

THE CHARTER SCHOOL
STUDENT RESTRAINT POLICY

Our Goal:

All students will develop the knowledge, skills and character so that they can be happy in life, and be successful in higher education or the inspiring career pathway of their choice.

Introduction

At The Charter School we aim to offer a welcoming, secure and safe environment in which our students will flourish. We also aim to create an environment in which the use of force in relation to a student is unlikely. However, in the circumstances where physical restraint may be needed to secure the safety of a student or staff member, or where there is a serious breach of school discipline, or to prevent serious damage to property, this policy will apply. Physical restraint will be considered in the following situations:

Objectives and targets

The objectives of this policy include:

- Maintaining the safety of students and staff.
- Preventing serious breaches of school discipline.
- Preventing serious damage to property.
- Preventing criminal offences (or if under the age of criminal responsibility, from committing what would be a criminal act for an older student).

We aim to minimise the need to use force by:

- Creating a calm environment that minimises the risk of incidents arising that might require using force.
- De-escalating incidents if they do arise.
- Only using force when the risks involved in doing so are outweighed by the risks involved in not using force.
- Risk assessments and positive handling plans for individual students who may require it.

Definitions

Force as a means of control

Control can mean either:

- **Passive physical contact** (for example, standing between students, blocking a student's path).
- **Active physical contact** (for example, taking a student by the arm or hand, or ushering a student away by placing a hand on the arm and / or shoulder).

Force as a means of restraint

This usually means physically preventing a student from continuing what they are doing after having been told to stop. The circumstances are generally more extreme than control situations, for example, when students are involved in a fight.

Examples where **reasonable force** might be used:

- Preventing a student from attacking a member of staff, or another student, or to stop a fight between two or more students.
- Preventing a student from causing deliberate damage to property.
- Preventing a student from causing injury or damage by accident, rough play, or misuse of a potentially dangerous object or materials.
- Ensuring a student leaves a room where the student persistently refuses to do so.
- Preventing a student from behaving in a way that seriously disrupts a lesson or the good order of the school.

Preventing a student from behaving in a way that seriously disrupts a school sporting event or visit.

Searching students

Under the Schools (Specification and Disposal of Articles) Regulations 2012 **reasonable force** may be used by Headteachers and those authorised by the Headteacher to search students for prohibited items including:

- Knives and weapons.
- Alcohol.
- Illegal drugs.
- Stolen items.
- Tobacco and cigarette papers.
- Fireworks.
- Pornographic images.
- Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.
- Any item banned by the school rules which has been named in those rules as something for which staff will search.

Staff authorised to use force

The Headteacher and all members of the teaching staff have the statutory power to use student restraint/force at all times.

In addition, non-teaching staff may be authorised to use force by the Headteacher. The Headteacher has the responsibility to ensure that staff are fully informed of the school's policy and understand what authorisation entails.

Temporary authorisation will be given to others who do not normally supervise children, for example, volunteers and parents accompanying students on school-organised visits.

Staff will only use force when:

- The potential consequences of not intervening are likely to be sufficiently serious to justify considering use of force.
- The chances of achieving the desired result by other means are low.
- The risks associated with not using force outweighed those of using force.

Wherever possible these judgements will take account of the particular characteristic of the student, including age, SEN or disability.

Before taking steps to restrain students, all members of staff will, wherever possible, tell the student to stop misbehaving and what will happen if they do not. The member of staff will communicate in a calm and measured manner throughout the incident.

Training

All teaching staff will be informed of their duty to use force as a means of control and also their duty of care under the Health and Safety at Work etc. Act 1974

Members of The Inclusion Team, Learning Support Staff, The Deputy Headteacher and other senior staff have received positive handling training from a reputable training agency. They have been informed about:

- How to deal with students who present particular risks to themselves or others (as a result of SEN and/or disabilities and/or other personal circumstances, such as domestic violence).
- How to minimise the highest risks, for example, by calling the police if a student suspected of having a weapon seems likely to resist a search.
- Types of restraint that could be used, for example:
 - Standing between students or blocking a student's path.
 - Leading a student by the hand or arm.
 - Ushering a student away by prompting and escorting them.
 - Using appropriate restricting holds in more extreme circumstances.

