



**POSITIVE HANDLING,
SUPPORT AND
PHYSICAL
INTERVENTION
PROCEDURES**

DOCUMENT CONTROL

Author/Contact	James Jackson Tel: 01946 820356 Email: contactus.wla@westlakesmat.org.uk	
Document Path & Filename	Staff General/Corporate Information/Policies and Procedures/Finance/Community Use Policy	
Document Reference	Positive Handling, Support and Physical Intervention Procedures	
Version	03 MAT	
Status	Approved	
Publication Date	September 2021	
Related Policies	Overarching Safeguarding Statement, Child Protection Policy, Whole Academy Behaviour Policy, Health and Safety Policy, Single Equality Information/Objectives, Special Educational Needs Policy, Drug and Alcohol Policy, Intimate Care Procedures Trips and Visits Policy	
Review Date	September 2021	
Approved/Ratified by	Local Governing Board	13 th September 2021
Distribution:		
West Lakes MAT Staff		
Please note that the version of this document contained within the Policy Folder on Staff General is the only version that is maintained.		
Any printed copies should therefore be viewed as “uncontrolled” and as such, may not necessarily contain the latest updates and amendments.		

Version	Date	Comments	Author
01	October 2014		Guy Short
02	September 2015		Guy Short
03	April 2016		Guy Short
01WLMAT	June 2019	Revised to reflect reference changes only & replacement of Appendices with 'links' throughout	Sophie McCabe

02WLMAT	August 2020	Revised to reflect changes to KCSIE 2020	James Jackson
03WLMAT	August 2021	Minor changes to names and references. No material changes	James Jackson

CONTENTS

Introduction	5
1. Objectives	6
2. Background: What the Law Says	6
3. What is meant by 'Reasonable Force'	7
4. When the use of Reasonable Force might be appropriate	8
5. The different approaches which may be used prior to force being used	10
6. What is not an acceptable use of force	11
7. Placing Physical Intervention in Context	12
8. Recording and Reporting Significant Incidents	13
9. Recording a Significant Incident	13
10. Children with Identifiable Behaviour Difficulties	14
11. Assessing and Managing Risks for Children who present Challenging Behaviours	14
How to complete a Risk Assessment/Behaviour Management Plan (BMP)	15
12. Power to Search Students	16
Without Consent	16
With Consent	17
13. Staff Training	18
14. Medicines	19
15. Information to Parents	19
16. After the Incident	20
17. Police Involvement	21
18. Complaints and Allegations	21

INTRODUCTION

In their advice on 'Ensuring Good Behaviour in Schools', the Department for Education (DfE) have set out the legal powers and duties that govern behaviour in schools which includes the use of reasonable force. In their guide 'Behaviour and Discipline in Schools' the DfE clarifies the legal provisions on school discipline which provides staff with the power to use reasonable force to prevent students committing an offence, injuring themselves or others or damaging property, and to maintain good order and discipline in the classroom.

In order to maintain the safety and welfare of our students, it may sometimes be necessary to use reasonable force on a student, as permitted bylaw.

The Governing Body have taken account of advice provided by the 'DfE - Use of reasonable force - advice for Head teachers, staff and governing bodies' and the school's public sector equality duty set out in section 149 of the Equality Act 2010.

West Lakes Academy (hereinafter referred to as the academy) has drawn these procedures from the guidance issued by the DfE:

- DfE Use of Reasonable Force – Advice for Head teachers, Staff and Governing Bodies, July 2013
- DfE Ensuring Good Behaviour in Schools, 2012
- DfE Behaviour and Discipline in Schools – Guidance for Governing Bodies, July 2013
- DfE Behaviour and Discipline in Schools – Advice for Head teachers and School Staff, January 2016
- DfE Screening, Searching and Confiscation – Advice for Head teachers, School Staff and Governing Bodies, January 2018
- DfE Screening, Searching And Confiscation - Advice for Head teachers and Staff of Further Education Colleges, Sixth Form Colleges and 16-19 Academies, October 2012
- Exclusion from Maintained Schools, Academies and Student Referral Units in England, September 2017
- DfE Statutory Framework for Early Years Foundation Stage, 2017
- DfE Keeping Children Safe in Education, September 2020 and Part 1 of the same guidance Keeping Children Safe in Education – Information for all School and College Staff, September 2020
- DfE Working Together to Safeguard Children, July 2018
- DfE Mental Health and Behaviour in Schools, March 2015
- Guidance for Safer Working Practice for those working with Children and Young People in Education Settings/Code of Conduct for Staff – October 2015

