



The Use of Reasonable Force, Restriction and Search Policy

This policy was approved by the People and External Relations Committee of Cox Green School on

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Introduction

Cox Green School is committed to ensuring the health and safety of its staff and the students in its care.

It recognises and accepts its duty to protect:

- Students from harm through unnecessary, inappropriate, excessive or unlawful force
- Staff from harm from verbal and physical assault, including incidents involving students and parents.

The staff and Governors are committed to:

- Encouraging and supporting parents/carers/ and working in partnership with them;
- Listening to and valuing each individual student;
- Ensuring that all members of staff, full time and part time are properly trained and supported.

We are committed to the promotion of good behaviour and this forms the focus of our Behaviour for Learning Policy.

Purpose and definitions

This policy is intended to provide clarification on the use of force to help school staff feel more confident about using this power when they feel it is necessary.

The Education and Inspections Act, 2006, and the *Education Act, 2011*, confirmed the right of staff to use 'such force as is reasonable' for the purpose of preventing a student from:

- committing an offence;
- causing personal injury to, or damage to the property of, any person (including themselves); and
- prejudicing the maintenance of good order and discipline.

The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with students.

Force is usually used either to control or restrain. This can range from guiding a student 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.

'Reasonable in the circumstances' means using no more force than is needed. Schools generally use force to control students and to restrain them. Control means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm out of a classroom.

'Restraint' means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention. Restraint of any kind can have a negative impact on a child's mental health and damage relationships between children and those who care for them.

School 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 student.

'Restriction' means to restrict a child's movement and/or intrusive observations. This includes segregating a child (e.g. time out, isolation, chill out) and taking away their liberty. It includes locking a door to prevent movement, or leaving a disabled child alone who can't move independently or making a real and/or perceived



threat to a child. On some occasions a child may find that time on their own is a positive intervention at times of distress, but these interventions should be used sparingly.

As a school, we recognise that all behaviour is a form of communication and that we have a duty to understand what the children's behaviour communicates. This enables us to respond in a way that helps everyone to stay safe and value and respect each child.

The foundation of good practice in working with children should be:

- protecting and promoting children's rights
- recognising that staff have a responsibility to understand children's needs
- building relationships of trust and understanding
- understanding triggers and finding solutions
- if incidents do occur, knowing enough about the child and positive behaviour support techniques to defuse the situation and/or distract the child where possible
- treated on an individual basis, making reasonable adjustments to ensure that expectations of pupils with SEND are developmentally appropriate and fair

Screening and Searching Students

The school acknowledges its duties and responsibilities under the Education Acts, of 1996 and 2011, Education and Inspections Act, 2006 and Health and Safety at Work, 1974, in respect of screening and searching students.

Searching with the Student's Consent

Schools are not required to have formal written consent from the student for this sort of search – it is enough for staff to ask the student to turn out his or her pockets, or look in the student's bag, or through outer clothing when removed, or locker (in the student's presence) and for the student to consent.

Schools are not required to inform parents before a search takes place or to seek their consent to search their child. Where a student is not deemed to have sufficient maturity or understanding to be fit to give consent themselves, then consent will be sought from a parent.

Searching Without the Student's Consent

The Headteacher (and staff authorised by him/her) has the statutory power to search a student or his/her possessions, without the student's consent, where there are reasonable grounds for suspecting that the student has certain prohibited items in their possession, or any item that is banned by the school which has been identified in the Behaviour and Exclusion Policy as an item to be searched for. When searching without consent, there should be two members of staff (of the same gender as the student being searched where possible) present at all times.

If the student refuses to be searched or have his/her belongings searched for suspected prohibited items, the school can ask the parents and/or the Police to carry out the search.

Schools are not required to inform parents before a search takes place or to seek their consent to search their child. The school will inform the student's parents where alcohol, illegal drugs or potentially harmful items or substances are found.



Other Issues Pertaining to Searches

Electronic devices, including mobile phones, can be searched and their data/files searched/erased if there is good reason to do so.

If a student refuses to be searched or have his/her belongings searched, this refusal will be treated as 'refusing to follow an instruction' and incur the appropriate sanction.

