

Reasonable force describes actions that involve a degree of physical contact with pupils e.g.:

- **Control:** passive or active physical contact
- **Restraint:** hold physically or control
- **Reasonable in the circumstances:** using no more force than needed

Staff should avoid acting in a way that might cause injury, but in extreme cases it may not be possible.

Who can use reasonable force?

- All staff have legal power to use reasonable force
- Anyone the Head has temporarily put in charge of pupils e.g. volunteers or parents

Reasonable force can be used to prevent pupils:

- From hurting themselves or others
- From damaging property
- From causing disorder

The decision is the professional judgement of staff & based on the individual circumstances, e.g. to:

- remove disruptive children from the classroom
- prevent a pupil from disrupting an event, trip, visit
- prevent a pupil leaving class if this would risk safety or lead to disruptive behaviour of others
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight
- restrain a pupil at risk of harming themselves

Unacceptable techniques:

- seated double embrace: forcing pupil to sit & lean forward while monitoring breathing
- double-basket: holding arms across chest
- nose distraction: sharp upward jab under nose

It is unlawful for education settings to use force as a punishment.

Physical contact with pupils can be appropriate e.g.:

- walking together at the setting or on a trip
- comforting a distressed pupil
- first aid
- when a pupil is being congratulated or praised
- demonstrating the use of e.g. musical instrument, exercise, or PE/sports coaching

Settings should NOT have a 'no contact' policy; staff have a duty of care to prevent a pupil from causing harm.

Governors should ensure that staff, volunteers, parents, carers & pupils understand your behaviour policy, use of reasonable force & reasonable adjustments for SEND pupils.

Your behaviour policy should include:

- When you would use reasonable force
- How incidents are recorded
- A list of any items banned under your rules

Settings do not require parental consent to use force on a student.

Managing behaviour:

- Risk-assess all situations of pupil disruption
- Develop behaviour management strategies involving parents and carers
- Brief staff & ensure additional support is available

Clarity can reduce the likelihood of complaints when force has been used properly.

Staff training - the Head should consider:

- The needs of the pupils at the setting
- What staff might be expected to do e.g. control, restraint, search & screen

Telling parents & carers when force is used:

You should inform parents about serious incidents involving the use of force, considering the pupil's behaviour, level of risk, degree of force, effect on the pupil or staff & child's age & understanding.

Complaints:

- Thorough, speedy & appropriate investigation
- Suspension must not be automatic
- Follow '**Allegations & concerns about staff & volunteers, Sept 22**' in [education policies, procedures & guidance, Safeguarding Sheffield children](#) website
- Support for staff subject to a formal allegation

The statutory [Early Years Foundation Stage Framework, DfE 2021](#) states that you must always record physical interventions used for a child under 5 years old and inform parents and carers on the same day if practicable.

Search & seize powers in education settings

Article 8, European Convention on Human Rights says:

- Pupils have the right to expect a reasonable level of personal privacy
- any interference with this right must be justified and proportionate

Screening:

Schools can, without consent, require pupil screening via a walk-through or hand-held metal detector even if they do not suspect they have a weapon.

Health & safety legislation requires a school not to expose pupils or staff to health and safety risks.

- Any member of staff can screen pupils
- If a pupil refuses, the school can refuse to have them at the setting but give them 'unauthorised' absence rather than exclusion
- Screening without physical contact is **not** subject to the same conditions as search without consent

Power to search pupils:

- Staff can search pupils with their informed consent for any item
- Schools do not require formal written consent from the pupil, verbally agreement is sufficient
- School behaviour policies & communications should make clear what items are banned
- If staff suspect a pupil has a banned item, they can instruct them to turn out their pockets or bag
- If a pupil refuses to co-operate schools can apply an appropriate disciplinary penalty

Searching without consent:

Heads & authorised staff have a statutory power to search pupils or their possessions without consent if they suspect they are carrying "prohibited items" e.g.:

- Knives, weapons, fireworks
- alcohol & illegal drugs
- items stolen or used for offence, injury, damage
- tobacco and cigarette papers
- pornographic images

Who can search a pupil?

- staff & witnesses of the same sex as the pupil

..unless there is a risk of serious harm if you do not search immediately and it is not reasonable to summon other staff.

Who is authorised to search?

