



Care and Control Policy

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1. Policy Aims

- 1.1 This is the Care and Control Policy of Durham Cathedral Schools Foundation (the Foundation).
- 1.2 This Policy provides guidance information to staff, parents, carers and pupils on how physical intervention and the use of reasonable force is approached across the Foundation, so that all those who work in the Schools, can do so confidently and safely.
- 1.3 The Foundation commits in this policy to observing the principles of the Equality Act 2010 and does not discriminate on any grounds.

2. Definitions

- 2.1 **Restrictive intervention:** a means to prevent, restrict, or subdue movement of the body, or part of the body, of a pupil. This Policy uses 'restrictive interventions' as the umbrella term to describe both physical and non-physical actions aimed to restrain pupils in different ways.
- 2.2 **Reasonable force:** a term used in legislation which includes physical restrictive interventions. All members of school staff have the legal power to use reasonable force in limited circumstances. Reasonable means using no more force than is necessary for the least amount of time, the application of which will depend on the circumstances.
- 2.3 **Passive physical contact:** situations in which physical interaction occurs to either care for or guide pupils who may be distressed, or have an additional need or disability, or in subject areas such as physical education in order to promote inclusive learning opportunities and deliver the academic curriculum. It may include a comforting hand on the shoulder, a guiding hand on the elbow, or strategies such as 'hand over hand' supported writing.
- 2.4 **Active physical intervention:** this may be used to divert a pupil from destructive or disruptive action, for example, guiding or leading a pupil by the arm or shoulder with little or no force. The techniques implemented here may include physical prompts to move pupils in the right direction or linking arms with a pupil to walk them away from a situation (escorting). The important factor within these situations is the compliance of the child or young person.
- 2.5 **Restrictive physical intervention (control and restraint):** this will involve the use of reasonable force when there is an immediate risk to pupils, staff or property. The main factor that distinguishes this from passive and active physical intervention is the non-compliance of the child or young person.

- 2.6 **Significant incident:** any incident where the use of force goes beyond appropriate physical contact between pupils and staff. This includes when physical force is used to implement a non-physical restrictive intervention.
- 2.7 **Seclusion:** a non-disciplinary intervention involving keeping a pupil confined to a place away from others, and preventing them from leaving either by physical obstruction, blocking, or making them believe they will be punished if they try to leave.

3. Policy Statements

3.1 The Foundation creates positive, happy, and safe environments for children to live and learn, where we:

- promote positive interaction with children building trusting and understanding relationships.
- respect children's rights, protect their dignity and do not restrict their liberty.
- seek to understand triggers for challenging behaviours and find solutions, actively planning to use strategies to avoid behaviour escalating.
- seek to diffuse the situation by distracting the child and to diffuse the situation in the least intrusive way.
- only intervene physically with a pupil to keep the pupil, other pupils, or a member of staff safe, to prevent a pupil committing a criminal offence (this may include using such force as is reasonable to search a pupil or their possessions for legally prohibited items where authorised staff have reasonable grounds to suspect that the pupil may have a prohibited item), to protect property, or to prevent a pupil causing disorder among pupils at the school, whether during a teaching session or otherwise.
- record and report all incidents of physical restraint, including to parents.
- ensure that our staff are trained, skilled and confident in finding the best ways to keep children safe.

3.2 Under section 93 of the Education and Inspections Act 2006, all members of Foundation staff have a legal power to use reasonable force on and off school premises where the member of staff has lawful control, or is in charge, of the pupil concerned.

3.3 Reasonable force should be used as a last resort and should be proportionate to the age, gender, special educational needs, medical conditions, and state of physical, emotional and intellectual development of the young person. The scale and nature of any positive handling at School must be proportionate to both the behaviour of the individual and the nature of the harm they might cause; it cannot be used to respond to misbehaviour unless there is a risk of harm or the breakdown of good order.

- 3.4 Physical intervention will only be used as a last resort when all other behaviour management strategies have been exhausted or it is part of a planned strategy when pupils, staff or property are at risk. It is unlawful for schools to use physical restraint as a form of punishment.
- 3.5 Every effort will be made to ensure that all staff clearly understand this Policy and their responsibilities in the context of their duty of care in taking appropriate measures where reasonable force is necessary.
- 3.6 The use of corporal punishment is forbidden by law, and no member of DCSF staff may give or threaten corporal punishment, nor apply any sanction which is intended to cause or threaten pain, injury or humiliation. In the Early Years Foundation Stage (EYFS), staff must not give or threaten any sanction which could negatively affect a child's well-being. A person will not be considered to have used corporal punishment if physical intervention was taken in line with this Policy.
- 3.7 Pupils should not be restrained in a way that affects their airway, breathing or circulation, and pupils should not be held on the ground. If a pupil is unintentionally held on the ground, staff should release their holds or re-position into a safer alternative or standing position as quickly as possible.