These procedures should be read in conjunction with the following Academy policies and procedures:

- Child Protection Policy and procedures
- Behaviour Policy and procedures
- Code of Conduct for Staff and Other Adults
- Health and Safety Policy
- Single Equality Scheme/Objectives
- Special Educational Needs and Disabilities (SEND) Policy/Information Report
- Drug Policy
- Supporting Pupils with Medical Conditions Policy and procedures
- Intimate Care and Toileting Procedures
- Off Site Visits Procedures

1. **OBJECTIVES**

The key objective of this document is to outline the academy's procedures on positive handling, support and physical intervention including the use of force to control or restrain students.

The academy recognises that staff have a legal power to use force and that the lawful use of this power will provide a defence of any related criminal prosecution or other legal action if it can be demonstrated that the use of force was reasonable in the circumstances.

Reasonable force will only be used as a last resort after de-escalation techniques have failed. Academy staff are made aware that they will have to justify their actions if they ever use reasonable force in the course of their duties.

The academy has a duty to maintain the safety of students and staff, to prevent serious breaches of academy discipline and to prevent serious damage to property. To achieve this, reasonable force will only be used when the risks involved in so doing, are outweighed by the risks involved in not using force. In such circumstances, only the minimum amount of force necessary to the circumstances will be used; not only should any force be proportionate, but it should be for the minimum amount of time necessary to the circumstances.

It is clear in our Behaviour Policy and procedures and in communications to parents and students when force might be used – this will reduce the likelihood of complaints being made when force has been properly used.

2. **BACKGROUND: WHAT THE LAW SAYS**

Section 96 of the Education and Inspections Act, 2006, enables staff to use reasonable force to prevent a student from:

1. committing a criminal offence (or for a young person under the age of criminal responsibility, what would be an offence in an older student);
2. causing personal injury or damage to property;
3. prejudicing the maintenance of good order and discipline at the academy or among the students receiving education at the academy, whether during a teaching session or otherwise.

The staff to which this power applies are:

1. Any member of staff;
2. Any other person whom the Principal has authorised control or charge of students (*authorisation does not necessarily need to be given in writing*). This can include people to whom the Principal has given temporary authorisation to have control or charge of students such as unpaid volunteers (for example parents accompanying students on academy-organised visits).

This power does NOT under any circumstances include students or those under the age of 18 on placement or work experience.

The power may be used where the student (including a student or student from

another school) is on the premises or elsewhere in the lawful control or charge of the staff member, for example, on an off-site visit.

It is, however, strongly recommended that before using force, staff or other authorised persons attempt to use diversion or defusion to manage the situation. If staff or other authorised persons have to use force, they must use techniques and methods with which they are familiar, confident and are permitted by the academy. Any force employed, should be reasonable and proportionate and, where possible, it should reflect the person's previous training in the appropriate use of restrictive physical interventions (see Section 12).

As required under Section 246 of the Apprenticeships, Skills, Children and Learning Act, 2009, each significant incident in which a member of staff uses force on a student, must be reported as soon as practical, to the Principal or the Deputy Principal with responsibility for Safeguarding so that the parent of the student can be informed. However, senior staff must not report the incident to a parent if it appears to the staff member that so doing would be likely to result in significant harm to the student. If this is the case and there is no parent of the student to whom the incident must be reported, this incident must be reported to the Local Authority where the student normally lives.

3. WHAT IS MEANT BY 'REASONABLE FORCE'

There is no statutory definition of 'reasonable force'. Whether the force used is reasonable will depend on the circumstances of individual cases. The test is whether the force used is proportionate to the circumstances. The degree of force would be the minimum needed to achieve the desired result. Use of force could not be justified to prevent trivial misbehaviour. Further guidance on the circumstances where reasonable force might be used is included below.

The statutory power conferred by section 93 of the Education and Inspections Act is in addition to the common law power of any citizen in an emergency to use reasonable force in self-defence or to prevent another person 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 it is only available to people authorised to have control or charge of students. Section 93 makes it clear that authorised staff may use force to prevent behaviour that prejudices the maintenance of academy discipline regardless of whether that behaviour would also constitute a criminal offence.

In its non-statutory guidance 'Use of Reasonable Force in Schools' July 2013, the DfE states:

- The term 'reasonable force' covers the broad range of actions used by teachers at some point in their career that involve a degree of physical contact with a student.
- Force is usually used 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.
- 'Reasonable in the circumstances' means using no more force than is needed.

