

What to do... Care and Control of Students

Rationale

At Dixons Marchbank, we firmly believe that, in most instances, staff should not use any form of physical restraint on students. However, we also recognise that some passive or supportive physical contact is an inevitability and that this, along with some rare instances of reasonable force, are necessary in ensuring the wellbeing and safety of both students and staff, as well as for maintaining the good order of the academy in general. In order to ensure that physical contact is appropriate and proportionate, and to maintain the dignity of all students and professionalism of all staff, we aim to use the guidance provided by the DfE, Dixons Academies Trust policies and our own staff training and support to provide clarity and consistency for all parties involved. In our DMB Care and Control Policy, we have identified three levels of reasonable force that might be used:

Definitions

- PASSIVE PHYSICAL CONTACT – ‘light touch’ contact either to care for or guide students who may be distressed, have an additional need or disability, or in PE / sports or other practical subjects
 - Does not constitute ‘positive handling’ and does not need to be recorded
 - Excessive use / abuse of this concept may constitute ‘low level concern’ under KCSIE23 definitions.
 - Examples include a comforting hand, a guiding hand or ‘hand over hand’ support.
- ACTIVE PHYSICAL CONTACT – this may be used to divert a student from destructive or disruptive action and is defined by the compliance of the child i.e. once blocked, guided etc. they do not resist
 - If used regularly as part of a student’s support a Positive Handling Plan should be in place
 - Incidents may escalate if the student is not compliant
 - If physical contact has been used to move or block a student, an Incident Form should be completed
 - Examples include blocking a student’s path, stepping in between students who are fighting, or linking arms with a student to walk them away from a situation (escorting)
- 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 and its defining characteristic is non-compliance of the student
 - If being used regularly a Positive Handling Plan should be in place
 - Every incident should be recorded, reported and stored on CPOMS
 - Use of this level of reasonable force should always be a last resort
 - Any use of this level of reasonable force should be proportionate i.e. no more force than is needed and no longer amount of time than is needed
 - Although use of reasonable force may, at times, be necessary and legitimate, there will always be implications for the student(s), staff member(s) and witnesses involved, including impact on future relationships
 - Staff cannot, under any circumstances, use force as a form of punishment

There is no legal definition of ‘reasonable force’ but the term is generally accepted to cover the broad range of actions used by most teachers in their career that involve a degree of physical contact with students

- Force is used to either control or restrain
- Control = blocking, leading, or moving a student
- Restrain = to physically hold a student to prevent movement / action
- ‘Reasonable in the circumstances’ means using no more force than is needed for no longer amount of time than is needed

Use of Reasonable Force

Reasonable force can be used by the head teacher and anyone who has been authorised by the head teacher in order 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 their own property)
- Engaging in behaviour prejudicial to maintaining good order and discipline at school or among any of its students, whether in the classroom or elsewhere
 - This is very much open to interpretation!
 - Consider what it could mean and what would be proportionate and 'reasonable'
 - Consider impact on future relationships, behaviour management, other students etc.

Search and Confiscation

Staff (should be 2 members of staff) have the power to conduct a non-intimate search (i.e. instructing a student to empty pockets, show locker etc.) or to search a bag, coat etc. with the consent of the student. The head teacher, and those authorised by them, have the power to search without consent if there is reason to believe there may be prohibited items:

- Knives, weapons
- Alcohol, illegal drugs, tobacco etc.
- Stolen items
- Fireworks
- Pornographic images
- Anything that has been used or is likely to be used to commit an offence, cause injury or damage
- Any item banned by the school rules and specified in the behaviour policy

In all cases, it is recommended that the student is present during the search.

Recording an Incident

- ALL incidents of restrictive physical intervention (control / restraint) should be recorded
- MOST incidents of active physical intervention should be recorded (speak to SLT about each incident)
- The incident Record Form is available as appendix 3 of the DAT Care and Control Policy
- Completed forms should be uploaded to CPOMS

NB – it is advisable that staff speak to a DSL or someone else on SLT to ensure the wording used is in line with our policy and an accurate reflection of the incident

Positive Handling Plans (PHP)

- A Positive Handling Plan should be in place for any student who needs regular / routine positive handling OR any student for whom there has been multiple incidences of requiring impromptu positive handling (SLT discretion i.e. a PHP may be appropriate after one incident for some students)
- The focus should always be on prevention and minimisation, especially in relation to students developing independence and self-help skills as they get older
- The PHP is available as appendix 2 of the DAT Care and Control Policy (and a guide version is available as appendix 1 of the policy)
- PHPs should be reviewed following any incident as well as having regular planned reviews