

ST GEORGE'S CHURCH OF ENGLAND FOUNDATION SCHOOL

"Every moment, every day, every individual counts"



SEARCHING, SCREENING AND CONFISCATION AND USE OF REASONABLE FORCE POLICY

Last Reviewed: ***October 2018***

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Governors Monitoring Pair: **Behaviour and Safety**

SLT Responsible: **Deputy Headteacher**

"For the body does not consist of one member but of many" 1 Corinthians 12:14

HOPE

FORGIVENESS

COMPASSION

FRIENDSHIP

WISDOM

ST GEORGE'S C OF E FOUNDATION SCHOOL

SEARCHING, SCREENING AND CONFISCATION AND USE OF REASONABLE FORCE POLICY

At St George's C of E Foundation School it may at times be necessary to use reasonable force. Schools should **not** have a 'no contact' policy. There is a real risk that such a policy might place a member of staff in breach of their duty of care towards a pupil, or prevent them taking action needed to prevent a pupil causing harm.

1. WHAT IS REASONABLE FORCE?

- 1.1 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 pupils.
- 1.2 Force is usually used either to control or restrain. This can range from guiding a pupil to safety by the arm through to more extreme circumstances such as breaking up a fight or where a pupil needs to be restrained to prevent violence or injury.
- 1.3 'Reasonable in the circumstances' means using no more force than is needed.
- 1.4 As mentioned above, schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.
- 1.5 Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.
- 1.6 St George's C of E Foundation 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 pupil.

2. WHO CAN USE REASONABLE FORCE?

- All members of St George's C of E Foundation School staff have a legal power to use reasonable force to control pupils or to restrain them.
- 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 pupils such as unpaid volunteers or parents accompanying pupils on a school organised visit.

3. WHEN CAN REASONABLE FORCE BE USED?

- Reasonable force can be used to prevent pupils from hurting themselves or others, from damaging property, or from causing disorder.
- In St George's C of E Foundation School, force is used for three main purposes – to control pupils, to restrain them and to prevent them from harming themselves or others.
- 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.

4. ST GEORGE'S C OF E FOUNDATION SCHOOL CAN USE REASONABLE FORCE TO:

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

St George's C of E foundation School will never use force as a punishment as this is unlawful.

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5. SEARCHING WITH CONSENT:

- Staff authorised by the Headteacher can search pupils with their consent for any item.
- Staff are not required to have formal written consent from the pupil for this sort of search – it is enough for the member of staff, authorised by the Headteacher to ask the pupil to turn out his or her pockets or if the member of staff, authorised by the Headteacher, can look in the pupil's bag or locker and for the pupil to agree.
- Items that are banned are clear in the School's Behaviour Policy.
- If a member of staff, suspects a pupil has a banned item in his/her possession, they will gain authorisation from the Headteacher before instructing the pupil to turn out his or her pockets or bag, if the pupil refuses, the member of staff will escalate to a senior member of staff.
- A pupil refusing to co-operate with such a search will be referred to the Senior Leadership Team.

6. POWER TO SEARCH PUPILS WITHOUT CONSENT

In addition to the general power to use reasonable force described in this Policy, the Headteacher or a member of school staff authorised by the Headteacher can use such force as is reasonable given the circumstances to conduct a search for the following "prohibited items":

- knives and weapons
- alcohol
- illegal drugs
- stolen items
- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that the member of staff reasonably suspects has been, or is likely to be used to commit an offence, or to cause personal injury, or damage to property, and
- any item banned by the school rules which has been identified in the rules as an item which may be searched for.

Force **will not** be used to search for items banned under the school rules.

Under what Circumstances can a search take place:

- Staff must be the same sex as the pupil being searched, and there must be a witness (also a staff member) and, if possible they should be the same sex as the pupil being searched.
- There is a limited exception to this rule. You can carry out a search of a pupil of the opposite sex to you and/or without a witness present, but only where you reasonably believe that there is a risk that serious harm will be caused to a person if you do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

When can I Search?

- Staff can search if there are reasonable grounds for suspecting that a pupil is in possession of a prohibited item.

Telling Parents and dealing with Complaints:

- Schools are not required to inform parents before a search takes place or to seek their consent to search their child.
- There is no legal requirement to make or keep a record of a search.
- Schools should inform the individual pupil's parents where alcohol, illegal drugs or potentially harmful substances are found, though there is no legal requirement to do so.
- Complaints about screening or searching should be dealt with through the normal school complaints procedure.