- As mentioned above, schools generally use force to control students and to restrain them. Control means either passive or physical contact, such as standing between students; blocking a student's path; or physical contact such as leading a student by the arm out of a classroom.
- 'Restraint' means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example, when two students are fighting and refuse to separate without physical intervention.
- Academy staff are expected to 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 the student.

It is always unlawful to use force as a punishment

This is because this would fall within the definition of corporal punishment, abolished by section 548 of the Education Act 1996.

Other physical contact with students

It is not illegal for staff to touch students. Whilst the academy does not encourage staff to touch students unless it is necessary, there are occasions when physical contact, other than reasonable force, with a student is proper and necessary. Examples of where touching a student might be proper and necessary:

- Touching a student on the arm, hand or shoulder to indicate when to stand still, move forward or backwards e.g. in a crowd, queue, assembly;
- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the academy;
- When comforting a distressed student;
- When a student is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques in PE or sports coaching;
- To support students with disabilities;
- To administer first aid.

The above is not exclusive.

4. WHEN THE USE OF REASONABLE FORCE MIGHT BE APPROPRIATE

The use of force is a relatively rare occurrence in the academy. It will be used only as a protective measure and never as a disciplinary penalty. The judgement on whether to use force and what force to be used should depend on the circumstance of the case or information about the individual concerned.

The decision on whether to physically intervene is down to the professional judgement of the staff member or authorised adult concerned.

Decisions on whether the precise circumstances of an incident justify the use of force must be reasonable. Typically, such decisions must be made quickly, with little time for reflection.

Staff should be clear in their judgement:

- The chances of achieving the desired result by other means;
- The seriousness of the incident, the effect of injury, damage or disorder if force is not used;
- The relative risks associated with physical intervention, compared with other strategies.

Examples of situations that particularly call for judgement of this kind include action to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a student from behaving in such a way that seriously disrupts a lesson;
- prevent a student behaving in a way that disrupts an academy event or an off-site trip or visit;
- prevent a student leaving the classroom where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a student from attacking a member of staff or another student, or to stop a fight in the playground;
- restrain a student at risk of harming themselves through physical outbursts.
- prevent a student committing deliberate damage to property;
- prevent a student from causing injury or damage, e.g. by accident, or rough play; pushing and shoving in a crowded situation or by misuse of dangerous materials or objects;

In circumstances where a student who is absconding from class, detention or the academy other than the authorised time, it would only be justifiable to prevent this if allowing a student to leave:

- entails serious risks to a student's safety (taking into account age and understanding) to the safety of other students or staff or of damage to property;
- leads to behaviour that prejudices good order and discipline, such as disrupting other classes.

In the above examples the use of force is likely to be construed as reasonable (and therefore lawful) if it was clear that the behaviour was **sufficiently dangerous and disruptive** to warrant physical intervention of the degree applied and could not realistically be dealt with by any other means.

Reducing the likelihood of situations arising when the use of force may be required:

- a) There are many ways in which the academy has minimised the likelihood of situations where the use of force may be required. The academy's ethos is designed to create a calm, orderly and supportive school climate as well as fostering positive relationships in the academy community. Explicit boundaries for students are detailed in the academy Behaviour Policy and procedures.
- b) Staff are trained in positive behaviour management embedded in Team Teach training programme which includes techniques to manage individual incidents including de-escalation of situations.
- c) Staff experiencing difficulties with students who are refusing to comply with instructions and disrupting lessons, have a variety of strategies to use including requesting a student to leave a room, sending the student to the quiet room. To de-escalate situations, staff are expected to summon assistance from pastoral staff or senior management if they encounter particularly challenging situations or a student refuses to comply with an instruction to leave a classroom or other area.

5. THE DIFFERENT APPROACHES WHICH MAY BE USED PRIOR TO FORCE BEING USED

Where possible, before using force and depending on the circumstances staff will:

- engage the student in a calm measured tone, setting out how the student could choose to modify their behaviour;
- distract the student: for example, when students are fighting, by shouting or blowing a whistle;
- if any angry student has moved away: decide whether they are a risk to themselves and others before deciding to follow/detain;
- remove other students who might be at risk;
- summon assistance;
- telephone the Police if appropriate;
- warn the student that force might be necessary;
- use the minimum amount of force necessary.

Any force will be proportionate to the level of risk and will be reduced at the earliest possible time.

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

In school, force might be used:

- to control students with passive physical contact e.g.

