



THE JUDD SCHOOL CARE AND CONTROL POLICY

Policy dated: January 2020

Review date: January 2022

Safeguarding Statement

The Judd School respects and values all children and is committed to providing a caring, friendly and safe environment for all our students so they can learn, in a relaxed and secure atmosphere. The school believes every student should be able to participate in all school activities in an enjoyable and safe environment and be protected from harm. This is the responsibility of every adult employed by, or invited to deliver services at The Judd School. The school recognises our responsibility to safeguard all who access school and promote the welfare of all our students by protecting them from physical, sexual and emotional abuse, neglect and bullying.



Introduction

The purpose of our Care and Control policy is to clarify and inform all teaching and support staff what is acceptable in relation to the use of physical intervention to manage challenging behaviour. There are situations where physical contact with a student is necessary to assist them in the course of their academic work, for example:

- During P.E./ Games where a teacher might assist a student with a difficult manoeuvre or who has been injured;
- During a music lesson where a teacher may need to show a student how to play the instrument;
- During educational visits / outdoor education where a suitably qualified teacher may need to assist a student in a strange environment, to use equipment (e.g. climbing harness) or provide support following an accident/ injury.

In relation to inappropriate behaviour, staff in school are skilled at defusing conflict situations without the use of force. This includes distracting, persuading and negotiating with students as well as reminding them of rules, privileges, rewards and sanctions. There may be circumstances however, where verbal de-escalation alone is not enough to deal with the risks that present themselves, and physical steps need to be taken.

This policy has been developed with reference to Section 93 of The Education and Inspections Act 2006, Section 550A of The Education Act 1996, Use of reasonable force DFE guidance document 2011, The Use of Force to Control or Restrain Students DFES guidance document 2003: Guidance on the Use of Restrictive Physical Interventions for Students with Severe Behavioural Difficulties and the joint DFES/DOH guidance document July 2002: Guidance for Restrictive Physical Interventions.

This policy should be read in conjunction with the school's safeguarding policies which are:

- Child Protection Policy
- Behaviour for Learning Policy
- SEND Policy
- Health & Safety Policy

Every effort is made to ensure that all staff at The Judd School clearly understand this policy and their responsibilities in the context of their 'duty of care' in taking appropriate measures. This includes:

- Where physical intervention is necessary.
- Provision of appropriate training to deal with incidents safely and effectively.

Underpinning Values

Everyone working in or visiting this school has a right to:

- Be treated with respect and dignity;
- Learn and work in a safe environment;
- Be protected from harm, violence, assault or acts of verbal abuse.

Students attending this school and their parents have a right to:

- Be safe and be protected from harm;
- Consideration of individual student needs by the staff who have responsibility for their care and protection;
- Expect staff to undertake their duties and responsibilities in accordance with the school's ratified policies and protocols;
- Be informed about school rules, relevant policies/protocols and the expected conduct of all students and staff working in the school;
- Be informed about the school's complaints procedure.

The school will ensure that our students are given support to understand the need for and how to respond to the clearly defined limits which govern behaviour in the school.

Strategies for dealing with Challenging Behaviour

As endorsed in school's Behaviour Policy, the school uses positive strategies to encourage acceptable behaviour and maintain good order. Every effort is made to resolve conflicts positively and without harm to students or staff. The following approaches may be implemented according to the circumstances of the incident:

- Initial verbal acknowledgement of unacceptable behaviour with a request for the student to refrain (this includes de-escalation techniques, negotiation, care and concern);
- A further verbal reprimand stating:
 - That this is the second request for compliance;
 - An explanation of why the observed behaviour is unacceptable;
 - An explanation of what will happen if the unacceptable behaviour continues;
- Warning of staff's intention to intervene physically and that this will cease when the student complies (wherever possible assistance/support will be sought from other suitably qualified staff);
- Physical intervention. Reasonable force being used in line with legislation and guidance.

Duty of Care

All staff working within this school have a 'duty of care' to our students. This may mean they will use physical intervention however, this will only be used as a final option to ensure safety and when other approaches have been unsuccessful. 'Duty of care' means staff have lawful justification for taking reasonable physical steps to prevent injury or damage. Failure to do this, either by taking no action or by using unreasonable force, could leave them in neglect of their duty of care. Section 93 of the Education and Inspections Act 2006 'The Power of Members of Staff to Use Force' states:

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

- committing an offence;
- injuring themselves or others, or causing damage to property;
- compromising the good order or discipline of the school.

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

The following are examples of situations where the above guidance could apply:

- If a student attacks a member of staff;
- If a student attacks another student;
- If a student is engaged in, or is on the verge of committing, deliberate damage or vandalism;
- If 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;
- If a student at risk absconds from class or tries to leave the school / off-site educational visit;
- If a student persistently refuses to obey an order to leave a classroom;
- If a student is seriously disrupting a lesson.

It is the policy of this school that only in **exceptional** circumstances may physical restraint be used by an adult working within the school. As such, in the examples above, it is where failure to do so puts the safety of students or staff at risk. This policy is ratified by governors and shared with staff, parents / guardians and students to ensure clear contingencies are known to all.

The Use of Force to Control or Restrain

The use of force to control or restrain will only apply where circumstances justify such action. The school regards this as a last resort and staff may:-

- Physically interpose between students;
- Block a student's path;
- Hold a student in a controlled manner;
- Use escorting techniques in a controlled manner;
- In extreme circumstances, use more restrictive holds.

