

## **Appendix 5: Use of Reasonable Force**

1. Any use of reasonable force will be in accordance with the DfE guidance **Use of reasonable force** (DfE, July 2013)
2. Reasonable force may be used to prevent a pupil from doing or continuing to do any of the following:
  - committing a criminal offence;
  - injuring themselves or others;
  - causing damage to property, including their own; or
  - engaging in any behaviour prejudicial to good order and discipline at the Academy or among any of its pupils, whether that behaviour occurs in a classroom or elsewhere
3. In these circumstances, force will be used for two main purposes: to control pupils or to restrain them. Reasonable force may be used, for example, to restrain a pupil at risk of harming themselves or another individual or to prevent a pupil leaving a classroom where allowing them to do so would risk their safety or lead to behaviour that disrupts the behaviour of others. Force is never used in any other way or and never as a form of consequence.
4. In addition, reasonable force may be used to conduct a search for certain "prohibited items" (see [Appendix 6](#) below).
5. In these circumstances, "reasonable" means using no more force than is needed.
6. In deciding whether reasonable force is required, the needs of individual pupils will be considered and reasonable adjustments will be made for pupils with special educational needs or disabilities. The Academy will establish proactive and positive behaviour support strategies for pupils with particular needs, in consultation with their Parents, to reduce the occurrence of challenging behaviour and the need to use reasonable force.
7. Where reasonable force is used by a member of staff, the Head or Deputy Headteacher must be informed of the incident and it will be recorded in writing. The Parents will be informed about serious incidents involving the use of force. In the EYFS setting, the pupil's Parents will be informed about any use of force on the day of the incident or as soon as reasonably practicable. [ See also the Academy's separate Policy on the Use of physical restraint].]

## **Appendix 6: Searching, Screening and Confiscation**

1. All Academies have a general power to impose reasonable and proportionate disciplinary measures (Education and Inspections Act 2006). This enables a member of staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.
2. The Academy's policy on searching and confiscation has regard to the DfE guidance [Searching, screening and confiscation: advice for schools](#) (DfE, July 2022).
3. **Prohibited Items**
  - 3.1 The following are 'prohibited items' by law under Section 550ZA(3) of the Education Act 1996 and Regulation 3 of the Schools (Specification and Disposal of Articles) Regulations (SI 2012 / 951):
    - Knives or weapons, alcohol, illegal drugs and stolen items;
    - Tobacco and cigarette papers, fireworks and pornographic images;
    - Any article that a member of staff reasonably suspects has been, or is likely to be used:
      - to commit an offence; or
      - to cause personal injury to, or damage to the property of, any person (including the pupil); and
  - 3.2 In addition to the above, the Academy has prohibited or restricted the use of the following items on the grounds that they are reasonably believed to be likely to cause harm or disruption:
    - mobile phones;
    - laptops
    - tablets
    - hand-held electronic games;
    - other electronic devices
    - vaping devices/e-cigarettes
  - 3.3 Pupils must not have these items in their possession [or use them in a way which is restricted] on the Academy's premises, or at any time when they are in the lawful charge and control of Academy staff (e.g. on educational visits).
  - 3.4 Pupils may be searched for any item which is prohibited or its use restricted] by the Academy (as set out above) with their agreement (note that the Academy will never use force to search for these items: see paragraph 4.3 below).

#### 4. Searching Pupils

- 4.1 Under common law, school staff have the power to search for any item if a pupil agrees. The member of staff undertaking the search should ensure the pupil understands the reason for the search and how it will be conducted so their agreement is informed.
- 4.2 When exercising these powers the school must consider the age and needs to pupils being searched or screened. This includes the individual needs or learning difficulties of pupils with Special Educational Needs (SEN) and making reasonable adjustments that may be required where a pupil has a disability.
- 4.3 If a pupil refuses to co-operate with a search for an item prohibited by law as listed in section 3.1 above, the member of staff should assess whether it is appropriate to use such force as is reasonable to conduct the search. Force will never be used to search for items that the Academy has prohibited, as set out in 3.4 above.
- 4.4 The decision to use reasonable force should be made on a case-by-case basis. Consideration will be given as to whether conducting the search will prevent the pupil harming themselves or others, damaging property or causing disorder.
- 4.5 Where a pupil is not willing to co-operate with a search and is not deemed to have sufficient maturity or understanding of the situation, then a parent's co-operation will be sought.
- 4.6 If a pupil refuses to co-operate with a search for items that are **not** items prohibited by law as listed in section 3.1 above, disciplinary action may be taken in accordance with this policy.
- 4.7 Where a search is considered necessary, but does not need to be carried out urgently, the advice of the Head or Deputy Headteacher / DSL and / or pastoral member staff will be sought. During this time the pupil should be supervised and kept away from other pupils.
- 4.8 Searches will be carried out on the School premises or, if elsewhere, where the member of staff has lawful control or charge of the pupil, for example on an educational visit or in training settings<sup>7</sup>.
- 4.9 If it is believed that a pupil has a prohibited item, it may be appropriate for a member of staff to carry out:
- search of outer clothing; and / or
  - search of the School property (e.g. pupils' lockers or desks, bed, studies or dormitories); and / or
  - search of personal property (e.g. bag or pencil case).
- 4.10 Staff will be the same sex as the pupil being searched and there will be a witness (also a staff member) who, if possible, will be the same sex as the pupil being searched. As a limited exception to this rule, staff can carry out a search of a pupil of the opposite sex and / or without a witness present, but only where staff reasonably believe that there is a risk that serious harm will be caused to a person if a search is not carried out as a matter of urgency and in the time available it is not reasonably practicable to summon another member of staff.