- standing between students;
- blocking a student's path.
- to control students with active physical contact e.g.
 - leading a student by the hand or arm;
 - ushering a student away by placing a hand in the centre of the back.
- to control students with more forceful action e.g.
 - in stopping a fight when the protagonists refuse to separate and are pulling/pushing

6. **WHAT IS NOT AN ACCEPTABLE USE OF FORCE**

Use of more restrictive holds that require specific expertise or training.

The following are not acceptable in any circumstance:

- Holding a student around the neck, or the collar/tie or in any other way that might restrict the student's ability to breathe.
- Pushing the student's head downwards, or sitting, kneeling or resting on the student.
- Pushing or holding the student on the floor either in a sitting or lying position.
- Slapping, punching or kicking a student.
- Twisting or forcing a limb; forcing a limb against the joint or behind a back.
- Tripping up a student.
- Pulling ears; and generally pulling hair.
- Touching or holding in any way that might be interpreted as sexually inappropriate conduct.

In addition, the following are considered to have unacceptable risk when used on children or young people and are not allowed:

- The 'seated double embrace' which involves two members of staff forcing a person into a sitting position and leaning them forward, while a third monitors breathing.
- The 'double basket hold' which involves holding a person's arms across their chest.
- The 'nose distraction technique' which involves a sharp upward jab under the nose.

Staff will avoid acting in a way that might reasonably be expected to cause injury. If this has not been possible, and a student sustained an injury because of the use of force by a member of staff, that member of staff may be called upon to justify his/her

actions.

Staff must always consider their own safety and that of others in deciding how to act in such situations. Staff should also consider calling for assistance before intervening if they have reason to believe that they would be at risk of injury if intervening alone. The academy should consider a pre-determined alerting procedure. This procedure can be used for many issues not just the need for physical intervention. A simple book alerting system, where the academy has previously identified a book in each classroom, which can be given to a student to pass on to another member of staff, is one method. This then serves to alert that member of staff to come to the class base as a matter of urgency. This method has worked well in many schools.

Any force should be limited and removed as soon as possible.

7. PLACING PHYSICAL INTERVENTION IN CONTEXT

Physical Intervention is not to be seen in isolation. It is but one strategy available to staff and should always be seen as a last resort when all other strategies have failed. Physical interventions can be placed in two broad categories:

Emergency Interventions

Emergency interventions will involve ideally a minimum of two staff employing, where necessary, one or a combination of the strategies from Team Teach in response to an incident. This will occur when all other strategies have been exhausted or the incident requires a rapid physical response (for example a child running on to the road).

Planned Interventions

Planned interventions involve a minimum of two staff employing, where necessary, one or a combination of the strategies from Team Teach as an agreed response to an identified behaviour. This will be documented in the Positive Handling Plan which must form part of the student's Behaviour Management Plan and will be reviewed along with 6 monthly IEPs. Permission of parents will be sought before initiating this as an accepted response. The Behaviour Management Plan will list the accepted strategies to be used as well as strategies that may be used beforehand e.g. de-escalation techniques.

Strategies can be divided into those that are preventative and those that are reactive. Preventative Strategies need to be:

- Clear and understood by all those who come into contact with the individual.
- Based on thoughts/discussion about possible reasons for challenging behaviour.
- Where possible the functional opposite of the behaviour (functionally incompatible) we are trying to stop, e.g. as simple as if a student is constantly hitting someone else then we need to aim for them to be sat in their seat (if they are in their seat they can't be hitting someone).

Reactive Strategies need to be:

- Clear and understood by all those who come into contact with the individual.
- Manageable.
- Focussed on the behaviour not the child.

- Flexible.
- Aimed at De-escalation.

8. **RECORDING AND REPORTING SIGNIFICANT INCIDENTS**

The academy does not require parental consent to use force on a student. The academy has a duty to record and report to parents all *significant* incidents where a member of staff has used force on a student.

The member of staff involved must report the matter to the Principal or Designated Safeguarding Lead, and make a written record of the incident using a 'Record of Positive Physical Handling or Intervention' pad or sheet as soon as practicable (example given at: <https://www.kymallanhsc.co.uk/document/downloadaddocument/8445>).

The Principal, in consultation with Designated Safeguarding Lead and / or SENDCo, will decide whether an incident is significant or not.

The following would be considered significant:

- Incidents where unreasonable force has been used.
- Incident where substantial force has been used.
- Use of any restraint.
- Incidents where the child or 'handler' has been injured because of the intervention.
- If the child was very distressed.