4. Authorised staff

- 4.1 There are circumstances when it is appropriate for staff to have some physical contact with pupils which does not give rise to any question over the use of reasonable force and other restrictive interventions. This will depend on the circumstance, but examples of occasions when physical contact is generally appropriate include:
- to give first aid;
 - to guide or escort pupils, such as holding the hand of a pupil at the front/back of the line when going to assembly, when walking together around the school or on a school trip, or when helping a pupil to a space they have chosen to access to self-regulate;
 - to comfort a distressed pupil;
 - to congratulate or praise a pupil, for example a pat on the back or a handshake;
 - to demonstrate how to use a musical instrument;
 - to demonstrate exercises or techniques during PE lessons or sports coaching.

In assessing whether physical contact is appropriate in a given situation, the member of staff should use their judgement and have regard to:

- The Foundation's Safeguarding Policy;
- the applicable circumstances, such as whether there are other adults present;

- the individual pupil's age;
- any other material factors, including but not limited to whether:
 - the pupil has SEND or other vulnerabilities;
 - any alternative strategies that do not include physical contact can be used.

4.2 Section 93 of the Education and Inspections Act allows all staff employed by a school, including temporary and unpaid voluntary staff, to use reasonable force to control or restrain pupils in certain very defined circumstances outlined below (section 5.3).

4.3 Individual members of staff cannot be required or directed to use physical restraint. However, as teaching and non-teaching staff work in 'loco parentis' they should always operate with an appropriate 'Duty of Care'.

4.4 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 to prevent the need for physical intervention.

5. Responsibilities and Arrangements

5.1 How challenging behaviour is supported.

The following strategies are employed as a means by which to deal proactively with challenging behaviours and to ensure that restrictive physical interventions are used as a last resort and only when absolutely necessary:

- Knowing our pupils well;
- Building strong positive and School-trusting relationships with pupils and with their families, including good communication with parental guardians.
- Establishing clear expectations for behaviour and conduct;
- Teaching and reinforcing clear routines and acknowledging compliance;
- De-escalation, diffusion and distraction strategies to calm and refocus pupils;
- Using calm, non-confrontational communication;
- Use of the Schools' stepped consequence system if appropriate, as indicated in the Rewards and Sanctions section of the DCSF Behaviour Policy
- Positive handling techniques such as prompts, guides and escorts;
- Analysing behaviours and setting in place supportive plans to manage difficult and challenging behaviour, involving pupils and parents/carers;
- Implementing reasonable adjustments for pupils whose special educational needs can result in behaviours that are challenging or endanger themselves and/or others;
- Teaching self-regulation and working with pupils to support them to manage emotions and to raise self-esteem;

- Making referrals to external agencies for expert guidance and support.

5.2 Before using Physical Interventions DCSF staff take effective action to reduce risk by:

- Showing care and concern by acknowledging unacceptable behaviour and requesting alternatives by negotiating and reasoning (appropriate to the level of understanding of the individual);
- Giving clear directions for pupils to stop;
- Reminding the pupil about rules and likely outcomes;
- Removing an audience or taking vulnerable pupils to a safe place;
- Making the environment safer by moving furniture and removing objects which could be used to cause harm;
- Using positive guidance to escort pupils to somewhere less pressured;
- Ensuring that colleagues know what is happening and calling for help;
- Speak calmly to pupils as a way of reassurance, e.g. 'I am doing this to keep you safe.'

5.3 **When it is permissible to use physical intervention**

5.3.1 The decision on whether it is reasonable to use a restrictive intervention depends on the individual circumstances of each situation. To make this assessment, a member of staff should consider:

- **Is it necessary?**
- **Is it proportionate?**
- **Have I considered the pupil's welfare?**

5.3.2 There are a range of situations where physical intervention might be appropriate, or necessary, to control or restrain a pupil:

- **Where action is necessary in self-defence;**
- **Where there is a developing risk of injury or significant damage to property;**
- **Where a pupil is behaving in a way that is compromising good order and discipline.**

Examples of situations in the first two bullet-pointed categories above include:

- A pupil attacking a member of staff, or another pupil, or pupils fighting;
- A pupil engaging in, or on the verge of committing, deliberate serious damage or vandalism to property;
- A pupil using, or at risk of causing, injury or damage by accident, by rough play or by misuse of dangerous materials or objects;

- A pupil running in a corridor or on a stairway in a way in which they might cause an accident likely to injure them or others;
- A pupil absconding from class or trying to leave school (Note: this will only apply if a pupil could be at greater expected risk if not kept in the classroom, or at school).