If implementing the above control and restraint measures, another member of staff or suitable adult should be present. This will provide assistance and a witness to the incident. Staff must be aware of DFE recommendations as set out in the DFE guidance document, and not hold students in such a way that they may be injured or prevented from breathing. Students must not be slapped, kicked or punched, have limbs twisted, be pulled by the ears or tripped. **At all times** staff are expected to continue to use all available verbal and non-verbal support and strategies to defuse and de-escalate difficult situations. As previously stated, duty of care dictates that staff must take responsible action. Failure to do so, in certain circumstances could be construed as neglect.

Definitions of Intervention

Reasonable Force - There is no legal definition of 'reasonable force'. It will always depend upon the circumstances of each individual case. However, the use of force to control or restrain is unlawful if the particular circumstances do not warrant physical intervention. The degree of force employed must be in proportion to the circumstances of the incident and must be the **minimum** needed to achieve the desired result.

Physical intervention - the use of any physical handling technique that has the student's compliance (e.g. prompting, shepherding).

Restrictive physical intervention (Restraint) - the positive application of force to overcome rigorous resistance, completely directing and controlling a person's free movement (i.e. the student is no longer compliant).

It is a legal requirement that all incidents of restrictive physical intervention be recorded, monitored and evaluated. The Judd School requires staff and witnesses to record incidents of physical intervention and restrictive physical intervention. This is monitored and evaluated by the Headteacher, Senior Leadership Team, Heads of Department, Form Tutors and Chair of Governors.

Responsibility of the Headteacher

the Headteacher is responsible for:-

- Ensuring all staff are aware of the designated named staff, disseminating in what circumstances and settings they may use force and for what duration of time this authorisation will last;
- Ensuring designated named staff understand what this authorisation entails and fully prepare them to undertake such a role;
- Ensuring staff who are not authorised to use force to control or restrain know what steps to take in the case of an incident where control or restraint is needed;
- Ensuring multi-agency colleagues from other organisations are made aware of school's policies and procedures re the use of force to control or restrain.

Responsibility of Staff

The Education and Inspections Act 2006 'The Power of Members of Staff to Use Force' allows all staff at our school to use reasonable force to control or restrain students. The Headteacher has designated which members of staff have school's authorisation to use limited physical force on students in situations described earlier.

Where it is known that a student may be likely to behave in ways which may require physical restraint, a risk assessment will be completed and an individual Positive Handling Plan (PHP) will be prepared. This will detail the action to be taken should it become necessary. This plan will be drawn up in conjunction with input from Special Educational Needs Co-ordinator/s (Janice Robertshaw) and the Head of Pastoral Care (Alex Noble) then shared with all pertinent staff in the school. The plan will also be made available, discussed and agreed with parents/guardians. The plan will detail how force may be used to suitably address the tariff level of challenging behaviour. Although an agreed plan is in place, use of force to control or restrain will always be the last resort and in no circumstances be used in anger and/or to inflict pain.

The Judd School also has a 'duty of care' to staff, volunteers and visitors. Adults are advised to avoid putting themselves into physical danger. If self-defence is necessary then the **minimum** force must be used. Should an incident occur it is essential that a 'debrief session' takes place as soon as possible after the incident. This process should include the student/s, staff or adults involved and follow union guidelines regarding a 'cooling-off' period for students and staff involved.

Local Authority or Multi-Agency Staff Working in school

Kent and other multi-agency staff (e.g. school nurse, CAMHS) have their organisation's policies for care and control however, when working within our school all multi-agency colleagues will be made aware of our school's policy and practice.

Action following an Incident

Should an incident occur, the Headteacher will ensure a review takes place and will instigate further investigation if required (this may be delegated to a senior member of staff). If further action is required in relation to a member of staff or a student, this will be pursued through the appropriate procedures. This may include:

- A review of the Behaviour for Learning Policy;
- Safeguarding/Child Protection Procedures (this may involve referral to/investigations by Police and/or Social Care);
- Student Disciplinary Procedure;
- Exclusions Procedure in the case of violence or assault against a member of staff;
- Staff HR processes e.g. disciplinary/ competency procedures, management investigation.

The member/s of staff involved will be kept informed if any of the above action is taken. In the case of any action concerning a member of staff, he/she will be advised to seek advice and support from his/her professional association/union.

Recording and Reporting of Incidents

If a physical intervention or restrictive physical intervention is used on a student, the Headteacher must be notified at once. The name of the student will then be recorded in the appropriate school document/database, along with the time, circumstances, witnesses, details of any injury sustained and the student's responses. Wherever possible, the parents will be notified before the student gets home and be given the opportunity to discuss the incident.

Monitoring Incidents

Monitoring of incidents will take place on a regular basis and the results used to inform planning to meet individual student and school needs. A report of all incidents will be provided to governors as part of an annual review. The report will not contain names of the students or staff involved.

Complaints

In the event of a complaint following the use of force to control or restrain being implemented, The Judd School's complaint policy and procedures will be followed. It is possible that a dispute over the use of force by a member of staff could lead to an investigation, either under disciplinary procedures / management investigation or by the Police and Social Care. In such cases, action will be taken in accordance to school's H.R. policies and procedures. Kent guidance will also be considered and appropriate support sought.

Training

It will be the responsibility of the Headteacher to ensure staff, volunteers and visitors are aware of the contents of this policy and arrange suitable staff training where necessary. This policy will also be included as part of the school's induction process for new staff and volunteers.

This policy has been agreed by the Education Committee and ratified by the Full Governing Body.

The policy was signed by the Chair and Headteacher at the meeting 28th January 2020. Signed copy is on file

Review Date: January 2022