In determining whether incidents are significant the following will be considered:

- The student's behaviour and level of risk presented at the time.
- The degree of force used and whether it was proportionate in relation to the behaviour.
- The effect on the student or member(s) of staff.

Staff should also consider the age of the student, any SEN or disability and any other social factor.

Sometimes an incident may not be significant in isolation, but may form part of a pattern of repeated behaviour and records should therefore be kept.

9. **RECORDING A SIGNIFICANT INCIDENT**

Any incident that involves the use of force should be investigated in the same way as other incidents in the academy. All accounts of the same incident should be recorded including those of the student(s) involved.

The member of staff involved in using force should complete the 'Record of Positive Physical Handling or Intervention' pad as soon as practicable after the incident. He/she may also be required to write a detailed report on the matter as a part of a wider incident. The member of staff may consult their union for advice should they wish. The Designated Safeguarding Lead should check this report and provide the member of staff concerned with a final version for their records. A copy will be placed on the staff member's file.

Reports by other staff and students should then be attached to the report. This

information will be part of a student's records.

10. **CHILDREN WITH IDENTIFIABLE BEHAVIOUR DIFFICULTIES**

Children who may have identifiable behaviour difficulties such as those associated with Special Educational Needs and Disabilities; Autistic Spectrum Disorder (ASD) or any undiagnosed but identified behaviour difficulties will be treated in ways advised by specialists in this field. It is often possible to identify reasons for behaviour and put strategies in place to deal with it.

All staff should adopt a positive approach to improving behaviour to reward effort and build self-esteem. Staff should work in partnership with those who know the child to:

- find out why the child behaves as he/she does;
- understand the factors that influence a child's behaviour;
- identify early warning signs that indicate foreseeable behaviours are developing.

This approach will help to ensure that early and preventative intervention is the norm. It should reduce the incidence of extreme behaviour and make sure that the use of physical intervention is rare.

If a child's behaviour deteriorates so that he/she is a danger to himself or others it may be necessary to use restrictive physical interventions to prevent him/her hurting him/herself or others. These interventions would be emergency measures or interventions if all other routes have been exhausted.

11. **ASSESSING AND MANAGING RISKS FOR CHILDREN WHO PRESENT CHALLENGING BEHAVIOURS**

The term 'risk' refers to any circumstances which could lead to adverse outcomes for the child or others.

Risk assessment and management is a process that helps staff to consider risk issues, to act reasonably and to learn from everyday practice.

Whenever it is foreseeable that a student might require a restrictive physical intervention, a risk assessment will be carried out which identifies the benefits and risks associated with the application of different intervention techniques with the student. Assessing and managing risk is central to the process of deciding whether to use physical force and ensuring that it is both **reasonable** and **proportionate** to the circumstances. Where it is known that a student is likely to present severe behaviour difficulties, a formal assessment of the risks involved will assist staff in judging the benefits and risks of any proposed intervention for staff, the student concerned and others. This risk assessment must be undertaken by a competent person i.e. one who knows the process of risk assessment and who has sufficient knowledge about the student and his/her behaviour to enable them to make objective decisions on the appropriate control measures to utilise. Where risks are thought to be serious for the child or others, a written assessment of the risks and the considered control measures, which may be required to reduce the risk to the child and others, should be made. Risk reduction options will be considered such as situations that may provoke difficult behaviour, preventative strategies and de-escalation strategies that are most likely to work, what is likely to trigger a violent reaction and specific strategies and techniques agreed by staff and parents which

will be used if necessary and an agreed 'Behaviour Management Plan' (BMP) and where necessary, a 'Positive Handling Plan' (PHP) produced.

Once agreed the BMP and PHP will be shared with all those responsible for implementing or monitoring the impact of the plan including:

- the child (where he/she has the appropriate level of understanding);
- his/her parents;
- staff and other adults working in the academy on a need to know basis;
- other professionals involved with the child.

The BMP and, where required, the PHP will be agreed by parents and evaluated termly. A completed (example) risk assessment or Behaviour Management Plan template is given at:

<https://www.kymallanhsc.co.uk/document/downloadaddocument/7047>

with a Blank BMP given at:

<https://www.kymallanhsc.co.uk/document/downloadaddocument/7048>.

This Behaviour Management Plan incorporates, where required, the individual's Positive Handling Plan. The BMP must be signed and dated by the assessor.

Alternatively, blank copies of all three parts of the BMP can be downloaded from the KAHSC website www.kymallanhsc.co.uk.

