



Use of Reasonable Force, Restrictive Interventions, and/or Restraint Policy

**incorporating
Pupil Searching, Screening,
and Confiscation**

SPAIN

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1 Policy Statement

- 1.1 This policy ensures that the school complies with all relevant country-specific legislative requirements and local regulations and protocols, as amended, from time to time.
- 1.2 This policy ensures that the principles of 'necessity', 'justification' and 'proportionality' are always used in respect of the use of reasonable physical force, restrictive interventions, restraint, searching, screening, and/or confiscation. They must always be the last resort.
- 1.3 This policy applies to pupils in the whole school, including those the Early Years.
- 1.4 This policy uses 'staff' to describe staff employees of the school, visitors, volunteers, and/or third parties.
- 1.5 This policy applies to all staff when they have lawful control or charge of pupils, both on and off the school site.
- 1.6 This policy recognises that creating and maintaining a positive school culture, where all staff and pupils feel safe and secure, is vital to establishing calm and supportive environments that are conducive to learning.

2 Terminology

- 2.1 Regarding terminology, this policy will use the following definitions:

2.2 Reasonable force

For the purposes of this policy, reasonable force will mean physical contact by a member of staff on a pupil to control or restrain their actions/movements.

'Reasonable' means using no more force than is necessary, for the least amount of time, the application of which will depend on the circumstances.

Any use of reasonable force is an example of a restrictive intervention (see below) and may or may not also involve the use of restraint (see below).

2.3 Restrictive interventions

A restrictive intervention is a planned or reactive action which limits a pupil's movement, liberty, and/ or freedom to act independently. The decision on whether it is reasonable to use restrictive interventions depends on the individual circumstances of each situation.

Restrictive interventions are:

- never to be used for the purpose of punishment (see 5.3)
- may include use of equipment, medication, or seclusion (see below)
- may or may not involve the use of reasonable force (see above)

2.4 Seclusion

Seclusion is a type of restrictive intervention (see above) which involves the supervised confinement and isolation of a pupil, away from other pupils, in an area from which the pupil is prevented from leaving of their own free will. However, seclusion is distinct from *removal* (see 2.5). Seclusion will only happen on rare occasions to ensure safety for all.

2.5 Removal

Removal is defined as where a pupil, for serious disciplinary reasons, is required to spend a limited time out of the classroom at the instruction of a member of staff, in a setting where they can continue their education. They will be supervised during this time.

2.6 Restraint

Restraint is a form of restrictive intervention (see above 2.3) involving direct physical contact and force where the intention is to prevent, restrict, or subdue movement of the body, or part of the body, of a pupil.

- Restraint may also include mechanical or chemical restraint
- Restraint may or may not involve the use of force

2.7 As noted within the definitions, the above terms are not necessarily mutually exclusive categories.

For example, but depending on the circumstances, if two members of staff briefly physically separate two pupils who are fighting using reasonable force and possibly restraint, remove them from the classroom, then allow for a period of seclusion to ensure safety, several of the above definitions *could* be relevant.

2.8 Searching, Screening, and Confiscation - see Section 13.

3 Legislation and Guidance

3.1 The principal pieces of legislation to which this policy relates are below.

Note: At national level, the law does not explicitly regulate the use of 'reasonable force' in schools and there are no findings in terms of state regulations, guidelines or protocols regarding the use of reasonable force.

Regulations, rules, and/or protocols vary under the different autonomous communities and are usually approved under the provisions of Article 124.5 of Organic Law 2/2006.

Article 6.3.b) of Organic Law 8/1985 recognizes the right of students to have their personal identity, integrity, and dignity respected.

Article 20 of the Organic Law 4/2015 *de Protección de la Seguridad Ciudadana* states that only law enforcement officers can carry out body searches of pupils.

- 3.2 Whilst national legislation and local regulation and protocols will always prevail, this policy also considers the useful principles and guidance in the most recent Department of Education (DfE) (UK) entitled:
- [Use of Reasonable Force](#), and other restrictive interventions *in England* (2025)
 - [Searching, Screening and Confiscation \(2022\)](#)
 - [Behaviour in Schools](#) (2024)
 - [‘Reducing the need for restraint and restrictive intervention’](#) (2019)
 - [Sharing nudes/semi-nudes](#) (2024)
 - [DfE and ACPO drug advice for schools](#) (2012)
 - [The Equality Act and advice for schools](#) (2014)
 - [Working Together to Safeguard Children](#) (2023)
 - Keeping Children Safe in Education (latest version)
 - Early Years Foundation Stage Framework (latest version)

