appendix One – Positive handling plan guidance notes

Name.....	Form.....	Year.....						
EHCP Y/N		Review Date.....						
Additional information: e.g. Medical data: known medication / asthma / nose bleeds etc. This information is vital if appropriate positive handling strategies are to be implemented. Any strategies must be on an individual needs basis and, where appropriate, link to the child's Health Care Plan and moving handling strategies.								
Trigger behaviours: (Describe situations / behaviours which are known to have led to positive handling being required) Link to risk assessment. As part of the process, it is important to evaluate current practice and collate data that affords the school with the opportunity to accurately assess environmental factors that may be influencing a child's behaviour.								
Target: A target should be set that is SMART and that looks to reduce the number of physical interventions of a specific time-scale. The target should be based upon pre-requisite information about the child and/or baseline data. Success criteria: This section should include additional resources required to meet the target.								
Preferred supportive strategies: Underline/describe strategies which, when and where possible, should be attempted before positive handling techniques are used) Verbal advice/support..... Planned positive distractions..... Reassurance..... Positive touch..... Tactical ignoring..... Negotiation/partial agreement..... Time out offered/directed.....								
Preferred handling strategies (Describe the preferred staff responses / holds) This information is vital if appropriate positive handling strategies are to be implemented. Any strategies must be on an individual needs basis and, where appropriate, link to the child's Health Care Plan and moving handling strategies. <table border="1"> <thead> <tr> <th>Technique</th> <th>Position</th> <th>Number of staff</th> </tr> </thead> <tbody> <tr> <td>In line with the school's Care and Control policy and any training that may have been undertaken.</td> <td>What are the preferred positions – standing, sitting? What other aspects about position are important?</td> <td>Where appropriate staff should be named and have received training.</td> </tr> </tbody> </table>			Technique	Position	Number of staff	In line with the school's Care and Control policy and any training that may have been undertaken.	What are the preferred positions – standing, sitting? What other aspects about position are important?	Where appropriate staff should be named and have received training.
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Repair and rebuild processes following the incident (What care is to be provided?) What learning opportunities exist for the child? How will the child be reintegrated back into school?) This is the medium which enables the child to begin to own their own behaviour and in turn develop alternative strategies. It is imperative that the approach adopted is procedural, certain and predictable with clear roles and responsibilities established within the plan.								
Recording and notification required A positive handling plan does not replace the school's formal procedure for recording and reporting incidents. Incident report form for physical intervention Y / N								
Evaluation (This section to be completed during the review) Over time, behaviour patterns of individual students will change as will the benefits and risks associated with any physical intervention. Each review should include a formal meeting of all relevant personnel involved and the success of the plan should be measured against the original target.								
Signatures: It is important to get people to 'sign up', especially parents/carers. Head(s) of School: Date:..... Parent / carer: Date:..... Staff authorised to use techniques: Others:..... Date:..... e.g. Social Worker								