We will inform parents if banned or prohibited items are found as a result of a search.

Where possible, the member of staff undertaking the search should be the same sex as the student being searched; and there must be a witness (also a staff member) and, if at all possible, they should be the same sex as the student being searched.

There is a limited exception to this rule. A search of a student of the opposite sex can be carried out and without a witness present, if it is reasonably believed that there is a risk that serious harm will be caused to a person if the search was not conducted immediately and where it is not reasonably practicable to summon another member of staff.

Confiscation

Students found in possession of prohibited items may face sanctions/exclusion from the school. Furthermore, any student found in possession of an offensive weapon and/or illegal drugs should expect Permanent Exclusion as a result.

Students who do not relinquish banned or prohibited items (including mobile phones) will not be allowed to return to normal lessons until the item in question has been confiscated. Students will remain in school during this time and will be isolated with an appropriate member of staff, in an appropriately supervised area.

With consent searches

The member of staff who has conducted a search for a prohibited or banned item, or an item which they consider harmful or detrimental to school discipline, can use his/her discretion to confiscate, retain and/or destroy any item found as a result of a 'with consent' search, as long as it is reasonable in the circumstances.

Where any item is thought to be a weapon, controlled drugs or a stolen item, it will be passed to the Police, unless there is good reason not to do so, the Headteacher will decide when, or if, to return other types of confiscated items, in line with the Education Act 2011.

Without consent searches

Teachers may seize anything that they have reasonable grounds for suspecting is a prohibited item or is evidence that relates to an offence. Any items that are seized will be retained / disposed of or delivered to the Police, in line with DfE guidance.



Table 1

Banned Items at Cox Green School	Prohibited Items at Cox Green School
<ul style="list-style-type: none"> • Cigarettes/tobacco products, including e-cigarettes or other simulated cigarette/nicotine related products; • Chewing gum; • Carbonated drinks and energy drinks high in caffeine content, e.g. Monster, Relentless; • Fireworks/firecrackers; • Matches/lighters; • Water pistols or any toy that resembles a weapon; • Chemical substances other than controlled drugs, e.g. 'legal highs'; • Laser Pens 	<ul style="list-style-type: none"> • Weapons; • Knives; • Alcohol; • Illegal/controlled drugs; • Stolen items; • Pornographic material; also any other items or materials that are prohibited for children under the age of 16; • Any item that a member of staff reasonably suspects has been or is likely to be used to commit an offence, or cause personal injury or damage to property.

Cox Green School has a duty to ensure that any confiscated item (especially those of monetary or emotional value) is stored safely until they can be returned. This also limits the chance of problems with loss of items while in the care of staff. All reasonable steps are taken to make such arrangements secure. Learning Walk can be used to collect confiscated items if required.

Who can use reasonable force?

All members of school staff have a legal power to use reasonable force. This power applies to any member of staff at the school. It can also apply to people whom the Headteacher has temporarily put in charge of students such as unpaid volunteers or parents accompanying students on a school organised visit. The Head teacher will identify a senior member of staff who will oversee any incident relating to the implementation of this policy. In the case of this member of staff being absent, the Headteacher will clearly identify who will deputise for this role.

All staff will be given a copy of this policy, including new staff at induction and should expect to be reminded of the policy annually.

When can reasonable force be used?

Reasonable force can be used to prevent students from hurting themselves or others, from damaging property or from causing disorder.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member concerned and should always depend on the individual circumstances. The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- remove disruptive children from the classroom 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 or 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 through physical outbursts.

The use of reasonable force – operational procedures

Reasonable force should only ever be used as a last resort when other strategies have failed. It should serve to de-escalate or prevent a violent or potential violent situation. It should not be used purely to force compliance with staff instructions when there is no immediate risk to people or property.