How to complete a Risk Assessment/Behaviour Management Plan (BMP)

Part A

Part A of the BMP is a list of the benefits and drawbacks relating to all the possible options which could be considered as control measures for dealing with the behaviour of an individual student. This Part of the Plan is not generally seen by parents or others but is merely a brainstorming tool devised by academy staff in order that the most appropriate options can be chosen for a student. It also provides evidence of the options which have been properly considered as control measures even though some of them may not be appropriate or used for a student.

Some staff have used this form as a template for the BMP for all students and have extensive options on Form A which they then use to choose the most appropriate option for inclusion in Part B.

Part B

Part B of the BMP is the Management Plan or Risk Assessment for an individual student. The sections correspond with those on Form A but the academy will complete the sections with the options and control measures taken from those considered in Part A. Some or all the options will be used to complete Part B. Once this form has been completed, the academy should ensure that it is agreed by the parents (and, where appropriate, the student him/herself) and other parties involved in the education of the individual student.

It is important that any additional control measures identified are discussed with the academy designated SENCO, Special Needs Service, Learning Support Service and/or other organisations, so that assistance can be given to ensuring that all reasonable control measures are in place for the individual student. The additional control measures required may also be in the form of issues relating to the academy environment i.e. alterations to the building.

Part B of the BMP will then form part of the overall IEP for the student concerned and will be subject to the general annual review process, although earlier review may be necessary.

Part C

Part C of the BMP is completed **only** when staff have received training in positive handling techniques (currently Team Teach) and will include the preferred handling techniques to be used in the event of a serious escalation of challenging behaviour and when all other methods of control e.g. de-escalation have failed.

12. POWER TO SEARCH STUDENTS

Without Consent

The academy follows DfE advice when using the powers to confiscate items from students which is outlined in their document "Screening, Searching and Confiscation – Advice for Principals, Staff and Governing Bodies – January 2018.

Principals, and staff authorised by them, have a statutory power to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may have a 'prohibited item'. The following items are what are termed 'Prohibited Items' and their presence on academy premises or if found on an individual student will lead to the highest sanctions and consequences:

- Knives
- Firearms/weapons
- Illegal drugs
- Alcohol
- Fireworks
- Tobacco and cigarette papers
- Pornographic images (including those found on mobile devices)
- Stolen items
- **Any article** that the member of staff (or other authorised person) reasonably suspects has been, or is likely to be, used:
 - i) to commit an offence,
 - ii) to cause personal injury to, or damage to the property of, any person (including the student)

Students found with tobacco and/or cigarette papers will have these confiscated and destroyed whether they are found to be smoking or not. They will also be issued with a sanction for bringing tobacco on to academy premises. Students will also receive sanctions for smoking near the academy and on their way to and from the academy.

Where items are 'prohibited' as outlined above, these will not be returned to students and will be disposed of by the academy according to the DfE advice and statutory guidance 'Screening, Searching and Confiscation – Advice for Head teacher, staff and Governing Bodies'. Students must not bring any of the items listed above on to academy premises. The academy will automatically confiscate any of the 'prohibited' items and staff have the power to search students **without** their consent for such items. There will be severe penalties for students found to have 'prohibited' items in school. In certain circumstances this may lead to permanent exclusion. Further information on this issue can be found in our Behaviour Policy and procedures.

Members of staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force **cannot** be used to search for other items which are banned under the academy rules.

Staff can seize any prohibited item found during a search. They can also seize any item, however found, which they consider harmful or detrimental to academy discipline.

With Consent

Staff have the power to search students **with their consent** for prohibited items and any item banned under the academy rules. This includes searching lockers and bags. A condition of having a locker in this academy is that it may be searched where there is a suspicion that prohibited or banned items are being held within it and reasonable grounds for the search have been established.

- We are not required to have formal written consent from the student for this sort of search – it is enough for the teacher to ask the student to turn out his or her pockets or if the teacher can look in the student's bag or locker and for the student to agree.
- It is clear in our Behaviour Policy and procedures and in communications to parents and students what items are banned.
- If a member of staff suspects a student has a banned item in his/her possession, they can instruct the student to turn out his or her pockets or bag and if the student refuses, the teacher can apply an appropriate punishment as set out in the Behaviour Policy and procedures.
- A student refusing to co-operate with such a search raises the same kind of issues as where a student refuses to stay in a detention or refuses to stop any other unacceptable behaviour when instructed by a member of staff – in such circumstances, we can apply an appropriate disciplinary penalty in line with our Behaviour Policy and procedures.

