

**USE OF REASONABLE PHYSICAL FORCE AND THE POWER
TO SEARCH POLICY**

Responsibility for Review: SL: Student Wellbeing

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This Policy should be read in conjunction with the Department for Education's Advice Documents for Head Teachers, Staff and Governing bodies – **Use of Reasonable Force (2013)** and **Screening, Searching and Confiscation (2012)** – see attached.

1. Aims

The aims of this policy are to:

- explain the rights of staff at New College Worcester to use reasonable physical force when necessary;
- explain the circumstances in which reasonable physical force may be justified;
- explain the circumstances when staff have the right to search students or their possessions;
- set out the recording and reporting system; and
- explain the various responsibilities.

2. Powers of members of staff to detain students by use of reasonable force

The Education and Inspections 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 explanatory notes to the Act give an example of 'reasonable force' - leading a student by the arm to enforce an instruction to leave the class. However, nothing in the law concerning the use of reasonable force legitimises corporal punishment.

Under *Section 93 of the Education and Inspections Act 2006*, all members of College staff have a legal power to use reasonable physical force. This power applies to any member of staff at the College and it can also apply to people whom the Principal has temporarily put in charge of students such as unpaid volunteers or parents accompanying students on an organised activity, visit or trip.

3. Right to search students without consent

College staff can search a student for any item if the student agrees.

The Violent Crime Reduction Act 2006 gives the Principal, and any member of the College staff authorised by the Principal, who has reasonable grounds for believing that a student may have with him/her or in his/her possession the following prohibited items, the right to conduct a search of that student using reasonable force, if necessary:

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

The Principal must ensure that the person carrying out the search is of the same gender as the student and the search must be carried out in the presence of another adult. The student cannot be required to remove any clothing other than outer clothing and if the student's possessions are searched this must also be done in the presence of another adult. The person carrying out the search is able to use such force as is reasonable in the circumstances for exercising that power.

The Principal cannot normally 'require' the College staff to conduct the searches, only 'authorise' them to do so. But they may 'require' security staff to carry out searches.

If a search reveals any 'offensive weapons' or knives, or 'evidence in relation to an offence' the College **MUST** inform the Police immediately. The College has no discretion in this, not even if the College wishes to resort solely to internal discipline procedures.

The College does not require parental consent to use physical force on a student.

The College will speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents. It is up to the College to decide whether it is appropriate to report the use of force to parents.

There will be occasions when it may be necessary to conduct a spot check on all rooms, or to search a particular room. Staff will

always respect a student's right to privacy so spot checks will always be done with at least two members of staff present and, in the case of a particular room being searched, when possible, the student will also be in attendance. The search will be recorded in writing indicating if anything was found and, if so, what and where. This will be signed as a true record by the staff members present and the student will be required to sign as well. The Room Search Record is included in Appendix 1.

4. Circumstances where physical force may be justified

Physical force should only be used as a last resort; other non-physical strategies for diffusing the situation must be tried first.

Whenever possible, the age, level of understanding and gender of the student should be considered. In addition, staff should be aware of any student who is on the Child Protection Register.

The Principal should consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so.

The Governing Body appreciates that in some instances (such as stopping a student from stepping into the road) staff may have to act quickly, and without having the time to consider all the circumstances.

Examples of behaviour likely to lead to the use of physical force:

- physical attack by a student on an adult/other student;
- deliberate damage to school property;
- a student behaving in a way which places others at risk, e.g. pushing, tripping on a staircase, rough play or running in a corridor;
- preventing a student running into a busy road;
- refusal by a disruptive student to leave the classroom.

Physical force is NOT a punishment and must not be used as such:

- ASSISTANCE should be sought whenever possible.
- Where possible, the student(s) should be pre-warned if physical force is to be used.
- any other students who are at risk should be removed.
- the use of physical force in a one-to-one situation should be avoided, witnesses are important.

Physical force should not lead to injury: staff SHOULD NOT:

- hold a student around the neck or collar, or in a way that might restrict breathing;
- slap, punch or kick;
- twist or force limbs against a joint;
- trip;
- hold or pull by the hair or ear; or
- hold a student face down on the ground.

5. Physical contact with vulnerable students

There are occasions when it is acceptable for staff to have physical contact with more vulnerable students, and particularly those with Special Educational Needs, may require more physical contact than other students in order to assist with their everyday learning. This would be an integral element of that student's individual Care plan and the necessary staff would receive specialist training in this area. This would be entirely appropriate and proper for staff, but it would be crucial that they only did so in ways appropriate to their professional role and in accordance with the College's Policies on Appropriate Touch and Safe Working Practice.

Specific arrangements should be:

- understood and agreed by all concerned;
- justified in terms of the student's needs;
- consistently applied;
- open to scrutiny; and
- reviewed regularly.

When physical contact is made with students, this should be in response to their needs at the time, of limited duration and appropriate given their age, stage of development, gender, ethnicity and background.

If a member of staff believes that an action could be misinterpreted, the incident and circumstances should be recorded as soon as possible in the College's Incident Log, on SIMS and, if appropriate, a copy placed on the student's file.

6. Staff code of conduct

Staff at this College are expected to:

- be aware that even well-intentioned physical contact may be misconstrued by the student, an observer or by anyone to whom this action is described;

- always be prepared to explain actions and accept that all physical contact will be open to scrutiny;
- be aware of the Government guidance in respect of physical contact with students and meeting medical needs of students; and
- ensure that all incidents are reported and logged in the College's Incident Log and on SIMS.

Staff may legitimately intervene using physical restraint to maintain good order and discipline and prevent a student from:

- committing a criminal offence;
- injuring themselves or others;
- causing damage to property;
- engaging in behaviour prejudicial to good order

Staff should have regard to the health and safety of themselves and others.

In all cases where physical intervention is deemed necessary, the incident and subsequent actions should be documented and reported.

Under no circumstances should physical force be used as a form of punishment.

The use of unwarranted physical force is likely to constitute a criminal offence.

Staff at this College must:

- adhere to the College's Use of Physical Force Policy;
- always seek to defuse situations; and
- always use minimum force for the shortest period necessary.

7. Training and support

The Principal will ensure that any necessary appropriate training is provided for key staff annually and for all staff at least every two years. The Principal will ensure that the system enables account to be taken of the records in the Incident Log, on SIMS and elsewhere.

8. Equal opportunities

In implementing this Policy, all staff must take account of the College's Equality and Diversity Policy.

9. Responsibilities

- The Governing Body is responsible for reviewing this Policy.
- The Principal is responsible for preparing, implementing and monitoring this Policy within the College.
- All staff will be made aware of this Policy and have a duty to ensure that it is implemented.

10. Monitoring and review

The Principal will:

- ensure that a recording and reporting system is in place and is maintained;
- ensure that a senior member of staff is in charge of the Incident Log (see Appendix 1) and reports regularly to the Leadership Team.
- report incidents and the outcome to the Governing Body.

The Governing Body will review the Policy every two years.

Appendix 1

New College Worcester Room Search Record

Name of Student	
Date of search	
Time of search (from – to)	
Staff conducting search	
Student consent (if not given, record whether room search happened anyway – would need agreement from Strategic Lead: Student Wellbeing, Deputy Head of Care or Principal unless in emergency)	YES / NO
Student present (if not present, record why not)	YES / NO
Reason for room search	
Outcome of room search: (Was anything found? If so, what was it and where was it found?)	
Signatures of members of staff:	
Signature of student	