

The Ridings High School

Policy Statement: The use of force to control or restrain pupils (including powers of search).

Rationale

- To create the conditions for an orderly school community in which effective learning can take place.
- To ensure the school's ongoing contribution to pupils achievement of the five outcomes of Every Child Matters:
 - Be healthy
 - Stay safe
 - Enjoy and achieve
 - Make a positive contribution
 - Achieve economic well being

Purpose

Using force to restrain or physically direct a pupil should be regarded as a last resort when there is no safer alternative. To minimise the likelihood of such force having to be used staff should seek to:

- Create a calm, orderly and supportive school climate that minimises the risk of violence of any kind.
- Be active in teaching pupils how to manage strong emotions.
- Effectively manage individual incidents.

Section 93 of The 2006 Education and Inspections Act enables anyone who, in relation to a pupil, is a member of staff of any school at which education is provided for the pupil, to use reasonable force in specified circumstances.

Force may be legitimately used to prevent a pupil from

- committing any offence
- causing personal injury to, or damage to the property of, any person (including the pupil him/herself)
- prejudicing the maintenance of good order and discipline at the school.

nb. The above use of force may be exercised on the school premises or off site where the member of staff has lawful control or charge of the pupil concerned.

Guidelines

Who is authorised to use force?

- Whilst the legislation gives statutory power to use force to any member of staff who has lawful control of pupils for whom education is provided at this school, in practice such force should normally only be used by staff when a pupil's individual safety is at risk eg. during a fight. To protect members of staff force should only be used in the other circumstances outlined in the 2006 Act by members of The SMB.
- Staff refers to:
 - any teacher who works at The Ridings High School
 - any paid member of staff whose job includes supervising pupils eg. TA, Lunchtime Supervisor, Examination Invigilator, Cover Supervisor.

Where can force be used?

- On the premises of a school at which education is provided for a pupil. The power also applies to pupils from other schools who are on the premises.
- Off school premises where staff have lawful control or charge of a pupil.

nb. In other circumstances staff only have common law rights to use force to defend themselves, persons or property.

Employers providing work experience only have common law rights.

Separate legislation exists for use of force by staff in Further Education Colleges where pupils may be studying.

Assessing the need for training

A risk assessment should be undertaken to determine the need for staff training.

What constitutes reasonable force?

Degree of force used should always be in proportion to the consequences it is intended to prevent and be the minimum needed to achieve the desired result.

Specifically it could include:

- standing between pupils;
- blocking a pupil's path;
- leading a pupil by the hand or arm;
- shepherding a pupil away by placing a hand in the centre of the back;
- pushing;
- pulling; and

- in more extreme circumstances, using restrictive holds. Such holds include:
 - (i) a staff member holding a pupil's arms at his or her sides;
 - (ii) two staff members, one either side of a standing pupil, holding his or her crossed arms; and
 - (iii) two staff members holding a pupil's crossed arms in a seated position.
- Crossing a pupil's arms can affect breathing. Such holds should only be used for the shortest possible time.

Except in the most extreme circumstances, staff should always avoid actions that might reasonably be expected to cause injury, for example:

- holding a pupil around the neck, or by the collar, or in any other way that might restrict ability to breathe;
- slapping, punching, kicking or tripping up a pupil;
- twisting or forcing limbs against a joint;
- holding or pulling a pupil by the hair or ear;
- applying pressure to the neck, chest, abdomen or groin areas;
- forcing a pupil onto the floor or holding them face down on the floor; and
- using clothing or belts to restrict movement.

Staff should always avoid touching or restraining a pupil in a way that could be interpreted as sexually inappropriate conduct.

Under no circumstances should force be threatened or used as a punishment.

When reaching a decision about using force, staff will need to consider factors related to any special educational needs or disabilities the particular pupil may have.

Reporting and recording incidents/Follow up

Prompt first aid treatment should be given where appropriate following any incident and support should be available to both parties.

All incidents where staff have used force should be recorded by The Deputy Head Student Support. Staff should provide a signed written report by the end of the day in which the incident occurred.

Parents should be advised of all incidents when force has been used.

Power of Search

Pupils may be requested by staff to allow a search of their bag or locker, or they may be requested to empty the contents of their pockets if there is a

suspicion of the possession of illegal drugs, stolen property, alcohol or other banned items. If a pupil refuses to cooperate with this request the school has no powers of search and a decision to call the police may be made.

The Violent Crime Reduction Act of 2006 does, however, give the powers to certain school staff to search suspected pupils for knives or other offensive weapons without consent using such force as is reasonable. The Headteacher has empowered the Deputy and Assistant Headteachers to undertake such searches. A refusal to cooperate with such a request will be viewed as a serious disciplinary matter.

Such searches by the above

- may not require the removal of clothing other than outer clothing
- must be of the same sex as the pupil
- must be in the presence of another member of staff who is also of the same sex as the pupil (this “witness” may not be one of the named staff above).

Where a weapon is found it will be seized and the police called at the earliest opportunity.

This policy seeks to ensure the safety of all members of the school community. As such it’s contents should be regularly conveyed to all members of the community.

R C Evans
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