- 4.11 A pupil's possessions can only be searched in the presence of the pupil 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.
- 4.12 Where the Head or Deputy Headteacher, or staff authorised by the Headteacher, find anything which they have reasonable grounds for suspecting is a prohibited item, they may seize, retain and dispose of that item in accordance with this policy. The staff member should also alert the designated safeguarding lead (DSL) or deputy and the pupil will be provided with a consequence in line with the school's Behaviour Policy to ensure consistency of approach.

## **5. Strip Searching**

- 5.1 A strip search is a search involving the removal of more than outer clothing and can only be carried out on school premises by police officers under the Police and Criminal Evidence Act 1984 (PACE) Code A and in accordance with PACE Code C. More information is contained within the DfE advice to schools on Searching, Screening and Confiscation (July 2022).
- 5.2 While the decision to undertake a strip search itself and its conduct are police matters, school staff retain a duty of care to the pupil(s) involved and should advocate for pupil wellbeing at all times.
- 5.3 School staff will always consider whether introducing the potential for a strip search through police involvement is absolutely necessary and should always ensure that other appropriate, less invasive approaches have been exhausted.
- 5.4 In order to ensure a pupil's wellbeing, the school may wish to involve an appropriate adult as a matter of course during all searches conducted by police in school.
- 5.5 Except where there is an immediate risk of harm, parents will be informed before a strip search takes place, where reasonably possible. Parents will always be notified after a strip search has taken place.

## **6. After a Search**

- 6.1 Whether or not any items have been found as a result of any search the school will consider whether the reasons for the search or outcome give cause to suspect whether a pupil is suffering or likely to suffer harm and whether any specific support is needed.
- 6.2 Where appropriate school staff will follow the school's child protection policy and procedures and speak to the designated safeguarding lead about possible pastoral support, early help intervention or a referral to children's social care.

## **7. Recording Searches**

- 7.1 Any search by a member of staff for an item prohibited by law as listed in section 3.1 above items banned by the school rules in section 3.2 above] and all searches conducted by police officers will be recorded in the school's safeguarding reporting

system, including whether or not an item is found. This will allow the DSL or deputy to identify possible risks and initiate a safeguarding response if required.

**7.2** Records of the search will include:

- the date, time and location of the search;
- which pupil was searched;
- who conducted the search and any other adults or pupils present;
- what was being searched for;
- the reason for searching;
- what items, if any, were found; and
- what follow-up action was taken as a consequence of the search.

**7.3** The school will analyse any data gathered to consider whether searching falls disproportionately on any group / or groups and whether any actions should be taken to prevent this.

**8. Screening**

**8.1** The Academy may impose a requirement that pupils undergo screening for the detection of weapons.

**8.2** Screening will take the form of a walk through or hand held metal detector to scan all pupils for weapons before they enter the Academy premises.

**8.3** If a pupil has a disability, the Academy will make any reasonable adjustments to the screening process as required.

**8.4** If a pupil refuses to be screened, the Academy will consider why the pupil is not cooperating and will make an assessment as to whether it is necessary to conduct a search.]

**9. Confiscation**

**9.1** Under the Academy's general power to discipline, a member of staff may confiscate, retain or dispose of a pupil's property as a disciplinary penalty where it is reasonable to do so.

**9.2** Confiscation of an item may take place following a lawful search, as set out above, or however the item is found if the member of staff considers it to be harmful or detrimental to Academy discipline.

**10. Searching Electronic Devices**

**10.1** An electronic device such as a mobile phone or a tablet computer may be confiscated in appropriate circumstances in accordance with this policy. If there is good reason to suspect that the device has been, or could be used to cause harm, to disrupt teaching or breach the Academy's policies on behaviour, any data or files on the device may be searched and, where appropriate, data or files may be erased before the device is returned to its owner. Any search of an electronic device should be conducted in the presence of a member of the IT staff.

- 10.2 Any data or files will only be erased, if there is good reason to suspect that the data or files have been, or could be used to cause harm, to disrupt teaching or breach the Academy's policies on behaviour.
- 10.3 Subject to 8.4 below and the requirements set out in KCSIE 2022 If inappropriate material is found on an electronic device, the member of staff may delete the material, retain it as evidence of a breach of Academy discipline or criminal offence or hand it over to the police if the material is suspected to be evidence relevant to an offence
- 10.4 Staff should consider the appropriate safeguarding response if they find images, data or files on an electronic device that they reasonably suspect will put a person at risk.
- 10.5 Staff should not view or forward illegal images of a child. When viewing an image is unavoidable staff should follow the Academy's policy on sexting as set out in the Safeguarding and child protection policy / consult the advice set out in the [Searching screening and confiscation advice \(for schools\)](#) and [UKCIS sexting advice](#).
- 10.6 The School will comply with data protection law in relation to any search of an electronic device.

