



## CARE AND CONTROL OF LEARNERS

### INTRODUCTION

This policy has been prepared for the support of all teaching and associate staff who come into contact with learners and for volunteers working within the Academy to explain the Academy's arrangements for care and control. Its contents are available to parents/carers and learners. This policy has been produced to inform parents about the use of reasonable force to control or restrain learners.

The policy has been developed in response to the recommendations of Circular 10/98 "The Use of Force to Control or Restrain Learners", issued following the enactment of Section 550A of the 1996 Education Act. The policy should be read in conjunction with other Academy policies relating to interaction between adults and learners, found in our Safeguarding Policy Portfolio on the Learning Gateway and Academy website.

### PURPOSE OF THE POLICY

Good personal and professional relationships between staff and learners is vital to ensure good order in our Academy. It is recognised that the majority of learners respond positively to the discipline and control practised by staff. This ensures the well-being and safety of all learners and staff in Academy. It is also acknowledged that in exceptional circumstances, staff may need to take action in situations where the use of reasonable force may be required.

Every effort will be made to ensure that all staff in this Academy:

- (1) clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where reasonable force is necessary.
- (2) are provided with appropriate training to deal with these difficult situations.

**However, individual members of staff cannot be required to use physical restraint.**

The application of any form of physical control places staff in a vulnerable situation. It can only be justified according to the circumstances described in this policy. Staff, therefore, have a responsibility to follow the policy and to seek alternative strategies wherever possible in order to prevent the need for physical intervention.

Reasonable force will only be used as a last resort when all other behaviour management strategies have been tried and failed, or when learners, staff or property are at risk.

### DEFINITIONS

- (a) **Physical Contact**  
Situations in which proper physical contact occurs between staff and learners e.g, in the care of learners with learning disabilities; in games/PE; to comfort learners
- (b) **Physical Intervention**  
This may be used to divert a learner from a destructive or disruptive action, e.g. guiding or leading a learner by the hand, arm or shoulder with little or no force.
- (c) **Physical Control/Restraint**  
This will involve the use of reasonable force when there is an immediate risk to learners, staff or property. All such incidents must be recorded in the Serious Incident Book (see Child Protection Policy for details)



## **UNDERPINNING VALUES**

Everyone attending or working in this Academy has a right to:

- ♦ recognition of their unique identity
- ♦ be treated with respect and dignity
- ♦ learn and work in a safe environment
- ♦ be protected from harm, violence, assault and acts of verbal abuse

Learners attending this Academy and their parents/carers have a right to:

- ♦ individual consideration of learner needs by the staff who have responsibility for their care and protection
- ♦ expect staff to undertake their duties and responsibilities in accordance with Academy policies
- ♦ be informed about Academy rules, relevant policies and the expected conduct of all learners and staff working in the Academy
- ♦ be informed about the Academy's complaints procedure

The Academy will ensure that learners understand the need for and respond to clearly defined limits which govern behaviour in the Academy.

## **AUTHORISED STAFF**

At Bradford Academy, all teachers and Duty Team members are authorised to use reasonable force but only those associate staff specifically authorised by the Principal to have control or charge of learners may use reasonable force to manage or control learners. Within the Academy, this authorisation will be extended to the following members of the Pastoral Support Team:

Phill Allen, Kabir Hameed, Dianne Hinch, Scott Hinsley, Jason Lee, Amanda Parish, Mel Slater, Liz Dunn, Gary Liburd, Jo McGill, Sammy Parker.

The Principal is responsible for making clear to whom such authorisation has been given, in what circumstances and settings they may use force and for what duration of time this authorisation will last. The Principal will ensure that those authorised are aware of, and understand, what the authorisation entails. Those whom the Principal has not authorised will be told what steps to take in the case of an incident where control or restraint is needed, e.g. to contact an authorised member of staff.

Supply staff will not be authorised to use reasonable force unless they are familiar with this Academy's policy and have undertaken training.

The Principal will maintain a list of those who have been authorised and training which has been provided. This list will be reviewed termly.

## **MULTI-PROFESSIONAL AND THIRD PARTY STAFF WORKING WITHIN THE ACADEMY**

Bradford Academy has a multi-professional staff to support the learners. They will have their own policies of care and control of learners but will, whilst on Academy premises, be expected to be aware of and operate within the policy of the Academy.

## **TRAINING**

Training for **all** staff will be made available and will be the responsibility of the Vice Principal (Learning and Teaching). No member of staff will be expected to undertake the use of reasonable force without appropriate training. Prior to the provision of training, guidance will be given on action to be taken. Arrangements will be made clear as part of the induction of staff and training will be provided as part of on-going staff development.

