

# Policy Issues and Updates

| <i>Pages</i>                  | <i>Issue Number</i> | <i>Date</i>    |
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| Whole Document – New          | 1                   | September 2023 |
| Updates to search of students | 2                   | September 2024 |
|                               |                     |                |

This Policy has been approved by the Senior leaders and Director.

The policy will be reviewed annually unless circumstances arise requiring an early review.

Approved: September 2024

Signature:



Planned Review Date: August 2026

**PHYSICAL INTERVENTION / USE OF RESTRAINT POLICY**  
*This policy is applicable for all students accessing the provision.*

## **Principles**

The Education and Inspections Act 2006 confirmed the right of staff to use 'such force as is reasonable' for the purpose of preventing a student from

- committing an offence;
- causing personal injury to, or damage to the property of, any person (including themselves);
- prejudicing the maintenance of good order and discipline.

Nothing in the law concerning the use of reasonable force legitimises corporal punishment and the use of force as a punishment is always unlawful.

## **Code of conduct for staff**

Staff at Chances are expected to

- be aware that even well-intentioned physical contact may be misconstrued by the pupil, an observer or by anyone to whom this action is described;
- be prepared to explain actions and accept that all physical contact be open to scrutiny;
- be aware of the government guidance in respect of physical contact with pupils and meeting medical needs of children;
- be aware of the duty to make reasonable adjustments for disabled children and children with Special Educational Needs.
- ensure that all incidents are reported and logged in the school's electronic files. A student's parents should be informed about a serious incident involving the use of force.
- School staff should always try to avoid acting in a way that might cause injury.

## **Circumstances where physical restraint may be justified**

The provision applies when an authorised person (Callum Siddall, Chris Brookes), is on the provision premises, and when he/she has lawful control or charge of the pupil concerned elsewhere, eg on a trip or other authorised out of provision activity.

The use of force can be regarded as reasonable if:

- it is used for the minimum length of time to achieve its objective.
- it is used as a last resort.
- the degree of force must be the minimum necessary and in proportion to the incident and the seriousness of the behaviour or the consequences it is intended to prevent.
- It's to prevent harm to self or others.
- To prevent damage to property.

Lawful methods of reasonable force can take several forms. It might involve staff:

- physically interposing between pupils;
- holding;
- shepherding a pupil away by placing a hand in the centre of the back; or,
- in extreme circumstances using a more restrictive hold.

Physical restraint should only be used as a last resort; other non-physical strategies for de-escalating the situation must be tried first. Whenever possible, the age, level of understanding and gender of the student should be considered. In addition, staff should be mindful of any student who is on the SEND register. However, it is understood that in some instances (such as stopping a child who is absconding or at immediate risk of harm), staff may have to act quickly, and without having the time to consider all the circumstances.

Examples of behaviour likely to lead to restraint

- physical attack by a student on an adult/student;
- deliberate damage to school property;
- a student behaving in a way which places others at risk, e.g. pushing, tripping on a staircase, rough play, self harm or absconding;
- preventing a student running into a busy road;

Restraint is NOT a punishment, must not be used as such and should not lead to injury. Assistance should be sought whenever possible.

### **In summary, staff at Chances Mentoring must**

- adhere to the provision's physical intervention policy;
- always seek to de-escalate situations by non-physical means;
- always, if necessary, use minimum force for the shortest period necessary.

### **The right to search students**

In line with DfE advice 'Searching, screening and confiscation' of January 2018, the Director, and any member of the school staff authorised by the Director, who has reasonable grounds for believing that a student may have a prohibited item, have a statutory power to search pupils or their possessions, without consent. Prohibited items are:

- knives or weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers and e-cigarettes
- fireworks
- pornographic images (which should only be viewed in the presence of a colleague)
- any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or
- to cause personal injury to, or damage to the property of, any person (including the pupil).

Provision staff can carry out a search for any item if the pupil agrees. Force cannot be used to search for items which are merely banned under the school rules.

Members of staff can only carry out a search without consent if they have reasonable grounds for suspecting a pupil may have in his/her possession a prohibited item. Reasonable grounds may include:

- hearing other students talking about the item
- a pupil behaving in a suspicious way
- evidence from CCTV footage
- seeing suspicious behaviour themselves

The Director must ensure that 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 member of staff also the same sex as the student. (The only exception to this is if the member of staff reasonably believes that there is an immediate risk or serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.) Searches without consent can only be carried out on the provision premises, or where the member of staff has lawful control or charge of the pupil, for example a trip in England. The powers only apply in England.

