

Aspire Academy
Care and Control Policy
September 2022



*The Local Governing Committee has agreed that this policy will be reviewed every year. This review will take into consideration all aspects of applicable legislation and advice current at the time of the review. The next 'Period of Review' will be **SEPTEMBER 2023**.*

Our Ethos and Values

At Aspire our ethos is to develop the individual moulding independent learners and confident young minds.

We aspire to be a community founded upon mutual trust where everyone is loved and respected for who they are. We believe that in working together we can accomplish more than we could alone.

Values:

As an Alternative Provision Academy, our core values are empathy, courage and community:

- **Empathy** is essential to human life and lies at the heart of all successful relationships. Empathy is an unspoken language that we aim to teach and develop in others. In this way we develop self-awareness and depth of human engagement;
- **Courage** is a trait that needs to be developed in everyone. Life throws many challenges at us and we need to be prepared to face those challenges through developing deep personal reserves. We believe that developing individual strength and conviction enables students for the rest of their lives;
- We aim to be an **inclusive community**. Each person is needed, valued and important. When things go wrong we will forgive each other and make a fresh start. We will share what we have with those in need and try to treat others as we would like them to treat us.

Aims

As an Alternative Provision Academy, we aim to:

- Treat learners, staff and visitors with respect;
- Incorporate and promote the values behind the academy in all we do;
- Instil a sense of self-worth and value in every learner;
- Encourage learner participation in the planning and the running of our Academy wherever possible;
- Encourage emotional literacy as a way of interpreting the world around us;
- Encourage, challenge and support every person to achieve his or her potential

Introduction

Aspire Academy will work hard to ensure a climate where physical intervention is always **the last resort to maintaining a safe environment**. If students are behaving disruptively or anti-socially, every effort will be made to manage, and de-escalate, behaviours positively to prevent a deterioration of the situation and to restore a safe, secure environment.

Our staff understand the importance of listening to and respecting students to create an environment that is calm and supportive especially when dealing with students who may have emotional and behavioural needs that may increase with aggression.

All of our staff will understand the importance of responding to the feelings and wellbeing of the students, as well as the behaviour itself.

This policy is based on guidance outlined in the DfE (July 2013) use of Reasonable Force.

The guidance refers to the Education and Inspection Act 2006 which clarifies the position regarding the use of physical force by teachers and other staff working in the school, to control or restrain students.

Equality Act 2010

At Aspire Academy we do not discriminate against any child or adult on the grounds of race, disability, gender, age, gender reassignment, pregnancy, maternity, religion or belief, sex, or sexual orientation. We embrace the individuality of all our community members and comply fully with the Equality Act 2010.

What is reasonable force?

'Reasonable force' is usually used either to control or restrain. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or, where a student needs to be restrained, to prevent violence or injury.

Section 93 of the Education and Inspection Act 2006, and guidance issued by the DfE, enables school staff to use such force as is reasonable in the circumstances to prevent a pupil 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 themselves); or
- prejudicing the maintenance of good order and discipline of that school or among any pupils receiving education at the school, whether during teaching sessions or otherwise

Restrictive physical intervention may also be appropriate where, although none of the above have yet happened, they are judged as highly likely to be about to happen.

There is no legal definition of when it is reasonable to use force and each case must be judged on its circumstances. Those exercising the power to use force must also take account of any particular SEN and/or disability.

Staff will always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring a pupil.

Schools cannot use force as a punishment

Who can use reasonable force?

All members of academy staff have a legal power to use reasonable force, including teaching assistants and lunchtime supervisors. This power may also apply to people whom the Principal has temporarily put in charge of students such as unpaid volunteers supporting an organised visit.

As far as possible, staff should not use force unless or until another responsible adult is present to support, observe and call for assistance.

Minimising the need to use force

The academy will:

- create and maintain a calm, orderly and supportive learning environment that minimises the risk of incident that might force arising;
- develop effective relationships between staff and students that are to good order;
- use appropriate approaches to teach students how to manage conflict and strong feelings;
- de-escalate incidents if they arise;
- only use force when the risk involved is doing so, outweigh the risk involved in not using force.

When can reasonable force be used?