The following list which is not exhaustive are items which are banned under the academy rules:

- *Chewing gum*
- *Mobile phones used in class without the teacher's permission*
- *Digital media devices or similar are not to be used in class except when authorised by the teacher*
- *Jewellery not in accordance with the academy uniform policy*

- *Lighters, matches, tobacco, vapes, 'legal highs'*

The academy will confiscate any electronic items being used inappropriately on the premises such as mobile phones, digital media devices etc. Students are allowed to bring these to school on the understanding that they remain switched off and in bags during lessons and other directed time.

Staff in this academy have the right to confiscate, search and ultimately delete any media which they “reasonably suspect” is being used to bully or otherwise cause an individual harm.

Students wearing any accessories or jewellery which do not follow the academy uniform policy can expect to have these items confiscated. Any confiscated items will be logged and made available for collection at the end of the school day. Where a student repeatedly flouts the rules, they may be asked to hand in items at the beginning of each day to reduce unnecessary time wasting for teachers. For repeated offences of this nature, parents will be asked to collect confiscated items. Where items are not collected, the academy will dispose of them at the end of each term.

13. STAFF TRAINING

All members of staff will receive training about the use of reasonable force appropriate to their role to enable them to carry out their responsibilities. This will include training on any restraint techniques which must not be used because they are known to present an unacceptable risk when used on children and young people. Some staff will receive additional training on the appropriate techniques which may be used to physically restrain students. The training will be to an approved nationally acceptable level and will be regularly refreshed.

All staff and volunteers receive induction training in positive behaviour management and the range of intervention techniques before being required to work with any children who present challenging behaviours. They are introduced to individual BMP's.

On-going training in Positive Handling techniques is provided for relevant staff when required i.e. Team Teach. Team Teach provides training in positive handling strategies (with an emphasis on de-escalation, but including physical restraint) to better support those who display challenging behaviour. It takes a whole setting holistic approach to behaviour management.

In Cumbria, Team Teach training is available from Learning Support Services, Tel: 01900 706083.

Once the Behaviour Management Plan and control measures have been agreed and communicated to those who work with and support the student, consideration should be given to the ability of staff to implement the measures. Successful implementation will be dependent upon staff competence and expertise. It is important to determine what level of training may be required and by whom.

Where it is apparent that there are staff with significant training needs, implementation of the control measures required will be modified until the relevant training has been provided. In some circumstances, staff training may well be required as a matter of urgency so that implementation can take place without delay. We will also ensure that there are more individuals trained in positive handling

techniques in the academy than are generally required in order that absences can be covered.

Early discussions with receiving schools will take place as a student moves through the educational system so that accommodation needs, resources and training in particular control measures and strategies can be anticipated and undertaken prior to transfer.

14. **MEDICINES**

In certain situations, the use of medicine e.g. Ritalin, may be indicated as a method of managing extreme behaviour. Medicines must only be administered upon medical advice and must only be used as a routine method of managing difficult behaviour where it is prescribed by a qualified medical practitioner and where it is included within an Individual Healthcare Plan. The academy Supporting Pupils with Medical Conditions Policy and procedures give further information on supporting students with medical conditions including the administration of medicine and the use of individual health care plans and must be adhered to.

If medicine is used to reduce or control risks, the details should be recorded in the Behaviour Management Plan. Discussions with parents or those with parental control will ensure that any medicine is administered at the correct time (both during and out of school hours) and will reduce the risk of medicine 'wearing off' before the subsequent prescribed administration time.

15. **INFORMATION TO PARENTS**

In accordance with current good practice, the academy will speak to parents about serious incidents involving the use of force and will record such serious incidents. In the case of a 'Child Looked After', the Local Authority will also be informed.

Exception: if it is likely that reporting an incident to a parent will result in significant harm to the student then the academy will follow its Child Protection Procedures and contact Cumbria Safeguarding Hub for advice (Tel: 0333 240 1727). This may be because a child is chastised inappropriately and/or excessively. There may be other safeguarding reasons.

In deciding whether to inform parents, the following will be considered:

- the student's behaviour and level of risk presented at the time of the incident;
- the degree of force used;
- the effect on the student or member of staff concerned; and
- the child's age.

All incidents when 'physical restraint' as opposed to 'physical control' is used will be recorded as soon as possible and details passed on to the Principal (or deputy in the absence of the Principal) who will follow up the incident where necessary. The following must be recorded:

- all incidents where unreasonable use of force is used;
- any incident where substantial force has been used e.g. physically pushing a student out of a room;
- use of restraint;

- all incidents where either the child or the 'handler' is injured because of the intervention;
- an incident where a student is clearly distressed though clearly not overreacting.