Examples of situations that fall into the third bullet-pointed category above may include:

- A pupil persistently refusing to obey an order to leave a classroom;
- A pupil behaving in a way that is seriously disrupting a lesson and cannot be managed through the usual Behaviour Policy and routines

In this third category, control or restraint should only be used if the pupil could cause harm to staff or other pupils (e.g. through violation of health and safety rules and procedures).

5.4 **Action after an Incident**

5.4.1 Procedures will be put in place to ensure that appropriate support is provided for staff and pupils following an incident, and that pupil/staff relationships are rebuilt and repaired to ensure that a positive learning environment is maintained.

- **Reflection:** What did we do?
- **Repair:** Is there anything we can do to repair the relationship?
- **Re-build:** What we can do next time – learning opportunities.

5.4.2 Where staff have been involved in an incident involving reasonable force, they should have the opportunity for a brief period of rest and relaxation and in the case of more serious incidents, access to counselling and support.

5.4.3 The Head Teacher of the respective school 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 pupil, this will be pursued through the appropriate procedure:

- Review of the pupil's Behaviour Support Plan (including positive handling plan);
- Risk Assessment;
- Behaviour Policy;
- Care and Control Policy;
- Safeguarding Policy;
- Health and Safety Policy and procedures.

The member of staff will be kept informed of any action taken. In the case of any action concerning a member of staff, they will be advised to seek advice from their professional association/union.

5.5 Recording, Reporting and Monitoring

5.5.1 Lower level but active interventions, such as guiding a pupil by the hand, may or may not include an element of force. If the intervention does not include an element of force, then it is not restraint. If it is not restraint, it does not need to be recorded as such.

5.5.2 Whenever a member of staff has occasion to use restraint or seclusion, this will always be recorded and documented following agreed procedures.

5.5.3 All incidents involving restraint (whether they occur with or without direct physical contact) or seclusion will be recorded on CPOMS. All staff involved in an incident should contribute to the record which should be completed before the staff member(s) leaves site that day or, in the event that is not physically possible, no later than the same day. The requirement to record applies even if the use of seclusion or restraint in certain circumstances is agreed with parents as part of a pupil's Behaviour Support Plan (BSP) (Appendix 1). The record should show the following details as a minimum:

- names of pupils and staff directly involved;
- any relevant needs or circumstances of the pupil, including whether the pupil involved has an identified special educational need or disability and their SEN status code;
- time, date, location and approximate duration of the intervention;
- brief account of the incident, including what led up to the incident, identified or potential triggers if known, any preventative or de-escalation strategies used, and (where relevant) what type of reasonable force was applied, the degree of force, and details of any physical injuries sustained;
- brief account of why the use of force was assessed as necessary in that instance;
- any post-incident support, such as details of any medical treatment for injuries or other adverse impacts.

5.5.4 All information regarding use of restraint in CPOMS documentation must be held by the Foundation for 75 years after the date of birth of the child.

5.5.5 Any injury to staff or pupils must also be recorded in the Foundation's first aid records and reported as appropriate to the Health and Safety Executive.

5.5.6 All incidents of physical restraint will be reported to parents in writing as soon as is practicable after the incident and no later than the same day. The only exception to

this requirement is if it appears to the staff member that doing so would be likely to result in serious harm to the pupil. In this instance, the staff member must take advice from the Designated Safeguarding Lead. All reports to parents will be logged and parents will be invited to have a follow-up discussion about the incident where appropriate.

- 5.5.7 Where there are repeated incidents, triggers are analysed and proactive, preventative and supportive plans are drawn up, where appropriate involving the pupil and the parents/carers. This is recorded as a pupil Behaviour Support Plan (BSP) and will help to guide staff on how best to offer support to a pupil.
- 5.5.8 Monitoring of incidents will help to ensure that staff are following the correct procedures and will alert the respective Head Teacher to the needs of any pupils whose behaviour may require the use of reasonable force. Head Teachers will monitor trends and patterns in the data about individual children, individual staff and groups of staff.
- 5.5.9 A Register of False Accusations made against staff will be maintained as an additional safeguard for staff working in this difficult area.
- 5.5.10 Reports of violent incidents across the Foundation are reported on a termly basis to the Full Board of governors. Any use of physical intervention by DCSF staff or volunteers will be reviewed at the governors' Education Committee on a termly basis.

