



# Trinity MAT

Trinity Multi Academy Trust

<b>Policy:</b>	Care and Control Policy
<b>Date or review:</b>	December 2020
<b>Date of next review:</b>	December 2023
<b>Lead professional:</b>	Vice Principal for Student Support
<b>Status:</b>	Non-Statutory

## **1. Introduction**

- 1.1 Trinity Multi Academy Trust always ensures students are safe and enjoy their education. It is of paramount importance that each academy protects its students and staff if an incident occurs where action is necessary in self-defence because there is an imminent risk of injury, where there is a developing risk of injury, significant damage to property or where a student is behaving in a way that is compromising good order or discipline at an academy. This policy also references situations in which proper physical contact occurs between staff and students e.g. in the care of students with learning disabilities, in games/PE to comfort students.

The policy has been written in line with DfE guidance: "Use of Reasonable Force: Advice for headteachers, staff and governing bodies" July 2013

## **2. Physical Intervention**

### **2.1 Definitions**

This may be used to divert a student from a destructive or disruptive action, for example guiding or leading a student by the hand, arm or shoulder with little or no force.

### **2.2 Physical Control/Restraint**

This will involve the use of reasonable force when there is an immediate risk to students, staff or property. All such incidents must be recorded.

### **2.3 Reasonable Force**

There is no legal definition of 'reasonable force'. It is therefore not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may be reasonably used.

### **2.4 It will always depend on 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 should always be the minimum needed to achieve the desired result.

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

## **3. Incidents of challenging behaviour**

### **3.1 The incidents described in DfEE Circular 10/98 consider that incidents of challenging behaviour fall into three broad categories:**

- Where action is necessary in self-defence, or because there is an imminent risk of injury
- 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 or discipline.

### **3.2 Examples of situations which fall within one of the first two categories are:**

- 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 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 that he or she might have or cause an accident likely to injure him or herself or others.

3.3 Examples of situations which 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
- A student absconds from a class or tries to leave school (NB this will only apply if a student could be at risk if not kept in a classroom or at school)

#### **4. A staged approach to deal with challenging behaviour**

4.1 Staff consistently use positive strategies to encourage acceptable behaviour and good order.

4.2 Every effort must be made to resolve conflicts positively and without harm to students or staff, property, buildings or the environment. Where unacceptable behaviour threatens good order and discipline and provokes intervention, some or all of the following approaches should be taken according to the circumstances of the incident:

- Verbal/signing communication to the child of unacceptable behaviour with request for the student to refrain (this includes negotiation, care and concern)
- Further verbal/signing communication with reprimand and indicating
  - that this is the second request for compliance
  - an explanation (as appropriate) of why observed behaviour is unacceptable
  - a clear indication as to what behaviour is required
  - an explanation as to what will happen if the unacceptable behaviour continues
- Warning of intention to intervene physically and that this will cease when the student complies. If possible, summon assistance
- Physical intervention. Reasonable force uses the minimum degree of force to prevent a child harming him or herself, others or property.

#### **5. Acceptable measures of physical intervention**

5.1 The use of any degree of force can only be deemed reasonable if:

- It is warranted by the particular circumstances of the incident
- It is delivered in accordance with the seriousness of the incident and the consequences which it is desired to prevent
- It is carried out as the minimum to achieve the desired result
- The age, understanding and gender of the student are taken into account
- It is likely to achieve the desired result of avoiding harm to persons or serious damage.

Where possible assistance should be sought from another member of staff before intervening.

#### **6. Physical intervention uses the minimum degree of force necessary for the shortest period of time to prevent a student from harming himself, herself, others or property.**

6.1 This form of physical intervention may involve staff:

- Physically interposing themselves between students
- Blocking a student's path
- Escorting a student
- Shepherding a student away.

In extreme circumstances, trained staff may need to use more restrictive holds. Any such measures will be most effective in the context of the overall ethos of the school, the way in which staff exercise their responsibilities and the behaviour management strategies used. Wherever reasonable force is used, staff must keep communicating with the student.

#### **7. When an incident of physical intervention happens?**

You must ensure you fill in a CC11 form (please see appendix 1 for an example)

#### **Appendix 1 – CC11 Form**

## Record of the use of Physical Control and Physical Restraint (CC11)

Name of child/young person:	
Date of birth:	
Place:	
Date and time of incident:	
Reporting staff:	
Staff witnesses:	
Child/young person witnesses:	

### 1. Record of Incident

#### Reason why reasonable force was thought necessary:

Was the learner concerned liable to injury?

Yes

No

Were other learners liable to injury?

Yes

No

Were staff liable to injury?

Yes

No

Was property about to be damaged?

Yes

No

Was good order prejudiced?

Yes

No

Other reasons:

#### 1.1 Concise details of how the incident began, nature of behaviour, the use of techniques other than physical control to defuse the situation, and measure taken to avoid harm to the child/young person.

**1.2 Description of physical intervention/control/restraint used, including the degree of force used, how that was applied, and for how long.**

**1.3 Record of any injuries to child/young person/staff (a body map should be attached).**

**1.4 Record of any damage to property.**

**1.5 Measures taken to ensure that the learner was calmed after the incident.**

**1.6 Signature:**

**Date:**

**Time:**

**Report passed to:**

**Designation:**