

Searches, Confiscation and Physical Restraints Policy

Bolder Academy

390 London Road, Isleworth, Middlesex TW7 5AJ
Registered in England and Wales No: 08932893
Searches, Confiscation and Physical Restraint Policy V1

This policy is called:	Searches, Confiscation and Physical Restraint Policy
It applies to:	All staff at Bolder Academy
Person responsible for its revision:	Headteacher
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Overview

At Bolder Academy we aim to offer a welcoming, secure and safe environment in which our students will flourish. Our values: be kind, be strong and be brave are at the core of what we do.

We aim to create an environment in which high standards of behaviour means that use of searches and physical restraint is rare.

Searches

Staff can search students with their consent for any item. Written consent is not required, 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.

If a student refuses to be searched the Headteacher and the Deputy Headteacher and Assistant Headteachers who have been authorised by the Headteacher have the power to search students without their consent. They must have good reason and believe that the student has one of the 'Prohibited Items' listed below in his or her possession and may use reasonable force (see Use of Physical Restraint/Force Policy below):

- Knives and weapons.
- Alcohol.
- Illegal drugs.
- Stolen items.
- Tobacco and cigarette papers.
- Fireworks.
- Pornographic images.

Any article that the member of staff reasonably believes has been or is likely to be used to commit an offence or cause personal injury to, or damage to the property of any person (including the student).

Conducting the Search

When designating a member of staff to undertake searches under these powers, the Headteacher will consider whether the member of staff requires any additional training to enable them to carry out their responsibilities.

The person carrying out the search will be the same sex as the student being searched; and it will be undertaken in the presence of a witness (another staff member) who, if possible, will also be the same sex as the student being searched. The only circumstances in which a search will be carried out by a member of staff of the opposite sex and/or without a witness present, is where

that member of staff reasonably believes that there is a risk that serious harm will be caused to a person if the search is not conducted immediately.

The powers allow Academy staff to search regardless of whether the student is found after the search to have that item. This includes circumstances for example where staff suspect a student of having items such as illegal drugs or stolen property, which are later found not to be illegal or stolen.

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 (within England only).

The person conducting the search may search a student's pockets, but will not require the student to remove anything other than outer clothing (this means clothing that is not worn next to the skin or immediately over a garment that is being worn as underwear) and hats, shoes, boots, gloves and scarves.

A student's possessions (including desks, lockers and bags) will only be searched in the presence of the student and another member of staff, except where there is a risk that serious harm will be caused to a person if the search is not conducted immediately and where it is not reasonably practicable to summon another member of staff.

Seized items

Academy staff will seize any prohibited item found as a result of a search. They may also seize any item, however, found, which they consider harmful or detrimental to Academy discipline. A member of staff may confiscate, retain or dispose of a student's property as a disciplinary penalty, where reasonable to do so.

Prohibited items will not be returned to students but will be disposed of or retained at the discretion of the Academy. The law sets out the action Academy must take in respect of certain prohibited items:

- Where controlled drugs are found, 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 stolen items are found, these must be delivered to the police as soon as reasonably practicable – but may be returned to the owner (or may be retained or disposed of if returning them to their owner is not practicable) if the person thinks that there is a good reason to do so, for example a stolen pencil case.
- Where a pornographic image is found, the Academy may dispose of the image unless 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.

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

Searches and Deletion: Electronic Devices

Staff may examine data on electronic devices if they reasonably suspect that the data or file on the device has been, or could be, used to cause harm, disrupt teaching or break Academy rules.

If inappropriate material is found on the device the teacher will decide whether they should delete that material, retain it as evidence (of a criminal offence or a breach of Academy discipline) or whether the material is of such seriousness that it requires the involvement of the police. Refer to Safeguarding Policy.

Use of Physical Restraint

We hope that the use of physical restraint is rare because of the high standards of behaviour in the Academy.

Where physical restraint may be needed to secure the safety of a student or staff member, or where there is a serious breach of Academy discipline, or to prevent serious damage to property, this policy will apply. Physical restraint will be considered in the following situations:

The prevention of a criminal offence (including behaving in a way that would be an offence if the student were not under the age of criminal responsibility).

