



# ASPIRE ACADEMY

## POLICY AND PROCEDURES on

- USE OF REASONABLE FORCE
- POWER TO SEARCH
- PHYSICAL CONTACT WITH PUPILS
- CONTROLLED ACCESS + EGRESS

<b>POLICY FIRST ADOPTED AND RATIFIED BY THE TRUST</b>	<b>July 2014</b>
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<b>POLICY TO BE REVIEWED ANNUALLY OR AS REQUIRED</b>	

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**Date:** 29/06/16

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**CHAIR OF GOVERNORS**

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## **POLICY STATEMENT**

Aspire Academy's Governing Body recognises and accepts its responsibility to provide a safe and secure environment for its pupils, employees and visitors.

Aspire Academy has adopted a number of related policies and procedures to ensure such a safe and secure environment, including Safer Recruitment, Child Protection, Health and Safety and Behaviour Policy. This policy on the 'Use of Reasonable Force' should be read in conjunction with the above linked policies.

This policy is informed by statutory requirements within the Education and Inspections Act 2006, the DfE non-statutory guidance 'Use of Reasonable Force' July 2013 and the DfE guidance 'Behaviour and Discipline in Schools' January 2016.

## **KEY POINTS**

- ★ Aspire Academy staff and any people whom the Principal has put temporarily in charge of pupils such as volunteers have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- ★ Suspension will not be an automatic response when a member of staff has been accused of using excessive force.
- ★ Senior staff will support colleagues when they use this power.

## **WHAT IS REASONABLE FORCE?**

- ★ The term covers a broad range of actions that will involve a degree of physical contact with pupils.
- ★ Force will be used either to control or restrain. This can range from guiding a pupil 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 or damage to property.
- ★ 'Reasonable in the circumstance' means using no more force than is needed.
- ★ Staff should 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 pupil.
- ★ Force/Restraint will be used in circumstances where staff have an 'honestly held belief' that not to do so will result in violence, injury to damage to property.

## **WHEN CAN REASONABLE FORCE BE USED?**

The Education and Inspection Act 2006 cites the use of reasonable force in the circumstances to prevent a pupil doing or continuing to do any of the following:-

- Committing any offence (or, for a pupil under the age of criminal responsibility, what would be an offence for an older pupil).
- Causing personal injury to any person (including the pupil themselves).
- Causing damage to the property of any person (including the pupil themselves) or academy property.

- Prejudicing the maintenance of good order and discipline at the Academy and among any pupils receiving education at the Academy, whether during a teaching session or otherwise.

Factors influencing this judgement include:-

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

The power to use reasonable force applied whether pupils are on the Academy premises or elsewhere, as long as they are in the lawful control or charge of a staff member. This includes Academy visits.

Further examples of circumstances in which reasonable force might be used are provided in the DfE non-statutory guidance on Use of Reasonable Force, July 2013 and these include:-

- Removing disruptive children from the classroom where they have refused to follow an instruction to do so.
- Prevent a pupil behaving in a way that disrupts an Academy event or an Academy trip or visit.
- Prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others.
- Prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground.
- Restrain a pupil at risk of harming themselves through physical outbursts.

Aspire Academy cannot use force as a punishment – this is always unlawful.

### **POWER TO SEARCH PUPILS WITHOUT CONSENT**

★ In addition to the general power to use reasonable force described above, Aspire Academy staff can use such force as is reasonable given the circumstances to conduct a search for the following 'prohibited items' under the Education Act 1996.

- 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

★ Force cannot be used to search for items banned under the Academy's own rules.

### **COMMUNICATING THE ACADEMY'S APPROACH TO THE USE OF FORCE**

★ Aspire Academy will make its Behaviour Policy and this allied Use of Reasonable Force Policy known to all staff, parents/carers, commissioners and pupils.

- ★ This policy on the use of reasonable force acknowledges Aspire Academy's legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEND).
- ★ Aspire Academy does not require parental consent to use force on a pupil.
- ★ Aspire Academy will not have a 'no contact' policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or present them taking action needed to prevent a pupil causing harm.
- ★ By taking steps to ensure that staff, pupils, parents/carers and commissioners are clear about when force might be used, Aspire Academy will reduce the likelihood of complaints being made when force has been used properly.

## **USING FORCE**

Following guidance contained with the DfE's Use of Reasonable Force, July 2013, Aspire Academy specifically rules out the use of the following restraint techniques as they present an unacceptable risk:-

- 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 arm across their chest.
- The 'nose distraction technique' which involves a sharp upward jab under the nose.