4 Introduction

- 4.1 It is not illegal to touch a pupil, and there are occasions when physical *contact* is appropriate and necessary for staff. For example, holding the hands of a younger pupil at the front/back of the line, or guiding them when walking in a group, to comfort a distressed pupil, to congratulate or praise a pupil, to demonstrate a musical instrument, to provide intimate care for younger children, and of course, to provide first aid.
- 4.2 Physical contact with pupils via the use of reasonable force, restrictive interventions, and/or restraint, including the requirement to search a pupil, however, is not usually necessary due to staff knowing of, and utilising a range of alternative behaviour strategies, including those aimed at the de-escalation of a situation. These actions must always be the last resort
- 4.3 That said, there may be times when the use of reasonable force and other restrictive interventions, including the requirement to search a pupil, by staff *will* be required. However, the above interventions must/can only be used when it is necessary to keep individuals and the wider school community safe i.e. to prevent pupils from hurting themselves or others, from damaging property, and/or from causing disorder.
- 4.4 It is recognised within this policy that the use of reasonable force, other restrictive interventions, including the requirement to search a pupil, may have a significant impact on the pupil(s), staff, and parents/carers involved, as well as the wider classroom and community.
- 4.5 This policy, therefore, aims to help the school and its staff proactively minimise the need to use reasonable force and other restrictive interventions, including the requirement to search a pupil.
- 4.6 The intention of this policy is to protect every individual against any unnecessary, inappropriate, excessive or harmful physical intervention, whilst clarifying what teachers and other staff who are in charge of pupils, should do if they have to intervene for reasons of safety, whether they are on/off the school site.

5 Key Principles

- 5.1 The school recognises the importance of creating a positive culture that seeks to minimise the use of reasonable force, other restrictive interventions, including the requirement to search a pupil, by developing and utilising a range of alternative prevention strategies aimed at de-escalation.
- 5.2 School staff have a power to use 'reasonable' force to protect pupils/others from harm. This policy aims to set out the circumstances in which reasonable force can be used and to help staff feel more confident in using this power safely and appropriately.
- 5.3 Corporal punishment is illegal. Therefore, this policy does not authorise or permit the use of corporal punishment or threat of corporal punishment under any circumstances, whether on or off the school premises. Furthermore, staff must never threaten any punishment which could adversely affect a pupil's emotional well-being.
- 5.4 The lawful use of reasonable force, other restrictive intervention, including the requirement to search a pupil, may provide a defence to any related criminal prosecution or other legal action. Staff will not, therefore, usually be taken to have used corporal punishment (and therefore will not have committed an offence), where action was taken for the purposes of averting immediate danger and risk of harm to any person.
- 5.5 Suspension will not be an automatic response when a member of staff has been alleged to have used excessive force involving a pupil, and all alternative options to suspension will be considered (see Safeguarding and Child Protection Policy- Part 3).
- 5.6 The decision as to whether to intervene physically is down to the professional judgement of the staff managing the situation. It must always be necessary, justified, and proportionate to the context and circumstances, including the potential risk of harm, and will also be dependent on the age/needs of the pupil(s).
- 5.7 The use of reasonable force and any other restrictive intervention, including restraint, must only be done with the knowledge and authorisation of the Headteacher and there must always be a staff witness (unless in exceptional situations where there is an imminent risk of harm - see 13.8).
- 5.8 The school is fully aware of, and is fully committed to, its legal duty to make reasonable adjustments for pupils with specific educational support needs and/or disabilities.
- 5.9 Under their obligations, before undertaking any physical intervention, the school will ensure that pupils have a right to respect for their private life in that they expect a reasonable level of personal privacy (Article 8, European Convention on Human Rights). However, this right is not absolute and the school's right to intervene is compatible with Article 8; that said, any interference with this right by a school must follow the above three principles.
- 5.10 This policy reflects the regional approach that it is best practice requirement to record every significant incident of use of reasonable force, restrictive intervention/and/or restraint (and search) and report these incidents to the parents/carers of the pupil (s) involved.
- 5.11 The school will analyse staff use of reasonable force, and other restrictive interventions, including restraint, and/or the requirement to search a pupil, in post-incident reviews. The school will evaluate the incident to understand why such intervention(s) were used, the impact on pupils and staff, any patterns and trends, and how the use of such interventions might be avoided in future, for example, by amending or introducing a Behaviour Support

Plan/Safeguarding Risk Assessment for a pupil. This debriefing process is useful to understand what happened and why and facilitate reflection and learning.

