

COGNITA
TEACHING EXCELLENCE



DOWNSEND
SCHOOL
PRE-PREP LEATHERHEAD

**Use of Reasonable Force
& Searching Pupils
(England)**

September 2016

KEY FACTS:

- ✦ **Physical force is rarely used, and only to protect from harm**
- ✦ **Corporal punishment is not allowed under any circumstances**
- ✦ **“Reasonable” restraint means using no more force than is needed to control or restrain a pupil, and only as a last resort**
- ✦ **Restraint must always be proportionate to circumstances and dependent on the age of the pupil**
- ✦ **Reasonable force can only be used to search a pupil for certain prohibited items without consent**
- ✦ **Headteacher will always complete a Serious Incident Report Form**
- ✦ **Searching pupils will take place usually with pupil consent.**

1 Purpose

- 1.1. Our school staff have a power to use force. Lawful use of the power will provide a defence to any related criminal prosecution or other legal action.
- 1.2. Suspension should not be an automatic response when a member of staff has been accused of using excessive force.
- 1.3. Our Senior Leadership Team will support staff when they use this power, including any person whom the Headteacher has put in charge temporarily of pupils such as unpaid volunteers or parents accompanying our children on a school organised visit.
- 1.4. We are fully aware of and are fully committed to the school’s legal duty to make reasonable adjustments for children with special educational needs and/or disabilities. Staff should always act within our policy on behaviour and discipline.
- 1.5. We hope that this policy is clear when such force might be used, so that all our parents, staff and pupils understand our policy and practice and can support us in the unlikely event that this form of control will be required.
- 1.6. We expect that our school community will trust us to use force properly. We will use the policy to protect every person from harm, to protect all pupils against any unnecessary, inappropriate, excessive or harmful physical intervention and to ensure all our staff know what constitutes appropriate use.
- 1.7. We aim to ensure that pupils have a right to respect for their private life in that they expect a reasonable level of privacy. (European Convention on Human Rights) so any interference with this right by the school must be justified and reasonable.

2 Introduction

- 2.1. Use of physical force is not usually necessary in our schools. However, should this ever be required then it is the aim of this policy to clarify the power of teachers and other staff who have lawful control or who are in charge of pupils.
- 2.2. The provision applies when a teacher or authorised person is on the school premises and when the person has lawful control or charge of the pupils elsewhere; for example, on a school trip.
- 2.3. This policy does not authorise the use of corporal punishment in any circumstance and nor is it intended to encourage the use of inappropriate force. Our school does not permit the use, or threatened use, of corporal punishment during any activity whether on or off the school

premises, under **any** circumstances. Moreover, the Statutory Framework for the Early Years Foundation Stage (2014) requires that corporal punishment is not given by any person who cares for or is in regular contact with a child, or by any person living or working in the premises where care is provided. We are aware that if we fail to meet this standard then we would be committing an offence. We will never threaten any punishment which could adversely affect a child's well-being.

- 2.4. There are a variety of circumstances in which reasonable restraint may be appropriate or necessary in order to control or restrain a pupil. Wherever possible, if this is anticipated, appropriate steps should have been taken beforehand to plan appropriate responses.
- 2.5. There is no legal definition of when it is reasonable to use force.
- 2.6. This policy takes fully into account the most recent DfE non-statutory guidance entitled *Use of Reasonable Force* (July 2013) and *Searching, Screening and Confiscation* (February 2014).
- 2.7. This policy also supports the safeguarding and welfare requirements of Early Years Foundation Stage statutory framework (EYFS) 2014. The Early Years Foundation Stage (EYFS) applies to children from birth to the end of the Reception year. This policy applies to the whole school and the Early Years Foundation Stage.
- 2.8. It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, is appropriate and necessary. For example, holding the hands of the child at the front/back of the line when walking in a group, to comfort a distressed pupil, to congratulate or praise a pupil, to demonstrate a musical instrument or exercises during PE or sports coaching and of course to give first aid. If any member of staff is unclear about this, they should discuss it further with their Headteacher or Designated Safeguarding Lead (DSL) in order to alleviate any doubt or uncertainty.
- 2.9. We do not routinely screen pupils, without physical contact, although we reserve the right to do so.