The Director cannot require teachers to conduct the searches, only authorise them to do so. If a search reveals any offensive weapons or knives, or *evidence in relation to an offence*, the provision MUST call the police in. The provision has no discretion in this, not even if the provision wishes to resort solely to internal discipline procedures.

### **The extent of a search**

The authorised member of staff can search the student's: clothes, possessions and desks.

The student cannot be required to remove any clothing other than outer clothing and if the student's possessions are searched this must also be done in the presence of another adult and the student. In terms of clothing the power is limited to a personal search of pockets; only the police can carry out an

intimate search.

### **Confiscation**

Provision staff can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school provision.

### **Following a search**

Alcohol, tobacco/cigarette papers and fireworks may be disposed of appropriately and should not be returned to the pupil.

Controlled drugs (including items believed to be so), stolen items and weapons (or items which are evidence of an offence) must be delivered to the police as soon as possible.

Pornographic images should be disposed of unless their possession constitutes an offence. Images found on a mobile phone or other electronic device should be deleted unless it is necessary to pass them to the police. Staff should follow the detailed guidance in the safeguarding policy if they suspect that such images may be illegal.

### **Electronic devices**

Data or files on electronic devices may be examined if the member of staff believes there is good reason to do so. A good reason would include: if the device in question has been, or could be used to cause harm, disrupt learning or break the provision rules.

If inappropriate material is found on the device the member of staff should use their professional judgement in deciding whether to delete the material, retain it as evidence of breach of provision discipline, or whether it is of sufficiently serious nature that it requires the involvement of the police.

If a member of staff has reasonable grounds to suspect an electronic device contains evidence in relation to an offence, they must give the device to the police as soon as is reasonably practicable.

### **Searching with consent**

Provision staff can search a pupil, their belongings and desk for any item if the pupil agrees (although the ability to give consent may be influenced by the child's age or other factors). This does not have to be formal written consent. This could be for an item not on the prohibited list, but which has been banned from the provision in the provision rules and in communications to parents and pupils. A pupil refusing to cooperate with such a search should be dealt with using the provision's disciplinary sanctions.

### **Recording incidents**

The director has the responsibility to ensure that a procedure for recording incidents is in place and is followed by staff. A record should be made as soon as practicable after the incident when all parties involved are emotionally ready to do so.

All accounts of the same incident should be taken including those of the pupil(s) involved where possible.

Best practice demonstrates that this should be a description of the behaviour and action taken. There should be no motive or judgemental language.

The provision will keep an up-to-date record of such incidents kept in a secure place and monitored by

the Director. Parents will be informed of occasions when physical intervention is used with their children on the same day, or as soon as reasonably practicable.

Staff may find it helpful to seek advice from a senior colleague or a representative of their professional association when compiling a report. If a member of staff is injured through the intervention then they will be required to complete the provision's accident form, and to comply with RIDDOR '2013 reporting as applicable (Reporting of injuries, diseases and dangerous occurrences regulations). They should keep a copy of the report.

It is the Director's responsibility to monitor and review the use of physical intervention within their provision. It is good practice that all reports of physical intervention are seen by the Director.

Where there is a known risk regarding an individual pupil a risk assessment will be carried out and regularly updated. This risk assessment should be revisited after any incident to assess its usefulness and to amend if necessary in the light of the post incident recording form.

**Name of Pupil:** \_\_\_\_\_ **DoB:** \_\_\_\_\_ **Form:** \_\_\_\_\_

**Date and Time of Incident:** \_\_\_\_\_ **Location:** \_\_\_\_\_

**Context: Events leading up to the incident:**

|  |
|--|
| <p><b>Anxiety</b><br/>Behaviour of Pupil:</p><br><br><br><br><br><br><br><br><br><br><p>Staff Response:</p>                |
| <p><b>Defensive/Escalation:</b><br/>Behaviours of Pupil:</p><br><br><br><br><br><br><br><br><br><br><p>Staff Response:</p> |

**Perceived Risk:** Reason for Physical Intervention and/or search:

**Names of other people present:**

**Nature of physical intervention used:**

Duration of Physical Intervention: \_\_\_\_\_

Date and time line manager notified: \_\_\_\_\_

Parent/Carer notified (date and method): ----/----/----- \_\_\_\_\_

Name(s) of injured people: \_\_\_\_\_

Injury sustained: \_\_\_\_\_

Accident form completed: ----/----/-----

Damage to property

Follow Up Actions Required

**Signed:** \_\_\_\_\_

**Position:** \_\_\_\_\_

**Date and time of report:** \_\_\_\_\_