

# Grace Academy Coventry

## Searching and Restraint Policy

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## 1. Introduction

The purpose of this policy is:

The purpose of this policy is to make clear the position of the school with regards to necessary physical interventions and to safeguard the well-being of students and staff when a situation or incident requires the use of physical intervention.

The use of physical intervention is only to be used after all attempts to de-escalate the situation have not worked. Wherever possible, and appropriate, reasonable adjustments will be made for SEND students after consultation with the SENCo and/or Headteacher.

To describe what actions staff may take when incidents occur that may require the use of physical intervention or restraint of a student: and,

To define the procedures that must be taken immediately after any such incident.

## 2. Legislation

The law allows all adults who are authorised by the Headteacher to be responsible for students to use such force as is reasonable to prevent a student:

- a) Committing a criminal offence (or for younger children that which would be an offence)
- b) Causing personal injury, injury to others or damage to property
- c) Engaging in any behaviour prejudicial to maintaining good order and discipline.

Staff should not hesitate to act in these situations provided they follow this policy and the attached guidance; however, they should always satisfy themselves that the action they take would be considered justifiable by a wider audience of their professional colleagues.

This policy is based on the Department for Education's statutory guidance Keeping Children Safe in Education (2023) and has been written using advice taken from Use of Reasonable Force, Advice for Headteachers, staff and Governing Bodies DfE 2013 and Further guidance has been Searching, screening and confiscation: advice for schools 2022.

In addition, this policy has been created ensuring that we meet our legal duty under the Equality Act 2010 and the SEN and Disability Code of Practice 0-25 years 2015.

**All adults in the Academy are advised that they are not required by the Academy to restrain children under any circumstances. All, however, are authorised to do so.**

There remains a common law and child protection 'duty of care' upon all adults in the Academy to protect the wellbeing of every child within the Academy, and to intervene as they personally feel appropriate in any given set of circumstances taking account of the legislation above.

## 3. Screening

The Academy can require students to undergo screening by a walk-through or hand-held metal detector (arch or wand) even if they do not suspect them of having a weapon and without the consent of the students.

Academies' statutory power to make rules on student behaviour and their duty as an employer to manage the safety of staff, students and visitors enables them to impose a requirement that students undergo screening.

Any member of the Academy staff can screen students.

Also note:

- If a student refuses to be screened, the academy may refuse to have the student on the premises. Health and safety legislation requires the academy to be managed in a way which does not expose students or staff to risks to their health and safety and this would include making reasonable rules as a condition of admittance.
- If a student fails to comply, and the academy does not let the student in, the academy has not excluded the student and the student absence should be treated as unauthorised.

#### 4. Reasonable Force

In the context of this document, physical intervention or restraint is the application of "reasonable force". All staff in the Academy must be aware of the following:

Paragraph 163 OF KCSIE states that:

*"There are circumstances when it is appropriate for staff in schools and colleges to use 'reasonable force' to safeguard children. The term 'reasonable force' covers the broad range of actions used by staff that involve a degree of physical contact to control or restrain children. This can range from guiding a child to safety by the arm, to more extreme circumstances such as breaking up a fight or where a child needs to be restrained to prevent violence or injury. 'Reasonable' in these circumstances means 'using no more force than is needed'. The use of force may involve either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of the classroom."*

Staff will be required to assess the situation based upon their perception of circumstances at the time.

Staff should at all times also remember that while the use of force may be appropriate in an emergency, that the use of force may itself precipitate a violent reaction from a student towards the member of staff.

All staff must adhere to the Academy principles regarding the use of reasonable force, namely:

- ✓ use force where there is clearly no alternative approach which would work in the circumstances (i.e. where there is an immediate emergency to resolve);
- ✓ use force when defending or protecting;
- ✓ use the minimum amount of force required for the shortest amount of time;
- ✓ always make sure that the student is safe throughout any period of physical contact or restraint – stop if a student shows signs of difficulty in breathing, sudden changes in colour, distress, vomiting; and,
- ✓ always record incidents of use of force and evaluate with the nominated senior member of staff.