Physical restraint should only be used as a last resort where possible; other non-physical strategies for diffusing the situation must be tried first. Whenever possible, the age, level of understanding and gender of the student should be considered.

Staff need to keep themselves safe at all times.

Examples of when it may be necessary to use reasonable force:

- Remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- Prevent a physical attack by a student on an adult or other student;
- A student behaving in a way which places other students at risk e.g. pushing, tripping, rough play, running in corridors;
- Prevent a student running into a road;
- Prevent a student behaving in a way that disrupts a school event or a school trip/visit.

Staff Training

All staff will receive training on behaviour management. This will include ways of avoiding or defusing situations in which physical intervention might become necessary as well as methods of physical intervention. Reminders of the policy will be given regularly through staff meetings.

Specific training will be provided for those staff working closely with any student with SEN and/or disabilities associated with extreme behaviour, Positive Handling Plans (PHPs) must also be produced.

Recording Incidents

Any incident on which force has been used is to be recorded and the record kept in a bound and numbered book. A RPI form must be completed by the end of the working day. Other witnesses are also required to write an account or countersign the form.

The report will be used by the school to check that policy guidelines have been followed, to inform parents and to prevent misunderstanding or misinterpretation of the incident. The report would also provide evidence should any further enquiry arise or be necessary.

Reporting Incidents

After any incident in which force has been used, parents are to be informed as soon as possible after the incident. This will usually be by telephone.

The Principal will report all incidents that have necessitated the use of force to the Local Governing Body (LGB).

External agencies, such as Children's Social Care, the local safeguarding board or the police, will be informed of the incident by the Principal depending on the nature and seriousness of the incident.

Powers to search pupils without consent

In addition to general power to use reasonable force, the Principal and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following 'prohibited items'¹:

- knives or weapons
- alcohol
- tobacco and cigarette papers
- fireworks
- illegal drugs
- stolen items
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be used

- 1) to commit an offence,
- 2) to cause personal injury to, or damage to the property of, any person (including the student)

The Principal and authorised staff can also search for any item banned by the school rules which has been identified in the rules as an item which may be searched for.

School staff can confiscate any prohibited items found as a result of a search.

The Principal must ensure the person carrying out the search is of the same sex as the student, and the search must be carried out in the presence of another adult also of the same sex as the student. Students cannot be required to remove any clothing other than outer garments. If a student's possessions are searched this must also be done in the presence of another adult. The person carrying out the search is able to use such force as is reasonable in the circumstance for exercising that power.

Complaints or Allegations

All complaints about the use of force will be thoroughly, speedily and appropriately investigated.

Complaints will be dealt with under the school's complaints procedures. However, if an allegation of abuse is made against a member of staff, the school will follow the procedures outlined in the Safeguarding and Child Protection Policy.

Other physical contact with pupils

There are occasions when physical contact, other than reasonable force, with a student if proper and necessary e.g., sports, coaching or giving first aid. Touching may also be appropriate where a student is being congratulated or praised, or where a student is in distress and needs comforting. Teachers must use their own professional judgement when they feel a student needs this kind of support. For some students touching is particularly unwelcome. Staff must bear in mind that even innocent and well-intentional physical contact can sometimes be misconstrued.

Responsibilities

The Governing Body are responsible for preparing and reviewing this policy every

¹ The School Behaviour (Determination and Publicising of Measure in Academies) Regulations 2012

year.

The Principal will ensure that recording and reporting systems are in place plus report incidents and outcomes to the Governing Body, as and when necessary.

This policy needs to be read in conjunction with the following academy policies:

- Anti Bullying Policy
- Behaviour Policy
- Safeguarding and Child Protection Policy
- First Aid and Medication Policy
- Health & Safety Policy

Further sources of information

Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002)

Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)

Use of reasonable force – Advice for Headteachers, staff and Governing Bodies (DfE, 2013)

Screening, searching and confiscation – Advice for headteachers, staff and governing bodies. (DfE, 2022)

Dealing with allegations of abuse against teachers and other staff – Keeping Children Safe in Education, 2022.

Guidance for Safer Working Practice for Adults who work with Children and Young People in Education Settings (DfE, 2022)