## **CONTROLLED ACCESS AND EGRESS SYSTEM**

Aspire Academy, having regard to its Safeguarding and Health & Safety responsibilities, has put in place the following controlled access and egress systems:

- access to the site for vehicles and pedestrians is via remote control voice activated gates and perimeter security fencing. There is external CCTV. The risk of unauthorised/unnoticed access to the site has been reduced to as low as possible
- external access to the main building is via two reception doors, entry through which is via a swipe card (issued to staff) or via the receptionist activating the door to open
- all external and internal doors (corridor/classroom/stores) except fire exit doors are on a high duty maglock system
- internal access on corridor/circulation doors is via swipe card on all doors except pupil toilet doors
- there is internal CCTV to most areas
- access to the Primary and Secondary classrooms is via swipe card but egress by pupils is possible via a 'push to exit' button. However if pupils do make use of this and leave the classroom without permission, they will not be able to exit the building as all corridor/circulation/external exit doors are swipe card only.
- Fire exit doors are also on swipe card control to open but in the event of the fire alarm sounding will release automatically, as will all other doors in the building

## **USE OF REFLECTION/ISOLATION ROOMS**

- ★ Aspire has three such rooms. Their purpose is to provide:
  - a safe environment which a pupil may elect to use in order to calm themselves down, without other pupils present or to provide some quiet time when the classroom situation may be proving difficult to manage

- a temporary place of safety in a situation in which a pupil might otherwise raise harm/damage to self or others.
- ★ Access to these rooms is via a swipe card (issued to staff) but each room has inside a push to exit button, useable by pupils.
- ★ A pupil using these rooms will always be accompanied by a member of staff who will stay in the room with him/her or immediately outside the door with supervision via the door vision panel.
- ★ Any 'forced' use of these rooms for 'isolation' purposes and where a pupil may be prevented from leaving of their own free will, will be in accordance with DfE's guidance Use of Reasonable Force 2013, the Human Right Act 1998 and the Children's Act 1989, all of which allow 'exceptional circumstances' as a legal justification.
- ★ 'Exceptional circumstances' would be circumstances in which a pupil, or others, may be at risk of significant harm if the pupil is not secluded. Examples could be running towards a busy road, self-injury, injuring another or committing a criminal offence.
- ★ Any 'forced' use of these rooms will recorded (including full details of the antecedents, the reasons for the decision on use, the names of the staff/pupil involved, the length of time involved, the outcome and any lessons learnt) and regularly analysed. Parents/carers and commissioners will be informed of such incidents.

## **STAFF TRAINING**

Aspire Academy will provide appropriate training to all staff and volunteers in the use of reasonable force, maintain a register of this training and regularly update this training.

## **TELLING PARENTS WHEN FORCE HAS BEEN USED ON THEIR CHILD**

- ★ It will be normal practice for the Academy to inform parents/carers and, as appropriate, commissioners about serious incidents involving the use of force and to consider how best to record such serious incidents.
- ★ In deciding what is a serious incident, Academy staff will use their professional judgement and consider the:-
  - Pupil's behaviour and level of risk presented at the time of the incident.
  - Degree of force used.
  - Effect on the pupil or member of staff.
  - The child's age.

## **MONITORING AND REPORTING INCIDENTS OF REASONABLE USE OF FORCE**

Aspire Academy will keep detailed and up to date records of any incidents where force is used.

Records of incidents will include the following information:-

- The name(s) of the pupil(s) involved.
- When and where the incident took place.
- Why the use of force was deemed necessary.
- Details of the incident, including all steps taken to diffuse the situation and resolve it without force and the nature of the force used.

- The pupil's response.
- The outcome of the incident.
- A description of any injuries suffered by the pupil or others and/or any property damaged during the incident.

### **WHAT HAPPENS IF A PUPIL COMPLAINS WHEN FORCE IS USED ON THEM?**

- ★ 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 in order 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. Such accusations will be dealt with under the 'Dealing with Allegations of Abuse against Teachers and Other Staff' section of the Academy's Child Protection Policy and Procedure.
- ★ The Academy 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, the Academy will ensure that the person has access to a named contact that can provide support.
- ★ The 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 person.
- ★ As an employer, Aspire Academy has a duty of care towards its 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.

### **OTHER PHYSICAL CONTACT WITH PUPILS**

- ★ 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
  - To give first aid.