- 5.12 The proprietor, via those in governance roles (in partnership with the school leadership) will use the above school data (5.11) to identify patterns, then implement improvements and training on alternative strategies, as required. This is intended to support schools to minimise the use of such interventions.

6 Pupils with additional needs

- 6.1 When using interventions defined in section 2, in response to risks presented by incidents involving pupils with additional needs or specific circumstances, the school **must**, in considering the risks, carefully recognise the additional vulnerabilities of these groups.
- 6.2 Vulnerabilities may include, for example, pupils who have:
- experienced *any* adverse life event(s)
 - experienced past trauma, abuse, exploitation, and/ or neglect
 - experienced a home environment where domestic abuse is a characteristic
 - a different first language to the languages of instruction in the school
 - a diagnosed or undiagnosed physical/mental health difficulty/illness
 - sensory impairment(s)
 - communication difficulties
 - any other special educational needs and/or disability
 - any other protected characteristic
- 6.3 These pupils may find the use of reasonable force and other restrictive interventions, including the requirement to search them, particularly distressing (and potentially re-traumatising). Staff must be mindful of this when making decisions and always inform external agencies of their additional vulnerabilities.
- 6.3 The UK government guidance [‘Reducing the need for restraint and restrictive intervention’](#) sets out how to support pupils with learning disabilities, autistic spectrum conditions, and mental health difficulties who are at risk of restrictive intervention in special education settings, however all schools may find the information helpful.

7 Assessing Risk

- 7.1 Whilst, as stated above, the use of reasonable force, restrictive intervention, including the requirement to search a pupil, will be a last consideration by staff, and only used to keep individuals safe from harm, the school will always consider the possibility that the above interventions may be required.
- 7.2 Risks always depend on the individual context and circumstance of each situation, therefore, all relevant factors cannot ever be pre-empted or prescribed. However, some situations or behaviours *may* be anticipated and must involve the completion of Behaviour Support Plans and/or Safeguarding Risk Assessments.
- 7.3 Staff
The school has a duty to ensure, so far as is reasonably practicable, the health, safety, and welfare of its staff. Therefore, schools should carry out staff risk assessments to ensure that staff who regularly work alongside pupils where the use of reasonable force and restrictive interventions, including searching may be required, can do so as safely as possible.

7.4 Pupils

There are a variety of circumstances in which the use of reasonable force and/or restrictive interventions, including the requirement to search, may be needed for a pupil.

7.5 If the above is anticipated (i.e. in situations where a pupil has created a situation previously where harm to self/others/property has already occurred/likely to occur or there have been previous suspicions of prohibited items- see below) appropriate steps must be taken *beforehand* to plan appropriate and alternative de-escalation strategies to prevent the need for any form of physical intervention.

7.6 Staff must consider the needs and vulnerabilities of the pupil (see section 6), and the need to promote all pupils' welfare when assessing whether the use of an intervention within an incident is likely to reduce the relevant risks.

7.7 A Behaviour Support Plan is needed which must be shared with the pupil's parents/carers. The pupil involved should also have their plan explained to them in an age-appropriate way so that they are aware of behaviour expectations.

7.8 In addition, if the pupil's pattern of behaviour is causing themselves, peers, and/or staff to be physically harmed and/or emotionally affected on a *regular* basis, a Safeguarding Risk Assessment for the pupil must also be completed, including age-appropriate control measures that are aimed at mitigating, reducing, or eliminating any risk.

7.9 The Safeguarding Risk Assessment must be shared with the pupil's parents/carers and will be reviewed on a regular basis, in parallel with the child's Behaviour Support Plan. The pupil involved should also have their risk assessment explained to them in an age-appropriate way so that they are aware of how to keep themselves/others safe and/or seek support prior to escalation.

7.10 Review

All Behaviour Support Plans and Safeguarding Risk Assessments must be reviewed and updated, as required, following any incident involving the use of reasonable force and/or other restrictive intervention, including the requirement to search.

7.11 Schools should evaluate any incident to understand why reasonable force, other restrictive interventions, including the requirement to search, were used, the impact on pupils and staff, any patterns and trends, and how the use of reasonable force, other restrictive interventions, including the requirement to search, might be avoided in future, for example by amending support measures in the pupil's Safeguarding Risk Assessment and/or altering /introducing a Behaviour Support Plan.

8 Training

8.1 Staff who are likely to need to use reasonable force and/or other restrictive interventions, including the potential need to search possessions should be adequately trained in its safe use, and in preventative and alternative de-escalation strategies (see below section 9).