- Searching for 'Prohibited Items (see section 4 above).
- A student injuring themselves or others.
- A student causing damage to property (including the student's own property).
- A student engaging in any behaviour prejudicial to maintaining good order and discipline.
- Maintaining the safety of students and staff.
- Preventing serious breaches of Academy discipline.
- Preventing serious damage to property; and
- 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 physical restraint by:

- Creating a calm environment that minimises the risk of incidents arising that might require using force. Using social and emotional aspects of learning (SEAL) approaches to teach students how to manage conflict and strong feelings.
- 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; and
- Risk assessments and positive handling plans for individual students.

Staff authorised to use force

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

In addition, support staff, teaching assistants, lunchtime supervisors and office staff may be authorised by the Headteacher to use restraint. The Headteacher has the responsibility to ensure that staff are fully informed of the Academy's policy and understand what authorisation entails.

Temporary authorisation may be given to others who do not normally supervise children, for example, volunteers and parents/carers accompanying students on Academy-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; or
- 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, special educational needs or disability.

Before taking steps to restrain students, all members of staff will 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. The minimum force necessary will be used, to prevent harm to the student or to another student or adult.

In applying this policy the Academy acknowledges its legal duty to make reasonable adjustments for disabled children and children with special educational needs.

Training

Staff will receive training in student restraint from their colleagues or from reputable training agencies. They will be informed about:

How to deal with students who present particular risks to themselves or others (as a result of special educational needs 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 placing a hand in the centre of the back.
- Using appropriate restricting holds in more extreme circumstances.

Any form of restraint that is likely to injure a student (particularly anything that could constrict breathing) will only be used in extreme emergencies and where there is no viable alternative. There are some types of restraint that are unacceptable because they present an unacceptable risk. These are:

- The seated double embrace (which involves two members of staff forcing a person into a sitting position and leaning them forward).
- 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, as far as possible, they should not use force unless or until another responsible adult is present to support, observe and call for assistance.

Recording Incidents

It is important that there is a detailed, contemporaneous, written report of any occasion where force is used, and an incident record form will be completed as soon as possible after any incident has occurred and will be reported to Governors. Similarly, all injuries will be recorded in accordance with the Academy'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.

Parents/carers will be informed of any recordable incident and given an opportunity to discuss the incident with the Headteacher or appropriate class teacher and given 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/carers will not be informed of any recordable incident.

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

Complaints and Allegations

Should there be any complaint or allegation following an incident, then the Academy's appropriate arrangements for dealing with complaints and allegations of misconduct will be followed.

Appendix 1: Report of Search or Physical Restraint

The report MUST be completed as soon as practicable after the incident.

Name of Student:

Date of incident:

Time:

Place incident occurred:

Name of staff member reporting:

Names of staff involved:

Student(s) witnessing incident:

Staff witnessing incident:

Outcome of search:

For a report on regarding incident of physical restraint, please give details about why the use of physical restraint / reasonable force was thought necessary.

**Circle as appropriate*

Was the child concerned liable to injury?
To what degree? YES/NO*

Were other students liable to injury?
To what degree? YES/NO*

Were staff liable to injury?
To what degree? YES/NO*

Was property about to be damaged? YES/NO*

Was 'good order' prejudiced?
Examples may be needed here YES/NO*

Other reason(s) please state below:

Report (Continued)

In the report state the reason for the search or physical restraint.

If physical restraint include:

Antecedent Behaviour

- *Give details about circumstances leading up to the incident, nature of student behaviour, the use of techniques other than reasonable force to defuse and de-escalate the situation and measures taken to avoid harm to the student. Give details of any other adults present.*

Intervention

- *Give details of the reasonable force applied, including degree, how the student was held and for how long. If more than one member of staff was involved, each should record their action separately and attach them to this form.*

Record of any injuries to students/staff:

Record of any damage to property:

Signature:

Date and time:

This report is to be passed to the Headteacher.

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