



**Nunthorpe**  
Academy

# Care and Control Policy (Incorporating Physical Restraint)

*The use of Positive Handling to support the management of physically challenging  
behaviour*

<b>Approved by:</b>	NMAT Board of Trustees	<b>Date:</b> 9 February 2023
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<b>Responsible</b>	Assistant Vice Principal for Inclusion/ Head of School	



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### 1. Aims

The policy has been prepared for the support of all teaching and support staff who come into contact with students and for volunteers working within the school to explain the school's arrangements for care and control. Its contents are available to parents/carers and students. A statement about the Nunthorpe Academy Behaviour policy is made to parents/carers in the Nunthorpe Academy prospectus and within each Home School Learner Agreement. By signing Home School Learner Agreements parents/carers are acknowledging the Academy's power to use reasonable force in the circumstances described in this policy. Parental consent is not required to restrain a student.

Good personal and professional relationships between staff and students are vital to ensure good order in our Academy. It is recognised that the majority of students in our Academy respond positively to the discipline and control practiced by staff. This ensures the well-being and safety of all students and staff in the 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.

Nunthorpe Academy acknowledges that physical techniques are only part of a whole setting approach to behaviour management.

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

- i. Clearly understand this policy and their responsibilities in the context of their duty of care in taking appropriate measures where reasonable force is necessary and
- ii. Are provided with appropriate training to deal with these difficult situations.

### 2. Legislation and Guidance

The policy has been developed in response to DfCSF guidance, 'The Use of Force to Control and Restrain Students' (April 2010).

It also takes cognisance of DfES, DOH Guidance for Restrictive Physical Interventions, 'Guidance on the use of restrictive physical intervention for children who display Extreme Behaviour in association with Learning Disability and/or Autistic Spectrum Disorder' (July 2002).

Additionally, it follows the policies and guidance of Redcar and Cleveland Local Authority and will be drawn to the attention of the Local Safeguarding Children Board.

### **3. Implications.**

Section 93 of the Education and Inspections Act 2006 enables school staff 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 any offence (or, for a student under the age of criminal responsibility what would be an offence for an older student);
- causing personal injury to, or damage to the property of, any person (including the student themselves);
- prejudicing the maintenance of good order and discipline at the school or among any students receiving education at the school, whether during a teaching session or otherwise. Section 93 of the Education and Inspections Act 2006 makes it clear that force may be used to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

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 this 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 failed or when students, staff or property are at risk.**

### **4. Definitions of Positive Handling**

No legal definition of reasonable force within a school context exists, however for the purpose of this policy and the implementation of it in Nunthorpe Academy:

'Reasonable Force uses the minimum degree of force necessary for the shortest period of time to prevent a student harming themselves, others or property'.

The scale and nature of any physical intervention at Nunthorpe Academy 'must be proportionate to both the behaviour of the individual to be controlled and the nature of the harm they might cause'. (DfES/DOH Guidance for Restrictive Physical Interventions, July 2002).

*NB: The age of criminal responsibility is currently 10 in England. For further information provided by the National Youth Agency, see: [www.youthinformation.com](http://www.youthinformation.com) Justice & Equality > Crime > Age of criminal responsibility*

This policy does more than simply outline the use of physical intervention at Nunthorpe Academy. It aims to provide a transparent overview of how we use physical contact to both care for and, where appropriate control our students. Working within the philosophy of 'Every Child Matters' with a particular focus in relation to the strands of 'staying safe' and 'enjoying and achieving', our Care and Control policy describes the acceptable physical interaction between staff and students on a daily basis. Based on the principles of moving from least intrusive to more restrictive holding we have divided interaction into three definable areas.

## **A. Physical Contact:**

Situations in which physical interaction occurs between staff and students to either care for students who may be distressed or have severe and profound learning disabilities, or in subject areas such as physical education in order to promote inclusive learning opportunities and deliver the National Curriculum. In addition, staff will also use positive touch to comfort students and as part of the PSHE/SMSC curriculum in order to teach them more appropriate ways of seeking attention. Where possible, staff will always endeavour to use techniques and holds defined within Intelligensa positive handling training.

## **B. Physical Intervention**

This may be used to divert a student from a 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 'turn, gather, guide.' The important factor within these situations is the compliance of the child as a result of the intervention.

## **C. Physical Control and Restraint/Restrictive Physical Intervention:**

This will involve the use of reasonable force when there is an immediate risk to students, staff or property. It is important to note that the use of 'reasonable force' should be seen as a last resort. All such incidents are recorded and reported to parents and will be stored in an accessible way. As indicated the level of compliance from the student determines whether or not the interaction is an intervention or a control/restraint. If in doubt, then staff should always record the incident using the school's standard recording form. Please see Appendix 1 for a copy of the form.

### 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.

### Students attending this academy and their parents/carers have a right to:

- individual consideration of 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 Academy's and Trust's policies;
- be informed about the Academy's rules, relevant policies and the expected conduct of all students and staff working in the Academy;
- be informed about the Academy's complaints procedure.

Nunthorpe Academy will ensure that students are given support to understand the need for and respond to clearly defined limits, which govern behaviour in the Academy.

In turn parents/carers will have committed themselves through the 'Home School Learner Agreement' to promote the good behaviour of their child and that efforts have been made by them to ensure that they understand and follow the Nunthorpe Academy Behaviour Policy.

## **5. Authorised staff:**

At Nunthorpe Academy, the power to use reasonable force applies to any member of staff, and any other person to whom the Head of School has authorised to have control or charge of students. This can also include people to whom the Head of School has given temporary

authorisation to have control or charge of students such as unpaid volunteers. The power may be used where the student (including a student from another school) is on the Academy premises or elsewhere in the lawful control or charge of the staff member (e.g. an educational visit).