8.2 Training should support staff in assessing when the need to utilise the above interventions are necessary, justified, and proportionate.

8.3 When deciding what formal staff training is required, school leaders have autonomy, but should ensure that the chosen training reflects the principles of this policy and the school's

- individual context and circumstances

- pupil individual needs
- staff knowledge, skill set, and individual needs

9 Alternative de-escalation strategies

- 9.1 The use of reasonable force, other restrictive interventions, including the requirement to search pupils must be the last resort after all efforts to defuse the situation have been taken, and **risk of harm to self/others/property remains**.
- 9.2 *Before* intervention, staff must have exhausted the full range of behaviour management strategies in the Behaviour Policy which are aimed at preventing any situation from reaching the point at which the use of reasonable force, other restrictive interventions, including the requirement to search a pupil becomes necessary.
- 9.3 Alternative strategies that can be used by staff initially in situations are, but not limited to:
- repeating a verbal instruction until the pupil complies
 - using a distractor such to interrupt behaviour long enough for verbal methods to take effect
 - withdrawing the attention from the rest of the class/group if they act as an audience
 - avoiding confrontation and supervising the pupil from distance (unless immediate risk of harm)
 - appropriately using humour until the situation has been alleviated/de-escalated
 - seeking another member of staff to give one to one verbal support to the pupil, and/or
 - utilising any alternative strategy, as outlined in our Behaviour Policy.

10 Considerations prior to the use of reasonable force, other restrictive interventions, and the requirement to search

- 10.1 The decision on whether it is reasonable to use force and/or other restrictive interventions, including the requirement to search, as defined in the terminology section above, depends on the individual context and circumstances of each situation.
- 10.2 In assessing whether interventions are necessary, justified, and proportionate in a situation to reduce risk of harm and keep all individuals safe, the member of staff should use their professional judgement. Where possible, staff should communicate with other staff members to gain support, and to understand any broader risks.
- 10.3 The following list of considerations are not definitive, and thought must be given to all other relevant factors prior to any intervention.
- 10.4 **Is it necessary?**
Staff should consider whether there are reasonable alternative strategies, as suggested above in section 9, that would manage the situation and achieve the desired outcome.

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Staff should assess whether the use of reasonable force, other restrictive interventions, including the requirement to search, is likely to successfully *reduce* the relevant risks, or whether their use would actually *escalate* the situation further or cause *more harm than the consequences of the behaviour that it intends to address*.

10.5 Is it proportionate?

Staff must *use the least amount of force or least restrictive intervention* necessary for the *least amount of time* required to reduce the relevant risks.

10.6 Has the pupil's welfare been considered?

Staff should consider the impact on the pupil's overall welfare (and that of others), balanced against any actions taken, and always seek to maintain respect for a pupil's privacy and dignity. This may include, where possible, considering the location and environment where any intervention is used, such as in front of their peers, which could further escalate the situation and impact on all parties' emotional wellbeing/safety.

10.7 Staff should seek to understand how the pupil is feeling and use this information to determine whether the use of reasonable force and/or other restrictive intervention, including the requirement to search should be, or continue to be, applied, reduced or stopped.

10.8 Does the pupil have additional needs and/or vulnerabilities?

Staff must consider the personal circumstances, needs, and vulnerabilities, of the pupil as outlined above in section 6.

10.9 For pupils with difficulties with speech, language, and communication, verbal and/or non-verbal strategies must be used to ensure the pupil understands what is happening and *is given the adequate time to process information and respond*.

10.10 Examples of situations where the use of reasonable force, other restrictive intervention, including the requirement to search, *may be justified and proportionate*

Situations that could potentially involve the use of reasonable force, other restrictive interventions, and/or including the requirement to search are, but not limited to:

- To remove children from the classroom if they have persistently refused to follow a verbal instruction- *only to do so where there is clear risk of harm, in the interest of the safety of others and/or the child themselves*.
- 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/other area where, allowing them to leave would risk their/others safety, or lead to behaviour that disrupts the behaviour of others/makes others unsafe.
- To prevent a pupil from physically harming a member of staff or another pupil.
- To restrain a pupil at risk of harming themselves through physical /emotional dysregulation
- If there is a reasonable belief that a pupil has a prohibited item on their person/possession/electronic device that may endanger themselves/others/property or is illegal or is suspected of having been used in an offence.

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Note: only law enforcement officers i.e. the Police, may undertake a body search of a pupil (see below).