## 11. Disposal of Confiscated Items

- 11.1 **Alcohol:** Alcohol which has been confiscated will be destroyed.
- 11.2 **Controlled drugs:** Controlled drugs will usually be delivered to the police as soon as possible. In exceptional circumstances and at the discretion of the Head or Deputy Headteacher or authorised member of staff, the drugs may be destroyed without the involvement of the police if there is good reason to do so. All relevant circumstances will be taken into account and staff will use professional judgement to determine whether the items can be safely disposed of. They will not be returned to the pupil.
- 11.3 **Other substances:** Substances which are not believed to be controlled drugs but which are harmful or detrimental to good order and discipline (for example "legal highs") may be confiscated and destroyed. Where it is not clear whether or not the substance seized is a controlled drug, it will be treated as such and disposed of as above.
- 11.4 **Stolen items:** Stolen items will usually be delivered to the police as soon as possible. However, if, in the opinion of the Head or Deputy Headteacher or authorised member of staff, there is good reason to do so, stolen items may be returned to the owner without the involvement of the police. In taking into account the relevant circumstances, the member of staff should consider: the value of the item; whether the item is banned by the school; whether retraining or returning the item may place any person at risk of harm; and whether the item can be disposed of safely.
- 11.5 **Tobacco or cigarette papers:** Tobacco or cigarette papers will be destroyed.
- 11.6 **Fireworks:** Fireworks will not be returned to the pupil. They will be disposed of safely at the discretion of the Head or Deputy Headteacher or other authorised member of staff which may include donation to an appropriate charity.
- 11.7 **Pornographic images:** Pornographic images involving children or images that constitute "extreme pornography" under section 63 of the Criminal Justice and Immigration Act 2008 will be handed to the police as soon as practicable. As possession of such images may indicate that the pupil has been abused, the Designated Safeguarding Lead will also be notified and will decide whether to make a referral to children's social care.

- 11.8 Other pornographic images will also be discussed with the Designated Safeguarding Lead. The images may then be passed to children's social care for consideration of any further action. If no action is to be taken by the local authority the images will be erased after a note has been made for disciplinary purposes, confirming the nature of the material.
- 11.9 **Article used to commit an offence or to cause personal injury or damage to property:** Such articles may, at the discretion of the Head or Deputy Headteacher or authorised member of staff taking all the circumstances into account, be delivered to the police, returned to the owner, retained or disposed of. In taking into account all relevant circumstances the member of staff should consider: whether it is safe to dispose of the item; and when it is safe to return the item.
- 11.10 **Weapons or items which are evidence of an offence:** Such items will be passed to the police as soon as possible.
- 11.11 **An item prohibited [or it's use restricted by] the Academy:** Such items may, at the discretion of the Head or Deputy Headteacher or authorised member of staff taking all the circumstances into account, be returned to its owner, retained or disposed of. In taking into account all relevant circumstances, the member of staff should consider: the value of the item; whether it is appropriate to return the item to the pupil or parent; and whether the item is likely to disrupt learning or the calm, safe and supportive environment of the school.
- 11.12 Where staff confiscate a mobile phone that has been used to disrupt teaching, the phone will be kept safely until the end of the school day when it can be claimed by its owner, unless the Head or Deputy Headteacher considers it necessary to retain the device for evidence in disciplinary proceedings in accordance with 11.13 below. If a pupil persists in using a mobile phone in breach of the restriction, the phone will be confiscated and must be collected by a Parent.
- 11.13 **Electronic devices:** If it is found that a mobile phone, laptop or tablet computer or any other electronic device has been used to cause harm, disrupt teaching or breach the Academy's policies on behaviour, including carrying out cyberbullying, the device will be confiscated and may be used as evidence in disciplinary proceedings. Once the proceedings have been concluded the device must be collected by a Parent and the pupil may be prohibited from bringing such a device onto Academy premises or on educational visits. In serious cases, the device may be handed to the police for investigation.

## 12. Communication with Parents

- 12.1 There is no legal requirement for the Academy to inform Parents before a search for prohibited items takes place or to seek their consent to search their child and it will not generally be practicable to do so.
- 12.2 Parents should always be informed of any search for a 'prohibited item' listed above that has taken place and the outcome of the search as soon as practicable. A member

of staff should inform parents of what, if anything, has been confiscated and the resulting action the school has taken, including any consequences applied.

- 12.3 In some circumstances it might also be necessary to inform parents of a search for an item banned by the school policy.
- 12.4 We will keep a record of all searches carried out, in accordance with paragraph 7 above, which can be inspected by the Parents of the pupil(s) involved subject to any restrictions under the Data Protection Act 2018.
- 12.5 Complaints about searching or confiscation will be dealt with through the Academy's published Complaints policy and procedures.
- 12.6 The Academy will take reasonable care of any items confiscated from pupils. However, unless negligent or guilty of some other wrongdoing causing injury, loss or damage, the Academy does not accept responsibility for loss or damage to property.