Examples of where reasonable force might be appropriate are as follows:

- if a student attacks a member of staff;
- if students are fighting;
- if a student is deliberately damaging property and will not stop on request;
- if a student is causing or at risk of causing damage or injury by accident, by overly rough behaviours or by misuse of dangerous materials or objects;
- if a student is behaving in a way that is seriously disrupting a lesson/school day and creating risk to their own or others' safety or learning;
- if a student persistently refuses to leave an area, which could cause a safeguarding concern;
- if a student is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure themselves or others.

Remember that reasonable force must **only** be used as a last resort when there is no other alternative.

Staff should be aware that when they are in charge of students during the Academy day, or during other supervised activities, they are acting in 'loco parentis' and should, therefore, take reasonable action to ensure students' safety and wellbeing. Failure to physically restrain a student who is subsequently injured or injures another, could, in certain circumstances, lead to an accusation of negligence. At the same time, staff are not expected to place themselves in situations where they are likely to suffer injury as a result of their intervention.

The Academy recognises that staff have the right to defend themselves against an attack, providing they do not use a disproportionate degree of force to do so.

## 5. Alternative Strategies

There are some situations in which the need for physical restraint is immediate and where there are no equally effective alternatives (e.g. as a student is about to run across a road). However, in many circumstances there are alternatives such as:

- Use of assertiveness skills such as the broken record in which an instruction is repeated until the student complies;
- Use of a distracter, such as a loud whistle, to interrupt the behaviour (such as a fight) long enough for other methods of verbal control to be effective;
- Withdrawal of attention (audience) e.g. if an action such as damage to property is threatened;

- other techniques designed to defuse the situation, such as the avoidance of confrontation, or use of humour (in these cases the incident can be dealt with later when emotions are no longer running high); and,
- the employment of other sanctions consistent with the Academy's policy on behaviour and discipline.
- Contacting home to advise parents/carers they need to come into school to encourage the student to re-engage.

Staff should at all times seek to de-escalate highly charged situations and must at no time take action which they believe will escalate a volatile situation without believing it to be entirely necessary.

## 6. Implementation of Physical Intervention

All members of staff working with students at the school are authorised to handle, use reasonable force or restrain students if/when such physical intervention is necessary.

- No member of staff is required to employ any physical intervention strategy if they are not comfortable or confident to do so effectively.
- No member of staff should intervene physically if they have reason to believe that to do so would worsen the situation/incident that is taking place.

In all circumstances where physical intervention is or may become required members of staff should ensure that adult assistance is requested before intervention, although it is understood that circumstances may lead to the need for intervention prior to the assistance arriving.

Staff considering handling, use of reasonable force or restraint must provide opportunity for the student to alter their behaviour/actions before employing a physical intervention strategy and should continue to make instructions to the student and details of their intended interventions clear.

The method of physical intervention employed must use the minimum reasonable force for the minimum length of time.

Staff can use reasonable force in an unsafe or crisis situation to:

- Remove disruptive children from the classroom or school site where they have refused to follow an instruction to do so;
- prevent a student behaving in a way that disrupts a school event or a school trip/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; and
- restrain a student at risk of harming themselves or others or damage to property belonging to anyone through physical outbursts.

Staff should note that:

- no more force than necessary was used;

- all non-physical interventions have been exhausted and restraint is a last resort;
- external professional support should be sought if restraint does not work.

Physical intervention should **never** be used as a substitute for good behaviour management.

## 7. Other Circumstances

There are circumstances when staff are, advised not to intervene in an incident without help (unless it is an emergency). For example, when dealing with an older student, a physically large student or more than one student or if a member of staff believes that he or she may be at risk of injury. In these circumstances the member of staff should remove other students who might be at risk, summon assistance from a colleague or where necessary call the police. The member of staff should inform the student(s) that he or she has sent for help. Until assistance arrives the member of staff should continue to attempt to diffuse the situation and to prevent the situation from escalating.

## 8. Actions after an Incident

Physical restraint often occurs in response to highly charged emotional situations and there is a clear need for debriefing after the incident, both for the staff involved and the student.

Senior Academy staff should be informed of any incident as soon as possible and will take responsibility for making arrangements for debriefing once the situation has stabilised.

A member of the teaching staff should always be involved in debriefing the student involved and, as well as talking through the situation with the student, consideration should be given to whether or not the incident merits the involvement of the SENCO or other outside support services in addition to pastoral staff.

Any victims of the incident should be offered support. Education Psychology Services can also offer a trauma response service to major crises or incidents.