The following criteria will be used when considering the need for recording

- Did the incident cause injury or distress to a member of staff or student?
- Even though there was no apparent injury or distress, was the incident sufficiently serious in its own right? Any use of restrictive holds, for example, fall into this category.
- Did the incident justify force? This is particularly relevant where the judgement is finely balanced.
- Does recording it help to identify and analyse patterns of student behaviour?

If the answer to any of the questions is 'yes', a written record should be made using the Record of Physical Intervention book (blue) or sheets and all other notes taken at the time are to be kept.

In all instances of the use of physical restraint, parents will be informed the same day, by phone, and invited into the academy to discuss the incident unless to do so would result in significant harm to the student, in which case, the incident will be reported to the Social Care Team at the Local Authority.

A report to the parents will be made by a member of the Senior Leadership Team. Parents will generally be contacted by telephone in the first instance with the information followed up in writing. Information will include the following:

- When and where the incident took place.
- Why it was decided that force had to be used.
- The strategies used to try to avoid having to use force.
- What force was used.
- Whether there were any injuries.
- What follow up action (support and/or disciplinary) is being undertaken in respect of their child.
-

Ordinarily, the names of those involved in the incident will not be disclosed to the parent. A standard follow-up letter will be sent with a copy of these procedures. A sample Letter to Parents/carers can be found at: <https://www.kymallanhsc.co.uk/document/downloadaddocument/8940>.

All injuries will be reported and recorded in accordance with academy procedures.

16. AFTER THE INCIDENT

- The academy will follow its standard procedure of investigating/evaluation of the incident, including seeking first aid or ambulance support as appropriate for all injured parties and reporting relevant injuries as appropriate.
- The staff member(s) involved will have the opportunity to discuss, reflect on and learn from this incident with the support of a senior member of staff and will be offered further support to deal with any emotional stress or loss of confidence should they wish.

- Students involved in the incident as witnesses will be offered reassurance.
- All parties, including witnesses (where appropriate), will be asked to write a report on the incident.
- Members of staff involved may wish to report the matter to the Police and may wish to seek the advice and support of their trade union representative.

If the reason for the incident was the student's behaviour, then sanctions, including exclusion, will be considered in line with the Behaviour Policy and procedures. Students will also be encouraged to repair any relationships that have been damaged.

17. **POLICE INVOLVEMENT**

There may be rare occasions when academy staff feel that they require the support of the Police. This will depend on the seriousness of the circumstances and will be determined by the Principal or nominated person.

Generally, the arrest of students on academy premises should be avoided unless the circumstances dictate otherwise. If it proves necessary to arrest a student on academy premises, the Police should, where possible, seek the cooperation of the academy to enable the arrest to be made discreetly. For example, authorised academy staff may be able to isolate the student from others before Police make the arrest.

Exclusion is a matter for Principals and each case should be judged on its respective merits. Where immediate arrest is necessary the local Police Station should be contacted for Officers to attend the academy. Further information may be found in the document '[When to call the Police](#)' published by the National Police Chiefs Council (NPCC).

18. **COMPLAINTS AND ALLEGATIONS**

- All complaints about the use of force will be thoroughly, speedily and appropriately investigated.
- Where a member of staff has acted within the law – that is, they have used reasonable force to prevent injury, damage to property or disorder – this will provide a defence to any criminal prosecution or other civil or public law action.
- When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is **not** for the member of staff to show that he/she has acted reasonably.
- Suspension will not be an automatic response when a member of staff has been accused of using excessive force (refer to "Keeping Children Safe in Education" September 2020) where an allegation of using excessive force is made. This guidance makes clear that a person must not be suspended automatically, or without careful thought.
- We will consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

- If a decision is taken to suspend a member of staff, we will ensure that the individual has access to a named contact who can provide support.
- Our Governing Body will always consider whether a member of staff has acted within the law when reaching a decision on whether or not to take disciplinary action against the individual.
- We have a duty of care towards our employees. We will provide appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.
- If a specific allegation is made against a member of staff as a result of an incident in which force has been used, we will follow our Managing Allegations against Staff procedures found in the academy Child Protection Policy and procedures and advice on the Cumbria SCB website ([Click here to access](#)).

Any other complaint will be dealt with in accordance with the Academy's Complaints Procedures.