Our principles are that:

- Staff will build effective relationships with the children they are responsible for.
- Staff should take steps in advance to avoid the need for physical intervention by the adoption of a planned, proactive approach to behaviour management, e.g. through dialogue and diversion.
- Staff should only use restraint when there is no alternative to help children and staff to stay safe.
- Staff should have good grounds for believing that immediate action is necessary to prevent a student from significantly injuring him/herself or others, or causing serious damage to property.
- Reasonable force must not be used in anger. When it becomes apparent that the student is not responding to verbal instructions and a violent incident is imminent, the member of staff, wherever possible, should call for assistance before engaging in physical intervention. Calling for support and assistance should not be considered as a personal failure, but could prove helpful in providing assistance as well as having a witness to what happens.
- High numbers of staff involved in an incident should be avoided.
- When it becomes necessary to use reasonable force with a student, the member of staff should continue to talk to her in a calm manner, offering choices and time to calm.
- Only the minimum force necessary, to prevent physical injury or damage, should be applied. Particular care must be taken to avoid inflicting any unnecessary pain or Injury. Restraint that deliberately inflicts pain should never be used.
- When using reasonable force, members of staff have a responsibility to justify that means other than force have been attempted or are proving impracticable.
- Restraint should only be used for the shortest time possible.
- As soon as it is safe, the reasonable force should be gradually relaxed to allow the student to regain self-control.
- Intervention should be an act of care and control, not punishment.
- A student must never be asked to use reasonable force on another student.
- Staff must be able to show that the method of force was in keeping with the incident that gave rise to it and will need to record the event and the reason for their decision
- The degree and duration of any force applied must be proportional to the circumstances.
- The potential for damage to persons and property in applying any form of force must always be kept in mind.
- Escalation should be avoided at all costs, especially if it would make the overall situation more destructive and/or unmanageable.
- Staff will help children to develop the skills they need to understand and respond constructively to their own feelings and behaviour.

Procedures following an incident involving the use of reasonable force

- The circumstances and justification for using reasonable force must be recorded immediately or as



soon as possible, but no later than the next working day in CPOMS and using the form appendix 1. This record should be flagged as “reasonable force” and the incident explained, including any injuries, damage, to any party, what was done to try and de-escalate the situation and what was done to calm the student after the incident.

- The member of staff must inform the Headteacher or person in charge as soon as possible of the incident.
- The student’s views should also be recorded as soon as possible, preferably on the same day.
- The views of witnesses should also be recorded as soon as possible, preferably on the same day.
- The parents / carers of the student should be informed as soon as possible of the incident
- The Headteacher should discuss the incident with the staff member within 24 hours.
- Counselling may need to be provided for any staff who are distressed following the incident.
- Following the incident, the student should be counselled on the reasons why it was necessary to restrain him/her.
- A record is kept of any item that has been confiscated and if this is returned to the student or parent they will be required to confirm.

Restriction

Restrictions should only be used to support the child and keep them safe and should not be routinely used. Practitioners need to think about what the least possible restrictions are to keep a child safe and promote their independence. Staff will be expected to provide evidence about why they have taken a particular approach and must record the information in the same way as reasonable force, above.

Complaints

Complaints about screening or searching should be dealt with through the normal school complaints procedure. All complaints about the use of force should 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 must not be an automatic response when a member of staff has been accused of using excessive force. Schools must 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.

Governing bodies should always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

Schools are not required to inform parents before a search takes place or to seek their consent to search their child.

Schools 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.



Communication of policy

The Policy is published on the school website and the school staff information drive.

Evidence of implementation

The Senior Lead will report back to the People and External Relations Committee on instances of implementation of the policy.

Review of policy

This policy shall be reviewed every 3 years by the People and External Relations Committee.



APPENDIX 1

REPORT OF INCIDENT INVOLVING REASONABLE FORCE

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

Name of Student _____ Tutor Group _____

Date of incident _____ Time _____

Place incident occurred _____

Name of staff member reporting _____

Names of staff involved _____

Record of Incident

Student(s) witnessing incident

Staff witnessing incident

Please give details about why the use of reasonable force was thought necessary.

*Circle as appropriate

Was the child concerned liable to injury?

YES/NO



To what degree?

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

**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) _____

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 students/staff

Record of any damage to property

Give details of the measures taken to calm the student after the incident

Signature: _____

Date: _____

Time: _____

This report is to be passed to the Headteacher