All incidents should be recorded immediately on a Serious Incident/Restraint Form and returned to the Principal's PA (see section 12). All sections of this report should be completed so that in the event of any future complaint a full record is available.

Any members of staff who are present at an incident will be required to complete a witness statement immediately following this.

The Principal, senior member of staff or a member of the pastoral team will contact parents as soon as possible after an incident, normally on the same day, to inform them of the actions that were taken and why and to provide them with an opportunity to discuss it.

Where a member of staff is assaulted or suffers injury as a consequence of using reasonable force or restraint, they are advised to contact their professional organisation or trade union.

If available, CCTV footage will be collected and used as evidence of the incident.

First aid will be administered to any students or staff injured as appropriate.

## 9. Academy Security

A balance needs to be struck between ensuring that students are safe from intruders and other external forces and restriction of liberty, which could be construed as false imprisonment. Students should not generally be restrained by locking doors, but if this should occur for good reason, it should not be prolonged and a member of staff should be present at all times.

## 10. Other forms of physical contact

DfE guidance states that:

*It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.*

*Examples of where touching a pupil might be proper or necessary:*

- *Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;*
- *When comforting a distressed pupil;*
- *When a pupil is being congratulated or praised;*
- *To demonstrate how to use a musical instrument;*
- *To demonstrate exercises or techniques during PE lessons or sports coaching; and*
- *To give first aid.*

Staff should also remember that blocking a student's path could be construed as a physical intervention. This should therefore be avoided in the normal course of Academy life.

Contact should take place within view of other staff, although exceptional circumstances, such as bereavement, may demand some degree of privacy.

## 11. Training and Development

The Academy will ensure that the use of physical intervention or restraint is a key element of all staff induction programmes and that appropriate refresher training is incorporated into annual staff development planning.

## 12. Monitoring, Review and Evaluation

The Governing Body will review this policy at least every three years and assess its implementation and effectiveness. The policy will be promoted and implemented throughout the Academy.



**Appendix One: Serious Incident/Restraint Form**

Serious Incident/Use of reasonable force form- (staff who are assaulted or have suffered injury following the use of reasonable force are advised to contact their professional organisation/trade union)

Form to be obtained from the Principal immediately after incident.

|   |  |
|---|--|
| <b>Staff Name:</b>  |  |
| <b>Date &amp; Time of incident</b>  |  |
| <b>Name of student(s) involved:</b>   |  |
| <b>Name(s) of Staff who witnessed the incident:</b>   |  |
| <b>What force was used?</b>   |  |
| <b>Reason that force was necessary:</b>   |  |
| <b>Description of the incident before forced was used, including steps taken to defuse and description of force administered:</b> |  |
| <b>Student's response to force and outcome of incident:</b>   |  |
| <b>Details of injury suffered by anyone involved in the incident:</b>   |  |
| <b>Follow up actions (including first aid):</b>   |  |
| <b>Parents informed? When? By whom?</b>   |  |
| <b>Logged on CPOMS (date and time):</b>   |  |
| <b>Staff signature:</b>   |  |
| <b>Signature of Principal:</b>  |  |

## Appendix Two: Searching With or Without Consent

### Searching with Consent

Under common law, school staff have the power to search a pupil for any item if the pupil agrees. The member of staff should ensure the pupil understands the reason for the search and how it will be conducted so that their agreement is informed.

When exercising their powers, schools must consider the age and needs of pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.

Before any search takes place, the member of staff conducting the search must obtain authorisation from the Headteacher. The member of staff should explain to the pupil why they are being searched, how and where the search is going to take place and give them the opportunity to ask any questions.

### Searching without Consent

The Principal and staff they authorise have a statutory power to search a pupil or their possessions where they have reasonable grounds to suspect that the pupil may have a prohibited item listed in paragraph 3<sup>1</sup> or any other item that the school rules<sup>2</sup> identify as an item which may be searched for.

The list of prohibited items is:

- Knives and weapons;
  - Alcohol;
  - Illegal drugs;
  - Stolen items;
  - 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 property of, any person (including the pupil).
  - An article specified in regulations<sup>3</sup>:
    - Tobacco and cigarette papers and vapes/e-cigarettes;
    - Fireworks; and
    - Pornographic images.

The Principal and authorised staff can also search for any item banned by academy rules which has been identified in the rules as an item which may be searched for. These items include vapes, chewing gum, phones, energy drinks and marker pens.

