

# **Ysgol Aberconwy**



## **Policy for Control & Restraint of Students**

**Policy Document No : 55**

**ISSUE NO: 3**

**THIS POLICY HAS BEEN APPROVED BY THE FULL GOVERNING BODY**

**Signed:**

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## Policy for CONTROL & RESTRAINT of pupils including the screening & searching of pupils for weapons and illicit substances

### **1. THE USE OF REASONABLE FORCE TO CONTROL OR RESTRAIN PUPILS**

#### **1.1 INTRODUCTION**

Section 93 of the Education and Inspections Act 2006, gives all school staff members a legal power to use reasonable force to prevent pupils:

- committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil);
- causing personal injury to, or damage to the property of, any person (including the pupil himself); or
- prejudicing the maintenance of good order and discipline at the school or among any pupils receiving education at the school, whether during a teaching session or otherwise

This power applies to any teacher who works at the school, and any other person whom the head has authorised to have control or charge of pupils. This:

- i) includes support staff whose job normally includes supervising pupils such as teaching assistants, learning support assistants, guidance mentors and lunchtime supervisors.
- ii) can also include people to whom the head has given temporary authorisation to have control or charge of pupils such as paid members of staff whose job does not normally involve supervising pupils (for example catering or premises-related staff) and unpaid volunteers (for example parents accompanying pupils on school organised visits).
- iii) does not include prefects.

Those exercising the power to use force must also take proper account of any particular additional educational need (ALN) and/or disability that a pupil might have. Under the Equality Act 2010 schools have key duties:

- not to treat a disabled pupil less favourably, because of his/her disability, than a non-disabled pupil;
- not to treat a disabled pupil unfavourably because of a reason related to their disability, without justification;
- not to apply a provision, criterion or practice that puts or would put a disabled pupil at a particular disadvantage compared with a nondisabled pupil, without justification; and to take reasonable steps to avoid putting a disabled pupil at a substantial disadvantage in comparison with a non-disabled pupil (known as the reasonable adjustments duty).

The power applies at any time where a teacher, or other authorised person, is on the school premises or whenever he/she has lawful control or charge of the pupil concerned, e.g on a school trip or other authorised out of school activity.

The focus should be on preventing, as far as possible, the need for the use of force on pupils, by creating a calm, orderly and supportive school climate that lessens the risk and threat of violence of any kind. The use of force should only be a last resort.

The following staff have undertaken specific training provided by 'Timian':

Medwen Brookes, Jessica Meredydd, Matthew Misiak, Nicola Roberts, Joanne Mooney, Dwynwen Roberts, Bernadette Davies, Louise Smith, Clare Roberts, Kiana Williams.

It is **always** unlawful to use force as a punishment. This is because it would fall within the definition of corporal punishment, abolished by Section 548 of the Education Act 1996.

### 1.2 MEANING OF 'REASONABLE FORCE'

There is no legal definition of when it is reasonable to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. However, deciding whether misbehaviour is trivial also depends on circumstances.

The statutory power conferred by Section 93 of the Education and Inspections Act 2006 is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence, to prevent another person from being injured or committing a criminal offence. On preventing injury or damage to property, the statutory power is similar in scope to the common law power, except that it is only available to people authorised to have control or charge of pupils. Authorised staff may use force to prevent behaviour that prejudices the maintenance of school discipline regardless of whether that behaviour would also constitute a criminal offence.

Control can mean either passive physical contact (e.g. standing between pupils or blocking a pupil's path) or active physical contact (e.g. leading a pupil by the hand or arm, or ushering a pupil away by placing a hand in the centre of the back). In more extreme circumstances, using appropriate restrictive holds, by those members of staff that are Timian trained.

When members of staff use 'restraint' they physically prevent a pupil from continuing what they were doing after they have been told to stop. Restraint techniques are usually used in more extreme circumstances, such as when two pupils are involved in a fight and physical intervention is needed to separate them.

The use of force can be regarded as reasonable only if the circumstances of the particular case warrant it. The use of **any** degree of force is unlawful if the particular circumstances do not warrant the use of physical force. Therefore, physical force could not be justified to prevent a pupil from committing a trivial misdemeanour, (e.g. dropping litter).

When it is reasonable to use force, the degree of force that could reasonably be employed, might also depend on the age, understanding, physical maturity and sex of the pupil.

It is important to communicate calmly with the pupil, using non-threatening verbal and body language and ensuring the pupil can see a way out of a situation. Strategies might include, for example, going with the staff member to a quiet room, away from bystanders or other pupils, so that the staff member can listen to concerns; or being joined by a particular member of staff well known to the pupil. Wherever practicable, give sufficient warning to a pupil that force may have to be used before using it. Unreasonable or inappropriate use of force may lead to disciplinary action.

### 1.3 SITUATIONS IN WHICH PHYSICAL INTERVENTIONS MAY BE APPROPRIATE OR NECESSARY

The use of physical intervention should be viewed very much as the final option. It is very important to try non-physical preventative steps before applying physical intervention.