Any form of restraint that is likely to injure a student will only be used in extreme emergencies and where there is no viable alternative. Staff will not restrain a child in a way that could constrict breathing.

There are some types of restraint that are unacceptable because they present an unacceptable risk and will not be used by staff at The Charter School. These are:

- 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 also be advised that, whenever possible, they should not use active physical contact force until a trained staff member is present to take action and support.

Recording incidents

It is important that there is a detailed, written report of any occasion (except minor or trivial incidents) where force is used so the incident record form in Behaviour Watch will be completed as soon as possible after any incident has occurred, and certainly before the end of the school day that the incident occurred. Similarly, all injuries will be recorded in accordance with the school's health and safety policy. In considering whether an incident needs to be recorded, the following will be taken into consideration:

- The level of risk presented at the time of the incident.
- The degree of force used.
- Any effect on the student or member of staff.
- The child's age.

Reporting incidents

Parents/carers will be informed of any recordable incident and given an opportunity to discuss the incident with the Headteacher, Deputy Headteacher, Director of Learning or appropriate other staff and will be directed towards a copy of this policy. Afterwards arrangements will be made for supporting staff and students involved in the incident, including meeting immediate physical needs and rebuilding relationships, to ensure that lessons are learned from the incident.

However, if it is considered that it is likely to result in significant harm to the student then parents will not be informed of any recordable incident.

In some cases, the appropriate external agencies (for example, children's services, the local children's safeguarding board, the health and safety executive, youth offending teams and the police) will also be informed.

General advice to staff

Under the **Health and Safety at Work etc. Act 1974...**'It shall be the duty of every employee while at work:

- (a) to take reasonable care for the health and safety of himself and of other persons who may be affected by his acts or omissions at work; and
- (b) as regards any duty or requirement imposed on his employer or any other person by or under any of the relevant statutory provisions, to co-operate with him so far as is necessary to enable that duty or requirement to be performed or complied with.'

Members of staff should not put themselves at risk. They will not be deemed to have failed in their duty of care by not using force to prevent injury if their own safety would thereby be threatened.

The Charter School therefore does not adopt a no-contact policy. This would inhibit the ability of staff to use reasonable force where necessary. Such a policy could place a member of staff in breach of their duty of care towards a student or prevent them from taking an action needed to prevent students causing injury to others or harming themselves.

The Charter School has a legal duty to make reasonable adjustments to the possible use of force with SEND children. It is particularly important that when a situation involves students with SEN or disabilities, special care should be taken to appreciate the circumstances and if possible obtain and use information about the individual concerned before using any reasonable force.

There are some situations where it is better to remove the rest of the students from the class if a child is a danger to them. The child causing the problem can then be dealt with.

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

Suspension of a staff member will not be an automatic response when a member of staff has been accused of using excessive force and senior staff in The Charter School will support their staff when they use this power.

If a decision is taken to suspend a member of staff, The Charter School has a duty of care to their employees and will ensure that the staff member has access to a named contact who can provide support. The Governing body will always consider whether a staff member has acted within the law when reaching a decision on whether or not to take disciplinary action against them.

Complaints and allegations

Should there be any complaint or allegation following an incident, then the school's arrangements for dealing with complaints and allegations of misconduct will be followed. However, suspension will not be an automatic response when a member of staff has been accused of using excessive force.

Monitoring and evaluation

The Headteacher or Deputy Headteacher will make an annual report to the governing body of the recordable incidents after which the impact of the policy will be considered and the policy changed if necessary.

Reviewing

This policy will be reviewed as per the school's policy review schedule. Additionally parents will be invited to comment on the policy if their child is involved in an incident involving restraint.

July 2017

Next school review due: July 2018