### Under what circumstances?

- You must be the same sex as the student being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the student being searched.

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<sup>1</sup> [A 'prohibited item' is defined in subsection \(3\) of Section 550ZA of the Education Act 1996.](#)

<sup>2</sup> [For maintained schools, see Section 89, Education and Inspections Act 2006](#)

<sup>3</sup> <https://www.legislation.gov.uk/uksi/2012/951/made>

- There is a limited exception to this rule. You can carry out a search of a student of the opposite sex to you and / or without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

#### **When can I search?**

- If you have reasonable grounds for suspecting that a student is in possession of a prohibited item. The teacher must decide in each particular case what constitutes reasonable grounds for suspicion.

#### **1. Location of a Search**

- Searches without consent can only be carried out on the Academy premises or, if elsewhere, where the member of staff has lawful control or charge of the student, for example on Academy trips in England or in training settings.

#### **2. Extent of the Search – clothes, possessions, desks and lockers**

##### **What the law says:**

- The person conducting the search may not require the student to remove any clothing other than outer clothing.
- ‘Outer clothing’ means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear but ‘outer clothing’ includes hats; shoes; boots; gloves and scarves and jumpers over a shirt/blouse/t-shirt/blazer.
- ‘Possessions’ means any goods over which the student has or appears to have control – this includes desks, coats, lockers and bags.
- 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 items banned under the Academy rules.

#### **3. The power to seize and confiscate items – general**

##### **What the law allows:**

- Academies’ general power to discipline, as circumscribed by Section 91 of the Education and Inspections Act 2006, enables a member of staff to confiscate, retain or dispose of a student’s property as a disciplinary penalty, where reasonable to do so.

##### **Also note:**

- The member of staff can use their discretion to confiscate, retain and/or destroy any item found as a result of a ‘with consent’ search so long as it is reasonable in the circumstances. Where any article is reasonably suspected to be an offensive weapon, it must be passed to the police.

- Staff have a defence to any complaint or other action brought against them. The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

### Items found as a result of a ‘without consent’ search

#### What the law says:

- A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.
- Where a person conducting a search finds alcohol, they may retain or dispose of it. This means that Academies can dispose of **alcohol** as they think appropriate but this should not include returning it to the student.
- Where they find **controlled drugs**, these must be delivered to the police as soon as possible but may be disposed of if the person thinks there is a good reason to do so.
- Where they find **other substances** which are not believed to be controlled drugs these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called ‘legal highs’. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.
- Where they find **stolen items**, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or 12 disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so.
- Where a member of staff finds **tobacco or cigarette papers** they may retain or dispose of them. As with alcohol, this means that academies can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the student.
- **Fireworks** found as a result of a search may be retained or disposed of but should not be returned to the student.
- If a member of staff finds a **pornographic image**, they may dispose of the image unless they have reasonable grounds to suspect that its possession constitutes a specified offence (i.e. it is extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practicable.
- Where an article that has been (or is likely to be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the police or returned to the owner. It may also be retained or disposed of.
- Where a member of staff finds **an item which is banned under the academy** rules they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.

- Any **weapons or items** which are evidence of an offence must be passed to the police as soon as possible.

### **Statutory guidance for dealing with electronic devices**

- Where the person conducting the search finds an electronic device that is prohibited by the Academy rules or that they reasonably suspects has been, or is likely to be, used to commit an offence or cause personal injury or damage to property, they may examine any data or files on the device where there is a good reason to do so. They may also delete data or files if they think there is a good reason to do so, unless they are going to give the device to the police. This power applies to all Academies and there is no need to have parental consent to search through a young person's mobile phone if it has been seized in a lawful 'without consent' search and is prohibited by the Academy rules or is reasonably suspected of being, or being likely to be, used to commit an offence or cause personal injury or damage to property.
- Further statutory guidance as to the determination of "good reason" is to be discussed with the Director of Corporate Development if clarity is required.

### **4. Telling parents and dealing with complaints**

- Academies are not required to inform parents before a search takes place or to seek their consent to search their child.
- There is no legal requirement to make or keep a record of a search.
- Academies should inform the individual student's parents or guardians where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- Complaints about screening or searching should be dealt with through the normal Academy complaints procedure.