- Heads decide who to authorise & this does not have to be in writing
- Heads can only require **security** staff to undertake a search
- Staff can be authorised to search for some items but not others
- If the security guard is not employed by the school the person witnessing the search should be a permanent member of staff

Authorised staff (without reasonable force) can:

- Only search for items banned in the rules
- Only search without consent on the premises or where they have lawful control of the pupil
- seize, confiscate, retain, and dispose of items considered harmful or detrimental to discipline

Confiscation:

Staff can seize any prohibited item found as a result of a search and seize any item they consider harmful or detrimental to school discipline.

Offensive weapons, drugs, pornographic images & stolen items must be passed to the police.

Staff who find an electronic device that is prohibited or has or could be used to commit an offence, cause personal injury, damage property, disrupt teaching or break the school rules can:

- Examine any data on the device
- Delete data unless giving it to the police
- Data relating to an offence should not be deleted

Force cannot be used to search for items banned under the school rules.

For further information:

- [Use of reasonable force, DfE 2013](#)
- [Keeping Children Safe in Education 2022](#)
- [Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders \(2002\)](#)
- [Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties \(2003\)](#)
- [Searching, screening & confiscation, DfE July 2022](#)
- [Behaviour and Discipline in Schools, DfE July 2022](#)

Strip Searching:

- Strip searching can be highly distressing for the pupil involved, as well as for staff and other pupils affected, especially if undertaken on school premises.
- [Police and Criminal Evidence Act 1984 \(PACE\) codes of practice - GOV.UK \(www.gov.uk\)](#) states that a strip search may take place **only** if it is considered necessary to remove an item related to a criminal offence, and the officer reasonably considers the pupil might have concealed such an item.
- **Strip searches should not be routinely carried out if there is no reason to consider that such items are concealed.**
- A strip search is a search involving the removal of more than outer clothing
Strip searches on school premises can only be carried out by police officers
- While the decision to undertake the 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.
- Before calling police into school, staff should assess and balance the risk of a potential strip search on the pupil's mental and physical wellbeing and the risk of not recovering the suspected item.
- Before involving the police, schools should ensure that all other, less invasive approaches have been exhausted.
- If the school contacts the police and they come on-site it is **solely** the police's decision whether to conduct a strip search and it is the role of the school to advocate for the safety and wellbeing of the pupil/s.
- Unless there is an immediate risk of harm and where reasonably possible, staff should inform a parent of the pupil suspected of concealing an item in advance of the search, even if the parent is not acting as the appropriate adult.
- Parents should always be informed by a staff member once a strip search has taken place.
- Schools should keep records of strip searches that have been conducted on school premises and monitor them for any trends that emerge.

The Role of an Appropriate Adult:

- The role of the appropriate adult is to safeguard the rights, entitlements and welfare of children and vulnerable adults in police custody.
- This adult must not be a police officer or otherwise associated with the police.
- Examples of an appropriate adult include, but are not limited to, a parent, relative, social worker, teacher or, if the person is in the care of a local authority or voluntary organisation, a person representing that authority or organisation.
- If the pupil's parent would like to be the appropriate adult, the school should facilitate this where possible.
- An appropriate adult is not required when a pupil is eighteen or above

Exceptions:

Except in urgent cases (such as risk of significant harm to the pupil or others), a search of a pupil may take place without an appropriate adult **only** if;

- the pupil explicitly states in the presence of an appropriate adult that they do not want an appropriate adult to be present during the search and the appropriate adult agrees.
- A record should be made of the pupil's decision and signed by the appropriate adult.
- The presence of more than two people, other than an appropriate adult, shall be permitted only in the most exceptional circumstances.

After-care:

- Pupils should be given appropriate support, irrespective of whether the suspected item is found.
- If an item is found, this may be a police matter, but should **always** be accompanied by a safeguarding process handled by the school which gives attention to the pupil's wellbeing and involves relevant staff, such as the designated safeguarding lead (or deputy).
- Safeguarding should also be at the centre of support following a strip search in which the item is not found, both in the sense of supporting the pupil to deal with the experience of being searched, and regarding wider issues that may have informed the decision to conduct a strip search in the first place.
- Pupils should feel that they have an opportunity to express their views regarding the strip search and the events surrounding it.
- School staff should give particular consideration to any pupils who have been strip searched more than once and/or groups of pupils who are more likely to be subjected to strip searching with unusual frequency, and consider preventative approaches.