## STRATEGIES FOR DEALING WITH CHALLENGING BEHAVIOUR

- ♦ consistently use positive strategies to encourage acceptable behaviour and good order.
- ♦ every effort will be made to resolve conflicts positively and without harm to learners 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 acknowledgement of unacceptable behaviour with request for the learner to refrain (this includes negotiation, care and concern)
- ♦ further verbal reprimand stating:
  - i. that this is the second request for compliance
  - ii. an explanation of why observed behaviour is unacceptable
  - iii. an explanation of what will happen if the unacceptable behaviour continues
- ♦ warning of the intention to intervene physically and that this will cease when the learner complies. If possible, summon assistance.
- ♦ **Physical intervention.** Reasonable force uses the minimum degree of force to prevent the child harming him or herself, others or property.
- ♦ **No blocking stance** – if a learner is determined to leave the classroom without permission, we advise that staff step aside, allowing them to pass and report the pupil to the PSW team immediately. Staff should not put themselves at risk of being assaulted due to a learner being 'blocked in'.

## ESCALATING SITUATIONS

The 1996 Education Act (Section 550A) stipulates that reasonable force may be used to prevent a learner from doing, or continuing to do any of the following:

- ♦ engaging in any behaviour prejudicial to maintaining good order and discipline at the Academy or among any of its learners, whether the behaviour occurs in a classroom during a teaching session or elsewhere (this includes authorised out-of-Academy activities)
- ♦ self-injuring or placing himself or herself at risk
- ♦ injuring others
- ♦ causing damage to property, including that of the learner himself or herself
- ♦ committing a criminal offence (even if the learner is below the age of criminal responsibility). The Principal will need to decide whether the policy should become involved.

## TYPES OF INCIDENTS

The incidents described in Circular 10/98 fall into three broad categories:

- (a) where action is necessary in self-defence or because there is an imminent risk of injury
- (b) where there is a developing risk of injury, or significant damage to property
- (c) where a learner is behaving in a way that is compromising good order or discipline

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

- ♦ a learner attacks a member of staff, or another learner
- ♦ learners are fighting
- ♦ a learner is engaged in, or is on the verge of committing, deliberate damage of vandalism to property
- ♦ a learner is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects
- ♦ a learner is running in a corridor or stairway in a way which he or she might have or cause an accident likely to injure him or herself or others



- ◆ a learner absconds from a class or tries to leave the Academy (NB this will only apply if a learner could be at risk if not kept in the classroom or at Academy)

Examples of situations which fall into the third category are:

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

### ACCEPTABLE MEASURES OF PHYSICAL INTERVENTION

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

- it is warranted by the physical 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 learner are taken into account
- it is likely to achieve the desired result

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

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

This form of physical intervention may involve staff:

- physically interposing themselves between learners
- escorting a learner
- shepherding a learner 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 Academy, the way in which staff exercise their responsibilities and the behaviour management strategies used. Wherever reasonable force is used, staff must keep talking to the learner.

*If staff are not confident or unsure regarding a possible positive handling situation, then assistance should always be sought from pastoral support team.*

### RECORDING

Where physical intervention has been used to manage of learner, a record of the incident **may** need to be kept. Where physical control or restraint has been used a record of the incident **will** be kept. This record should be recorded in the **SERIOUS INCIDENT FOLDER** (kept in the Vice Principal (Learning and Teaching) office). The record should include:

- name of learner
- date, time and place of incident
- a brief description of the incident and actions taken

The incident folder report will be completed as soon as possible after the incident, normally prior to staff going off duty and be signed by all staff involved including the Principal.

In addition, specific details of the use of reasonable force will be recorded .

This will include:

- how the incident developed
- attempts made to calm the situation
- names of any staff or learners who witnessed the incident
- the outcome of the incident including any injuries sustained, by any learner or member of staff



- any damage to property which has resulted
- whether/how parents have been informed
- and, after investigation, a summary of actions taken

Staff may find it helpful to seek advice from a senior colleague or representative of their professional association/union when compiling a report. They should also keep a copy of the report.

A Health and Safety Accident/Incident Form HS1 will be completed, where appropriate, and returned to the Authority.

Where staff have been involved in an incident involving reasonable force they should have access to counselling and support. Within the Academy, this will be made available through the Human Resources Manager.

### **ACTION AFTER AN INCIDENT**

The Principal will ensure that each incident is reviewed and investigated further as required. If further action is required in relation to a member of staff or a learner, this will be pursued through the appropriate procedure:

Child Protection Procedure (this may involve investigations by  
Police and/or Social Services  
Managing Allegations  
Positive Behaviour Policy  
Exclusions Procedure  
*advice on the appropriate procedure should be sought from the  
LADO or Bradford Safeguarding Board where appropriate.*

The member of staff will be kept informed of any action taken.

In the case of any action concerning a member of staff, he/she will be advised to seek advice from his/her professional association/union.

### **COMPLAINTS**

The availability of a clear policy about reasonable force and early involvement of parents should reduce the likelihood of complaints, but may not eliminate them.

Any complaints about staff will be dealt with under the Academy's Complaints About Staff Procedure. The Chair of Governors will be informed of complaints, but other governors will not be involved as a complaint may require further action on their part.

### **MONITORING OF INCIDENTS**

Whenever a member of staff has occasion to use reasonable force, this will always be recorded and documented. Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the Principal to the needs of any learner(s) whose behaviour can only be contained by the use of reasonable force.

This process will also address patterns of incidents and evaluate trends which may be emerging.