

CARE AND CONTROL PROCEDURE

Date of issue: 26/09/2023

1. Procedure statement

- 1.1 The Two Counties 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 defines and seeks to create as much clarity as possible around use of reasonable force but also make clear that force cannot be used as punishment or as a premeditated strategy of control. This policy is based on the following advice and guidance:
- The Education Act (1996)
 - Human Rights Act (1998)
 - The Equality Act (2010)
 - KCSIE (2023)
 - The Education and Inspections Act (2006)
 - Use of reasonable force – advice for Headteachers, staff and governing bodies (DfE, July 2013)
 - Searching, screening and confiscation – advice for head teachers, school staff and governing bodies (DfE, July 2022)
 - When To Call The Police – guidance for schools and colleges (NPCC, 2020) This policy also links to our Trust policies on:
 - Behaviour
 - SEND
 - Child Protection and Safeguarding
 - Professional Conduct

2. Scope and purpose

- 2.1 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. In order to be transparent with parents and carers, the policy explains how ‘positive handling’ strategies may be used in some circumstances.
- 2.2 This policy covers all students; we acknowledge our duty to make reasonable adjustments for students with special educational needs and / or disabilities (SEND). This also acknowledges the right for a child to have appropriate adult for searches linked to the PACE code C.

3. Authorised staff

- 3.1 Section 93 of the Education and Inspections Act allows all staff employed by a school, including temporary and unpaid voluntary staff, to use reasonable force to control or restrain students in certain very defined circumstances (see below).
- 3.2 It should be remembered at all times that the use of reasonable force is a last resort and when the staff member(s) in question deem it to be ‘reasonable under the circumstances’; this is open to interpretation and very much depends on a staff member’s risk assessment of the situation at the time.
- 3.3 A guiding principle is to carefully consider whether all available other strategies have been exhausted and, wherever possible, to work preventatively by having clear and consistent behaviour expectations and building positive relationships.

4. The extent of the responsibility of those authorised

- 4.1 Section 550A of The Education Act allows Headteachers, and those authorised by the Headteacher 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. Reasonable force

5.1 There is no legal definition of 'reasonable force' and the term covers the broad range of actions used by many school staff 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 putting a hand on their shoulder through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.

5.2 'Reasonable in the circumstances' means using no more force than is needed and for no longer amount of time than is needed.

5.3 '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.

5.4 '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.

5.5 For the purposes of this policy, we have identified three levels of physical contact between staff and students:

- Passive physical contact
- Active physical intervention
- Restrictive physical intervention (control / restraint)
- More detailed definitions and examples of each of these can be found in section 6 of this document. The second and third of these levels will subsequently be collectively referred to as 'positive handling'. 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.

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

5.6 Before intervening physically, the staff member should, wherever practicable, tell the student who is misbehaving to stop and what will happen if he or she does not. The staff member 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.

5.7 Wherever possible, a staff member 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 staff member believes he or she may be at risk of injury. In those circumstances, the staff member should remove other students who might be at risk and summon assistance from a colleague or colleagues or where necessary phone the police. The staff member should inform the student(s) that he or she has sent for help. Until assistance arrives, the staff member should continue to attempt to defuse the situation and try to prevent the incident from escalating.



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

Reasonable force can be used to prevent students from committing a criminal offence, hurting themselves or others, from damaging property, or from causing disorder (see section 4 of this document). 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 in this way is down to the professional judgement of the staff member(s) concerned and should always be a last resort and dependent on the individual circumstances.

6. Definitions of positive handling

6.1 This policy does more than outline the use of positive handling at our schools, but also 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 interactions between staff and students on a daily basis. Based on the principles, and moving from least intrusive to more restrictive holding, we have divided interaction into three areas:

- **Passive physical contact:** situations in which physical interaction occurs to either care for or guide students who may be distressed, or have an additional need or disability, or in subject areas such as physical education in order to promote inclusive learning opportunities and deliver the academic curriculum. It may include a comforting hand on the shoulder, a guiding hand on the elbow, or strategies such as 'hand over hand' supported writing.
- **Active 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 physical prompts to move students in the right direction, blocking a student's path / access e.g. to break up a fight, or linking arms with a student to walk them away from a situation (escorting). The important factor within these situations is the compliance of the child or young person.
- **Restrictive physical intervention (control and restraint):** this will involve the use of reasonable force when there is an immediate risk to students, staff or property. The main factor that distinguishes this from the other two areas is the non-compliance of the child or young person. It is important to note that the use of reasonable force should be seen as a last resort and intervention should always be the least amount required and for the shortest amount of time. All such incidents are to be recorded, reported and stored in an accessible way.

6.2 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:

- Building strong positive relationships with students and families
- Knowing the needs of all students well.
- Use of 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
- Rewards and sanctions
- 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.



7. Types of incident

7.1 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).

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.

The student should be clear on the reason for the search and this should be explained to them.

In the third category, control or restraint should only be used if the student could cause harm to the teacher or other students (e.g. through violation of health and safety). Staff cannot, under any circumstances, use force as a form of punishment.

7.2 Power to search students

Staff have the power to conduct a non-intimate search (i.e. instructing the student to empty pockets etc.), and to search their lockers, bags or coats, with consent from the student themselves. The age and ability of the student should be taken into account. Parent / carer consent is not required and consent does not need to be in writing or formally recorded.

The Headteacher, and those authorised by the Headteacher, have the power to search without consent if they have reason to believe there may be "prohibited items" in the student's possession. This includes:

- 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
- Any item banned by the school rules and specified in the behaviour policy.

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.

Wherever possible, searches will be carried out by two authorised members of staff, by staff members of the same gender as the student, and with the student present as a witness. The Designated Safeguarding Lead will be informed of all searches.