5.6 **Planned Strategies**

The below are all short term planned strategies to support a pupil to resume their engagement with their educational programme:

5.6.1 **Staged Approaches:**

- **Offered time out** – positive offer (should they wish to) to allow the pupil to use a different environment for a short period to encourage emotional regulation.
- **Directed time out** – adults may verbally direct (rather than offer) the pupil to use a different environment for a short period to encourage emotional regulation as part of the behavioural management strategy.
- **Withdrawal** – which involves removing the pupil from a situation which causes anxiety or distress to a location where they can be continuously observed and supported until they are ready to resume their usual activities.
- **Segregation** – similar to withdrawal, the pupil is removed from a situation that causes overwhelming, prolonged anxiety or distress to an individual learning space/classroom for an extended period of time where they can be continuously observed and supported until they are able to manage being in a classroom. This

strategy will be reviewed at regular intervals to ensure that it remains to be in the best interests of the young person.

5.6.2 Seclusion

Seclusion must not be seen as part of the routine staged approach. The use of seclusion that prevents a pupil from leaving a room of their own free will only be considered in exceptional circumstances as a one-off response when all other efforts and options have been exhausted. If there is an agreement that there may be a foreseeable need to use this again, this would need to be agreed in full consultation with other appropriate professionals, e.g. clinical psychologist/psychiatrist. It must be part of a clear short-term Behaviour Support Plan supported by a comprehensive risk assessment which is regularly reviewed and agreed by parents. Seclusion must not be used with any intent to punish or teach the person any new behaviours.

Seclusion must be recorded in CPOMS and clearly identified as seclusion.

In all instances the Foundation will ensure the health and safety of pupils and any requirements in relation to safeguarding and pupil welfare.

The Foundation ensures that reasonable adjustments should be made to ensure that expectations of pupils who have special educational needs and/or disabilities are developmentally appropriate and fair.

6. Training

6.1 The Foundation will provide appropriate basic training materials, that should be delivered locally to all staff in schools, on the functions of behaviour and dynamic risk assessments.

6.2 The Foundation will assess how many staff need further training as appropriate for its pupil body and will review this regularly. Where possible, accredited training in positive handling will be delivered to relevant staff. The approach is affiliated to The General Services Association and its courses have been accredited by the British Institute of Learning Disabilities and The Institute of Conflict Management (2015).

7. Complaints

7.1 All complaints will be dealt with in line with the Foundation's Complaints Policy and will be investigated thoroughly and promptly.

7.2 If necessary, staff disciplinary procedures may be used to respond to any concerns of misconduct.

7.3 Where a member of staff has acted legally and in line with this Policy, this will provide a defence to any criminal or civil action. The onus is on the person making the complaint to prove that their allegation is true and not for the member of staff to show that they have acted reasonably. Suspension of the member of staff will not be automatic and will be considered in line with our Staff and Volunteer Code of Conduct, Discipline Policy, Grievance Procedure and Safeguarding Policy.

8. Oversight

8.1 This Policy is overseen by the Education Committee of the Governing Body. It will be reviewed annually and as guidance from the local authority or the Department for Education is updated.

Appendix 1 - Model Behaviour Support Plan (BSP)

Pupil name:	Class/Form:	Year:
Date of plan:	Review date:	
SEND status: EHCP ILP Monitor	Primary need:	
Name(s) of staff involved:		
Name(s) of parent/carer involved (where appropriate):		

Details of common triggers, early warning signs, and behaviour signs:

Stage 1: Anxiety behaviours	Stage 2: Defensive behaviours	Stage 3: Crisis behaviours

Preferred de-escalation strategies:

Strategy	Try	Avoid	Notes/comments
Give verbal advice and support			
Give space			
Give reassurance			
Help scripts			
Negotiation			
Choices			
Humour			
Consequences			
Planned ignoring			
Transfer adult			
Success reminders			
Acknowledgement			
Apologising			
Agreeing			
Removing audience			

Other (state)			
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Diversions and distractions / Praise points:

1.	
2.	
3.	
4.	

Any medical conditions to be considered before using physical interventions:

Preferred method of physical intervention:

Strategy	Try	Avoid	Notes/comments

Are there any factors to consider when debriefing?

Hear Explain Link Plan	
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