In a variety of situations reasonable force might be appropriate to control or restrain a pupil. The following are some examples of situations in which the use of reasonable force might be appropriate:

- pupils fighting;
- a pupil engaged in, or on the verge of committing, deliberate damage or vandalism to property;
- a pupil causing, 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 which might cause an accident likely to injure themselves or others;
- 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
- a pupil absconding from a class or trying to leave school but only if the pupil could be at risk if not kept in the classroom or at school.
- a pupil under the influence of substances such as alcohol or drugs.

Responding to such a situation can be very difficult. In doing so, staff will want to bear in mind the following:

- a) will the use of force exacerbate the situation and result in further injury to the member of staff, the pupil, or other pupils;
- b) will it set a poor example for other children;
- c) will it stress and/or distress the pupil or other pupils; and
- d) if the child has previously suffered physical abuse, will physical intervention in the classroom revive these memories.

### 1.4 APPLICATION OF FORCE

Physical intervention can take several forms. It might involve a member of staff physically interposing themselves between pupils or blocking a pupil's path; it might involve holding, pushing, pulling, leading by the arm, or shepherding a pupil away by placing a hand in the centre of the back; or it might involve using classroom furniture to restrict movement. At all times the degree of force used should be the minimum to achieve the desired result, and restraint should not be used unless absolutely necessary and the pupil is at risk of harm to themselves or others.

Where it is necessary to use force a member of staff must not, do so in a way that might reasonably be expected to cause injury, for example by:

- holding a pupil around the neck, or by the collar, or in any other way that might restrict the ability to breathe;
- slapping, punching or kicking a pupil; striking a pupil with an object;

- twisting or forcing limbs against a joint;
- tripping up a pupil;
- holding or pulling a pupil by the hair.

Members of staff should also always avoid touching or holding a pupil in a way that might be considered inappropriate.

Where there is a high and immediate risk of death or serious injury, any member of staff would be justified in taking any necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a pupil running off the pavement onto a busy road or preventing a pupil from hitting someone with a dangerous object such as a glass bottle or hammer.

### **1.5 STRATEGIES OTHER THAN PHYSICAL RESTRAINT**

Where the risk is not so urgent the member of staff should consider carefully whether, and if so when, physical intervention is appropriate. They should always attempt to deal with a situation through other strategies before using force and should have strategies and techniques for dealing with difficult pupils and situations which they should use to defuse and calm a situation.

Before intervening physically, a member of staff should, wherever practicable, instruct the pupil who is misbehaving to stop and explain to him or her the consequences of failing to comply.

Where it is necessary to use physical restraint, the member of staff should continue talking to the pupil throughout the incident and should make it clear that physical contact/restraint will stop as soon as the pupil complies with the instructions. A calm and measured approach is needed and members of staff should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish the pupil.

Sometimes a member of staff should not intervene in an incident without help (unless it is an emergency). This might arise when dealing with an older or physically large pupil or with more than one pupil. In some instances, the use of physical restraint may well be the spark for igniting a pupil's violence and could place the member of staff at risk of injury. In those circumstances the member of staff should remove other pupils who might be at risk, and summon assistance from a colleague or colleagues, or where necessary call the police. The member of staff should inform the pupil(s) that he or she has sent for help. Until assistance arrives the member of staff should continue to attempt to defuse the situation by talking and try to prevent the incident from escalating.

### **1.6 RECORDING INCIDENTS**

Immediately following any incident in which force is used to control or restrain a pupil, the member of staff concerned should report the matter orally to the head or a senior member of staff. The member of staff should provide a written report as soon as possible afterwards. This may help to prevent any misunderstanding or misrepresentation of the incident and it will be helpful in the event of a complaint. Parents will be informed of the incident.

Where other members of staff and pupils witness an incident, it would be appropriate to collect statements from all those involved.

**The report of an incident should include:**

- the name(s) of the pupil(s) involved, and when and where the incident took place;
- names of any staff or pupils who witnessed the incident;
- the reason that force was necessary (eg to prevent injury to the pupil/another pupil/member of staff);
- how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse/calm the situation, the degree of force used, how that was applied, and for how long;
- the pupil's response, and the outcome of the incident;
- details of any injury suffered by the pupil, another pupil, or a member of staff and of any damage to property.

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

Any injuries suffered by a member of staff must be reported to Mr Kuljit Bratch (School Business Manager and Health & Safety Officer).

Reports should be recorded on the school's system used for monitoring the safeguarding of pupils - 'My Concerns'.

## **2. PUPILS WITH ADDITIONAL LEARNING NEEDS AND/OR DISABILITIES**

Appropriate account should be taken of the specific needs of Vulnerable pupils and pupils with ALN when applying this policy. The ALNCo / Ganolfan Coordinator will make all staff that come into contact with individual pupils aware of relevant characteristics by highlighting:

- situations that may provoke difficult behaviour, preventive strategies and what de-escalation techniques are most likely to work;
- what is most likely to trigger a violent reaction, including relevant information relating to any previous incident requiring use of physical intervention; and
- if physical intervention is likely to be needed, any specific strategies and techniques that have been agreed by staff, parents and the pupil concerned.