Wherever possible, searches that require physical contact or use of force will be conducted by a police officer or by a family member. These preferences may not be possible dependent on availability of staff in relation to the urgency of the situation and if the student being present compromises safety or maintaining good order.

Parents will be informed if a member of staff has had to use reasonable force. 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, but for the complainant to show that they were not.

8. 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 teacher should consider carefully whether, and if so when, physical intervention is right. Staff should always try to deal with a situation through other strategies before using force. All staff need developed strategies and techniques for dealing with difficult students and situations (which they should use to defuse and calm a situation) as is proportionate to their role in school i.e. how much contact time they have with students, their level of responsibility for day-to-day behaviour. 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 and a calm and safe environment, 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 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 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 school 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
- Positive handling - 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 Trust's Behaviour policy 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: involves restricting the young person's access to all positive reinforcements as part of the behavioural programme
- Withdraw: 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 **Supporting colleagues when managing an incident**

The actions of any subsequent member of staff arriving at a situation where a physical intervention is taking place, whether they were called to support or arrive by chance, is a critical opportunity. It is crucial that all staff know what to do in these situations as well as when they are the main staff member dealing with an incident.

All staff should follow these principles:

- Make your presence known and ask what you can do that would be supportive
- Do not assume that additional physical intervention is required
- Be prepared to take over as the main person managing the situation – sometimes simply a change of face is enough to defuse and de-escalate an incident and for physical intervention to no longer be required
- Act as a witness to the incident for both the student and staff member

8.4 **Staff training**

The extent of training available is at the discretion of the Headteacher of each school and will depend on factors such as context and intake of each setting. It is good practice for all staff to be trained on this policy in order for them to fully understand their own roles and responsibilities in relation to managing student behaviour.

It may be the case that some staff members, dependent on their role, also undertake training provided by a reputable external provider and at a higher level.

9. Recording and monitoring

9.1 Recording incidents It is important that there is a detailed, written report of any occasion (except minor or trivial incidents) where force is used. The report should be written and recorded in a timely manner. At the Two Counties Trust, there is a simple form (see Appendix 1 and 2) for staff to complete to prevent any misunderstanding or misrepresentation of the incident; it will be helpful should there be a complaint.

Following any such incident, the member of staff concerned should immediately tell the Headteacher and the DSL 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

Each school should have a consistent way of keeping records of physical interventions, for example, this could be by uploading the statement / completed record to CPOMS/MyConcern and logging it against the names of the students involved.

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 students involved great concern. It is academy policy to inform parents of an incident involving their child and give them an opportunity to discuss it. The Headteacher 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.

10 Complaints

- 10.1 All complaints will be dealt with in line with the Trust's Complaints policy.
- 10.2 Involving parents when an incident occurs with their child should help to avoid complaints. That said, this is unlikely to prevent all complaints and a dispute about the use of force by a member of staff could lead to an investigation, under disciplinary procedures or under child protection procedures, by the police and / or social services/LADO.
- 10.3 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.
- 10.4 Suspension of the member of staff will not be automatic and will be considered in line with Trust employment policies, including the Managing Allegations of Abuse Against Staff policy.

11 Monitoring incidents

- 11.1 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 academy needs.
- 11.2 To support the Headteacher, and the academy and ensure objectivity, a named governor will support this process by undertaking regular audits of incidents and feeding back findings to the Headteacher and governing body.

12. General Data Protection Regulation

- 12.1 All data within this policy will be processed in line with the requirements and protections set out in the General Data Protection Regulation.



Appendix 1: Incident record form for physical intervention

Name of child / young person: Enter name	Class: Enter class	Year: Enter year
Date of Incident: Enter date	Time: Enter time	Location: Enter location
Name(s) of staff involved: Enter here		

Please provide a detailed, objective account of what happened:

Click or tap here to enter text.

Reason Summary (please select all that apply):

<input type="checkbox"/>	To keep the child / young person safe	<input type="checkbox"/>	Preventative
<input type="checkbox"/>	To keep other children safe	<input type="checkbox"/>	Planned (e.g., through a Positive Handling Plan)
<input type="checkbox"/>	To keep staff / other adults safe	<input type="checkbox"/>	Responsive / reactive
<input type="checkbox"/>	To remove a dangerous item	<input type="checkbox"/>	De-escalation
<input type="checkbox"/>	To prevent damage to property	<input type="checkbox"/>	Confiscation
<input type="checkbox"/>	Other (describe below)		

Click or tap here to enter text.

Positive Handling Strategies

Passive physical contact

Click or tap here to enter text.

Active physical contact

Click or tap here to enter text.

Restrictive physical intervention

Click or tap here to enter text.

Were there any injuries sustained, damage to property or verbal abuse relating to protected characteristics?

Click or tap here to enter text.



Incident checklist:

<input type="checkbox"/>	All witness statements collected and attached
<input type="checkbox"/>	Parents informed / parent meeting
<input type="checkbox"/>	Positive Handling Plan considered / completed / updated
<input type="checkbox"/>	Risk Assessment considered / completed / updated
<input type="checkbox"/>	Restorative work planned
<input type="checkbox"/>	All paperwork updated on CPOMS
Y/N	Were any Positive Handling Plans or Risk Assessments already in place adhered to? <i>If not, why not? What action is being taken (complete below)</i>
Y/N	Was all positive handling that took place proportionate to the situation i.e. least force for the least time? <i>If not, why not? What action is being taken (complete below)</i>

Follow up actions from checklist:

Click or tap here to enter text.

Form completed by: Click or tap here to enter text.	Date: Click or tap here to enter text.
Checked / witnessed by: Click or tap here to enter text.	Date: Click or tap here to enter text.