"For the body does not consist of one member but of many" 1 Corinthians 12:14

Other Areas:

- The Headteacher will decide who to authorise to use these powers. There is no requirement to provide authorisation in writing.
- If a security guard, who is not a member of the school staff, searches a pupil, the person witnessing the search should be a permanent member of the school staff, as they are more likely to know the pupil.
- In establishing grounds for a search staff may have heard other pupils talking about the item or they might notice a pupil behaving in a way that causes them to suspect that the pupil is concealing a prohibited item.
- Searches without consent can only 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 school trips in England or in a training setting. The powers only apply in England.
- Possessions means any goods over which the pupils has or appears to have control – this includes desks, lockers and bags.
- Staff can use such force as is reasonable given the circumstances when conducting a search for knives or weapons, alcohol, illegal drugs, stolen items, tobacco and cigarette papers, fireworks, pornographic images or articles that have been or could be used to commit an offence or cause harm. Such force cannot be used to search for items banned under the school rules.
- Person carrying out a search can seize an item

Items found as a result of a ‘without consent’ search:

- A person carrying out a search can seize anything they have reasonable grounds for suspecting is a prohibited item or is evidence in relation to an offence.
- Where a person conducting a search finds alcohol, they may retain or dispose of it. This means that schools can dispose of alcohol as they think appropriate but this should not include returning it to the pupil.
- Where they find controlled drugs, these must be delivered to the Police as soon as possible but may be disposed of if the person thinks there is good reason to do so.
- Where they find other substances which are not believed to be controlled drugs, these can be confiscated where a teacher believes them to be harmful or detrimental to good order and discipline. This would include, for example, so called ‘legal highs’. Where staff suspect a substance may be controlled they should treat them as controlled drugs as outlined above.
- Where they find stolen items, 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.
- Where a member of staff finds tobacco or cigarette papers they may retain or dispose of them. As with alcohol, this means that schools can dispose of tobacco or cigarette papers as they think appropriate but this should not include returning them to the pupil.
- Fireworks found as a result of a search may be retained or disposed of but should not be returned to the pupil.
- If a member of staff finds a pornographic image, they may dispose of the image unless they have reasonable grounds to suspect that 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.
- Where an article that has been (or is likely to be) used to commit an offence or to cause personal injury or damage to property is found it may be delivered to the Police or returned to the owner. It may also be retained or disposed of.
- Where a member of staff finds an item which is banned under the school rules they should take into account all relevant circumstances and use their professional judgement to decide whether to return it to its owner, retain it or dispose of it.
- Any weapons or items which are evidence of an offence must be passed to the Police as soon as possible.
- Any suspicious items (including controlled drugs and stolen item) will be referred to the Headteacher, who will decide who to dispose of them.

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- The school does not need to seek consent from parents to search through a pupil's personal mobile phone, if it has been seized in a lawful 'without consent' search and is suspected of being used to commit an offence or cause personal injury or damage to property. If the material on the device is seen as evidence it will be shared with the Police.

7. COMMUNICATING THE SCHOOL'S APPROACH TO THE USE OF FORCE

- Schools do not require parental consent to use force on a pupil.

8. NONE OF THE FOLLOWING WILL BE USED TO RESTRAIN:

- the 'double basket-hold' which involves holding a person's arms across their chest; and
- the 'nose distraction technique' which involves a sharp upward jab under the nose.

9. TELLING PARENTS WHEN FORCE HAS BEEN USED ON THEIR CHILD

- St George's C of E Foundation School will speak to parents about serious incidents involving the use of force and such serious incidents will be recorded.
- In deciding what is a serious incident, the Headteacher will use their professional judgement and consider the:
 - pupil's behaviour and level of risk presented at the time of the incident;
 - degree of force used;
 - effect on the pupil or member of staff; and
 - the pupil's age.

10. WHAT HAPPENS IF A PUPIL COMPLAINS WHEN FORCE IS USED ON THEM?

- All complaints about the use of force will 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 will not be an automatic response when a member of staff has been accused of using excessive force. St George's will refer to the "Managing Staff Disciplinary Matters (inc Managing Allegations Against Staff) Policy".
- St George's will 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.
- If a decision is taken to suspend a teacher, St George's will ensure that the teacher has access to a named contact who can provide support.
- St George's C of E Foundation School Governing bodies will 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.
- St George's C of E Foundation School has a duty of care towards their employees. It is important that the school provides appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

11. WHAT ABOUT OTHER PHYSICAL CONTACT WITH PUPILS?

- It is NOT illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.
- Examples of where touching a pupil might be proper or necessary:
 - Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
 - When comforting a distressed pupil;
 - When a pupil is being congratulated or praised;
 - To demonstrate how to use a musical instrument;
 - To demonstrate exercises or techniques during PE lessons or sports coaching; and
 - To give first aid.

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- To stop a child from running from the school premises, if this was to endanger the safety of the child.

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FREQUENTLY ASKED QUESTIONS

Q: I'm a female teacher with a Year 10 class - there's no way I'd want to restrain or try to control my pupils. Am I expected to do so?

A: There is a power, not a duty, to use force so members of staff have discretion whether or not to use it. However, teachers and other St George's C of E Foundation School staff have a duty of care towards their pupils.

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