Information will be shared via the bulletin, ALN register, pupil Profiles, IDP's/IEP's and through the Individual Response Strategy documents.

AHT / Y Ganolfan Co-ordinator should be informed as quickly as possible of any incident involving Y Ganolfan pupils. This does not necessarily mean waiting for them to arrive before taking action if the need for action is urgent. However, they should always be involved in post-incident follow-up. In certain circumstances where it is necessary.

Where it is known that a pupil is likely to present severe behavioural difficulties, a formal risk assessment is in place to assist staff in judging the benefits and risks of any proposed intervention for staff, the pupil concerned and others.

### **3. PHYSICAL CONTACT WITH PUPILS IN OTHER CIRCUMSTANCES**

There are occasions when physical contact with a pupil may be proper or necessary other than those covered by Section 93 of the Education and Inspections Act 2006. Some physical contact may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching or Design and Technology or if a member of staff has to give first aid. Young children and those with ALN may need staff to provide physical prompts or help. Touching may also be appropriate where a pupil is being congratulated or praised, or where the pupil is in distress and needs comforting. Staff will use their own professional judgement when they feel a pupil needs this kind of support.

There may be some pupils for whom touching is particularly unwelcome. For example, some pupils may be particularly sensitive to physical contact because of their cultural background or because they have been abused. Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned physical contact can sometimes be misconstrued.

### **4. SCREENING AND SEARCHING PUPILS FOR WEAPONS AND ILLICIT SUBSTANCES**

#### **4.1 Introduction**

Section 45 of the Violent Crimes Reduction Act 2006 allows school to screen pupils who are suspected of carrying weapons. Almost without exception, it is a criminal offence to bring a knife or other weapon into school.

Staff can search a pupil with their consent, or without their consent. Only the Headteacher or those authorised by the Headteacher may undertake such a search and any members of staff conducting a search should be trained in doing so. The school may request such a search is undertaken by Police. In all cases a second person must be present and both searchers should be of the same sex as the pupil if a search is deemed to be necessary.

The statutory power to search applies where there are reasonable grounds for suspecting that a pupil has with him or in his possessions any of the following:

- A 'knife' – to be precise, any article which has a blade or is sharply pointed. The definition does not include a folding pocket knife other than one whose cutting edge exceeds three inches or one which is not readily foldable at all times (such as a locking knife).
- An offensive weapon – to be precise, any article made or adapted to injure a person, or any article which is intended by the person carrying the article for such use by him or by another person. Three types of article are covered:
  - a) a weapon made for causing injury, such as a gun;
  - b) an article adapted for causing injury, such as a bottle broken deliberately for the purpose; and
  - c) an article not made or adapted for causing injury but which the person who has it intends to be used for the purpose of causing injury; eg a baseball bat.
- an illicit substance such as drugs, alcohol or tobacco – all of which are not permitted on the school site.



### **3.2 Conducting a Search**

If a member of staff has reason to suspect a pupil is in possession of a knife/weapon or other items that may be used to harm themselves or others they should refer immediately to the headteacher or leadership team. Such searches will be conducted in an office or similar venue, with a second member of staff present. Both members of staff should be trained to carry out a search and should only do so if they feel it is safe to do so. In situations where they feel that it is not safe to do so, the police should be informed.

The power to search on suspicion and with or without consent enables a personal search, involving removal of outer clothing and searching of pockets, bags or other personal items; but not an intimate search going further than that.

The searcher should ask the pupil to empty their pockets, bag etc. The searcher can pat down a person's clothing, without directly touching the body. If patting down finds an object in, for example, a trouser pocket, the pupil can be asked to bring out and show the object. If this is refused, the searcher can search the pocket. A pocket should not be searched when the member of school staff believes the pupil may interpret the search as an assault. The police should be called instead.

The searcher can require the pupil to remove outer clothing (eg a coat, jacket or pullover) if it is necessary for the search. If the pupil refuses, the searcher should call the police.

### **3.3 After the Search**

The searcher can seize:

- Any knife, offensive weapon or item that may result in harm;
- Any knife, other weapon or item that may result in harm found 'accidentally' – when, for example, a mobile phone is being confiscated. It should be treated as if it has been sought;
- Anything which provides reasonable grounds for suspecting that an offence has been committed – for example, an offence relating to drugs or to stolen property;
- When school staff find and seize a knife, weapon or item that may result in harm they suspect is illegal, they should promptly inform the Police who will be asked to collect the item.
- An illicit substance such as drugs, alcohol or tobacco – all of which are not permitted on the school site.

A record will be kept of the outcome of any search, and parents informed. If a pupil is found in possession of a knife or illegal weapon an appropriate school sanction will be given and the Police informed.

A record of any search carried out should be made on the school's system used for monitoring the safeguarding of pupils - 'My Concerns'.

In a few circumstances, it is not recommended informing parents. An example might be where something found could be evidence of an offence involving the parent as well.