Positive Handling and specific Intelligensa led holds for specific situations detailed within the policy are restricted to trained staff members.

Kate Kell  
Tim Duffill  
Alistair Armstrong  
James Skelton  
Siobhan Brosnan  
Julie Thomas  
Lynette Anderson  
Michelle Scallen  
Katie Sowerby  
Tom Jackson  
Jamie Harrison

All above staff completed their training in January 2022 with Intelligensa Ltd. Further training is due to take place in March 2023.

Physical techniques are not used in isolation and Nunthorpe Academy is committed to ensuring that as a result of incidents learning opportunities are created for children that allow them to 'own' and take responsibility for their behaviour. Any positive handling will be discussed with a student once they are in a calm space to ensure an understanding that this was a "last resort" is clear.

In addition, procedures will be put in place to ensure that appropriate support is provided for staff and that following an incident student/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

All the techniques used take account of a young person's;

- age,
- gender,
- level of physical, emotional and intellectual development, special needs,
- social context. They also provide a gradual, graded system of response.

Where appropriate Positive Handling Plans are written for individual children and where possible, these will be designed through multi agency collaboration e.g. when devising Pastoral Support Plans or SEND learning passports.

## **6. Strategies for dealing with challenging behaviour**

As endorsed in the Academy's Behaviour Policy, staff 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 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 student to refrain; (this includes 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 what will happen if the unacceptable behaviour continues.

A statement of intent that physical intervention may well be used alongside a reminder that holding will cease when the child shows compliance. If possible, summon assistance from other trained members of staff.

Physical intervention. Reasonable force being used to prevent a child harming themselves, others or property. This will ideally be used in pairs- a second staff member will be called for at the earliest opportunity.

## 7. Types of Incident

Examples of situations that may call for judgments of this kind include:-

- A student attacks a member of staff or another student;
- Students are fighting, causing risk of injury to themselves or others.
- A student is committing, or on the verge of committing, deliberate damage to property.
- A student is causing, or at risk of causing, injury or damage by accident, through rough play, or by misuse of dangerous material(s) object(s).
- A student absconds from a class or tried to leave school other than at an authorised time.

Refusal of a student to remain in a particular place is not enough on its own to justify use of force. It would be justifiable where allowing a student to leave would:

- Entail serious risks to the student's safety (taking account age and understanding), to the safety of other students or staff, or damage to property; or
- Lead to a behaviour that prejudices good order and discipline, such as disrupting other classes.
- A student persistently refuses to follow an instruction to leave a classroom.
- A student is behaving in a way that seriously disrupts a lesson.
- A student is behaving in a way that seriously disrupts a school sporting event or school visit.

*It is important to note that the use of reasonable force will only be applied at Nunthorpe Academy as a last resort, when all other alternatives have been exhausted and that any force used will be reasonable, proportionate and absolutely necessary.*

Handling at Nunthorpe Academy is seen as a proactive response to meet individual student needs and any such measures will be most effective in the context of the overall ethos of the Academy - "ready, respectful, safe."

## 8. Recording

Where physical control or restraint has been used a record of the incident will be kept.

This record should be made on the Academy "Positive Handling log." This log sits on Google drive and is shared amongst SLT and trained staff members. A copy of the form is detailed in Appendix 1.

All adults involved in and/or observing the incident are required to complete the relevant recording sections of the log.

The young person is also welcome to contribute their account in whatever way is appropriate.

The incident will be reported to each parent/carer by telephone by the Designated Safeguarding Lead (AVP Inclusion).

In the unlikely event that any injuries occur during the use of Positive Handling - to either the student or the adult then first aid will be offered and the Academy first aid procedures followed.

During the fortnightly Line Management process of safeguarding The Head of School will discuss each incident of Positive Handling with the DSL and ensure use is reviewed and investigated further as required.

If further action is required in relation to a member of staff or a student, this will be pursued through the appropriate procedure:

## **9. Complaints**

The availability of a clear policy about reasonable force and early involvement of parents/carer should reduce the likelihood of complaints but may not eliminate them. Any complaints about staff will be investigated through the Trust's Complaints Policy. If necessary, the complaint will be dealt with by the Staff Disciplinary Procedures and/or Child Protection Procedures.

### Action after an incident:

Where staff have been involved in an incident involving Positive Handling they should have the opportunity for a brief period of rest and/or debrief with another member of staff.

## **10. Monitoring incidents**

Whenever a member of staff has occasion to use reasonable force or Positive Handling, 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 the DSL and Head of School to the needs of any student(s) whose behaviour may require the use of reasonable force/Positive Handling.

Monitoring of incidents will take place on a regular basis and the results used to inform planning to meet individual student and academy needs.

A Register of False Accusations made against staff will be maintained as an additional safeguard for staff.

At Nunthorpe Academy, the Safeguarding link governor supports this process by undertaking termly audits of incidents with the DSL.

## **11. Monitoring arrangements**

The Head of School and Assistant Vice Principal Inclusion monitor the implementation of this statement. This policy will be kept under review in light of legal developments and best practice and approved by the Local Governing Body every year.

## **12. Links with Other Policies**

The Nunthorpe Academy Care and Control Policy links with the following policies

- NMAT Child Protection and Safeguarding Policy
- NMAT SEND Policy
- Nunthorpe Academy Behaviour Policy

Appendix 1

**Nunthorpe Academy Positive Handling Incident Log 2022/23**

Student Name:	
Year Group:	
Other Students Involved:	
What happened? (include what techniques were used)	
Staff Members in Support	
Possible Triggers or Environmental Issues	
Prevention/Managing Future Crisis	
Cooling Off/Follow Up	
Parent Contacted?	

Staff Member Signature \_\_\_\_\_

Date \_\_\_\_\_