3 What do we mean by reasonable force?

- 3.1. This term refers to a range of actions used by most teachers at some point in their careers which involve a degree of physical contact with children.
- 3.2. Force is usually used to control or restrain. For example, guiding a pupil to safety by the arm or more extreme circumstances such as breaking up a fight, or where a pupil needs to be restrained to prevent injury or violence.
- 3.3. What we mean by 'reasonable' means using no more force than is needed.
- 3.4. Control is usually about passive physical contact such as standing between two pupils or blocking a pupil's path, or indeed guiding them out of the room by leading them by the arm.
- 3.5. Restraint refers to holding back physically or bringing a pupil under control. We only use this strategy in more extreme situations where physical intervention is the only option.
- 3.6. We always try to avoid acting in a way that might cause injury, but in highly extreme cases this may not always be possible.
- 3.7. The decision as to whether or not to intervene physically is down to the professional judgement of the staff member concerned and will always depend on the individual circumstances.
- 3.8. Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder. It is always proportionate to the circumstances, and will be dependent on the age of the pupil.
- 3.9. Wherever possible, staff should have exhausted the full range of behaviour management strategies in the Behaviour Policy which are aimed at preventing the situation from reaching the

point at which physical intervention becomes necessary. Restraint is a last resort after all efforts to defuse the situation have been taken.

3.10. There are many alternative strategies which should be used by staff initially in situations such as:-

- the broken record in which an instruction is repeated until the pupil complies;
- use of a distractor such as a whistle to interrupt behaviour long enough for verbal methods to take effect;
- withdrawal of attention from the rest of the class/group when they act as an audience;
- avoiding confrontation;
- use of humour until tempers have been alleviated; and
- other sanctions outlined in our Behaviour Policy.

4 When might we use reasonable force?

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

We never use force when we need to punish a pupil because to do so would be unlawful.

- We will not use the seated double embrace which involves two members of staff forcing a person into a seating position and leaning them forward.
- We will not use the double basket-hold which involves holding a person's arms across their chest.
- Nor will we use the nose distraction technique which involves a sharp upward jab under the nose.
- We never slap, punch, grab, kick or trip up any pupil or hold them anywhere which might restrict blood flow or breathing such as around the neck.
- We never bend fingers, pull hair or twist limbs back against a joint, or touch sexual parts of the body.

5 Power to search and confiscate from pupils

- School staff can search a pupil for any item if the pupil agrees eg by asking them to turn out their pockets or by asking them if the teacher can look in their bag or locker.
- An appropriate disciplinary sanction can be applied if the pupil refuses to co-operate with a search for a banned item, as laid out in the school's behaviour policy.
- We have powers to search pupils or their possessions, without consent, where there is good reason to do so ie that it could be used to harm children, disrupt teaching or break the school rules but we will always seek to carry out any such search with the pupil's consent. We do not search pupils in a blanket way.
- Staff will only search without prior consent where we have reasonable grounds for suspecting a pupil may have a prohibited item. Prohibited items are knives and weapons,

alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or any article which has been, or is likely to be used to commit an offence, cause personal injury or damage to property.

- We can search to tackle cyber-bullying, including where necessary deletion of inappropriate images or files on electronic devices including mobile phones.
- Staff can use this power to search pupils or their possessions under the specific authority of the Headteacher only.
- Items which the Headteacher or authorised staff has banned and can search for are specified in the school rules contained within the school's Behaviour Policy. It is always made clear in communications to parents what items are banned.
- Staff can confiscate any prohibited item found as a result of a search as well as any items, however found, which they consider harmful or detrimental to school discipline.
- Searching without consent can only be used if the member of staff is the same sex as the pupil being searched and in the presence of a witness staff member.
- Staff can view CCTV footage in order to make a decision as to whether to conduct a search for an item
- Only outer clothing that is not worn next to the skin can be requested to be removed.
- No intimate search is permitted by school staff.
- Staff can use reasonable force to conduct a search for the prohibited items listed above.
- Controlled drugs and stolen items must be delivered to the police as soon as is reasonably practical. Alcohol, tobacco and cigarette papers, fireworks can be retained or disposed of.
- Pornographic images may be disposed of unless the possession as such constitutes a specified offence (ie extreme or child pornography) in which case it must be delivered to the police as soon as reasonably practical. Images found on a mobile phone or other electronic device can be deleted; unless being passed to the police.

6 How to we ensure our approach is effective?

- We always tell the pupil what we are doing and why.
- We involve another member of staff wherever possible.
- We never act in temper or lose control.
- We always respect pupils' dignity, right to respect, privacy, confidentiality.
- We never involve other pupils in any restraint.

7 Training for Staff

- We will carry out a risk assessment for any individual pupil for whom we believe that control or restraint may be needed.
- As appropriate to our school population, our senior leadership team will consider the needs of any of our staff who should be trained in effective techniques. The Headteacher will consider carefully if any staff member requires any additional training to enable them to carry out their responsibilities and care for any individual pupil's needs. Where the use of physical restraint is likely to be needed, staff training will first involve specialist techniques; eg Team Teach.

8 Information for Parents

Use of Reasonable Force

- 8.1. We will always inform a member of the leadership team of any such serious incident immediately.
- 8.2. We are not required to inform parents before a search takes place or to seek parental consent to search their child but where we find prohibited items we will inform parents.
- 8.3. We will always speak to any parent about any serious incidents, which involve the use of force or physical intervention; for example, in averting danger to a child or person, or to manage a child's behaviour if absolutely necessary, including children of all ages. We will record as such on our incident report form, noting any witnesses and staff names involved. Also, we will outline the antecedents and consequences, including any injury sustained and subsequent treatment. We will also record when parents are informed and by whom, as well as making a note of parental responses. The member of staff who fills out the form will also sign it.
- 8.4. The Headteacher will fill out a serious incident report form and submit this to Head Office, following Cognita written and current guidance.
- 8.5. With regard to the Statutory Framework for the Early Years (2014), we will ensure that we fully comply by informing parent/carer(s) on the same day, or as soon as reasonably practicable.
- 8.6. All complaints about the use of force will be thoroughly investigated in accordance with our complaints procedure. The onus will be on the complainant to prove that their allegations are true.
- 8.7. When we receive an allegation about a member of staff we will follow the relevant section of our safeguarding and child protection policy and procedures, including informing the Designated Officer (local authority) and Cognita Head Office accordingly.
- 8.8. The decision to exceptionally suspend any teacher rests with the Headteacher at all times.

9 Monitoring & Evaluation

- 9.1. This policy will be reviewed annually by our senior leadership team and revised in accordance with changing national requirements for independent schools.
- 9.2. Incidents involving searching or the use of reasonable force will be reported to the Assistant Director of Education (chair of governors) and Head of Education Compliance, for onward reporting to the Cognita UK Compliance Committee and safeguarding performance reporting to the Cognita Board.

Use of Reasonable Force

Ownership and consultation	
Document sponsor (role)	Director of Education
Document author (name)	Head of Education Compliance
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Consultation	N/A

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England	Yes
Wales	No
Spain	No

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Related documentation	
	<ul style="list-style-type: none">○ Code of Conduct○ Safeguarding: Child Protection Policy○ Anti-Bullying Policy○ Behaviour policy○ Special Educational Needs○ Accidents and Incidents Recording and Reporting○ Learning Outside the Classroom○ Health and Safety policy○ Data Protection Policy○ Complaints Procedure Statement○ Staff Discipline, Conduct and Grievance○ Early Years Foundation Stage (EYFS) Policy○ Whistleblowing○ Acceptable Use Policy○ Exclusions procedures○ Safeguarding Children: Preventing Extremism and Radicalisation○ Risk Assessment Policy: Welfare, Health & Safety