10.11 Unacceptable use of force

School staff must never use force on a pupil for the purpose of punishment.

10.12 Pupils must never be deliberately restrained in a way that affects their airway, breathing or circulation, for example by covering the mouth and/or nose or applying pressure to the neck region or abdomen.

10.13 The use of force can be dangerous, particularly where it occurs on the ground. If a pupil is unintentionally held on the ground, staff should release their holds or re-position into a safer alternative or standing position as quickly as possible.

10.14 Where needed, the pupil should receive a medical assessment and treatment for any injuries as soon as possible.

10.15 For any form of restraint, including seated and standing, there is a risk of physical and psychological harm, and it must be avoided wherever possible.

11 Reporting and Recording

11.1 The school will adhere to the regional best practice approach of recording every incident as soon as reasonably practical where reasonable force has been used, including restrictive interventions, restraint, (incorporating searching, screening, and confiscation). Please see Appendix A for the record template.

11.2 Note:

- a) Any searches that are undertaken by the Police on the school site must also be recorded by the school using the above template.
- b) The requirement to record applies *even* if the use of reasonable force and other restrictive interventions is agreed with parents as part of a pupil's Behaviour Support Plan/Safeguarding Risk Assessment.
- c) Any medical intervention that has occurred, for example, due to emergency cardiopulmonary resuscitation (CPR), or due to a pupil being at risk of choking, where back slaps, abdominal thrusts, and/or chest thrusts were used by staff to prevent harm, should not be recorded using Appendix A. They must be recorded on Medical Tracker/other school medical system in place and the parents/carers notified as per the First Aid Policy.

The above records must include, but may not be limited to:

11.3 **Basic information**

- the time, date, and location of the intervention
- the name of the pupil directly involved- *separate* records must be made if physical intervention occurred with more than one pupil
- the name and role of the staff member directly involved in the intervention
- the name and role of any staff who witnessed the intervention
- the time, date, and method that the parents/carers were contacted to inform them of the intervention involving their child

11.4 **The needs/vulnerabilities of the pupil**

- any relevant needs/vulnerabilities or circumstances of the pupil (see above section 6), including whether the pupil involved has an identified special educational need or disability
- whether the pupil has an existing Behaviour Support Plan
- whether the pupil has an existing Safeguarding Risk Assessment

11.5 **Alternative prevention strategies utilised *prior* to the intervention**

- a brief account of the incident, including what led up to the incident, plus identified or potential triggers if known
- any preventative or de-escalation strategies used *prior* to the intervention

11.6 **Risks**

- a brief account of why the intervention was assessed as necessary in that instance i.e. what was the potential risk of harm to others/self/property
- if a search was undertaken by the Police, why was this i.e. which prohibited item (s) (see below) was believed to be present, what was found, where was it found, if this item was confiscated, and where the item was stored for safety.

11.7 **Consent**

- if a search was undertaken – was this with consent from the pupil
(see below for more information around consent for searches)

11.8 **Details of the intervention**

- details of whether reasonable force was used, restrictive interventions, and/or a search
- the approximate length of time of the intervention (duration)
- if reasonable force was applied: the degree of force use
- if reasonable force was applied: the physical positioning of the staff member and the pupil

11.9 **Health** – of staff member/pupil

- details of any further support provided for pupil wellbeing
- details of any further support provided for staff wellbeing
- details of any further support provided for any other person (staff/pupils)
- details of any physical injuries sustained* by pupil and First Aid treatment required
- details of any physical injuries sustained by staff member(s) and First Aid Treatment required

*Any injuries that have occurred to pupils as part of the significant incident will also be recorded in accordance with the school's procedures e.g. on Medical Tracker.

11.10 Support following the intervention

- if a search was undertaken by the Police and a prohibited item was found that could pose a risk, the time of the contact made to the Police, and time that the Police contacted/attended the school site
- whether any referrals required to Social Services as a result of the incident/intervention
- whether any other referrals were made to other organisations as a result of the incident/intervention e.g. early help provision, mental health support etc.

11.11 Parental communication

- time, date, and method of communication with parents/carers to inform them of the incident/intervention, and what follow-up has taken place (see below section 12)

Note:

- a) The member of staff who completes the written record must sign it, followed by the Headteacher signing their receipt of the record.
- b) *After* seeking the advice of the Cognita Head of Health and Safety Europe (or delegated authority of the Head of Compliance for Spain) and the Cognita Regional Safeguarding Lead, if directed to do so by either, the Headteacher will subsequently complete a Serious Incident Report Form (SIRF). There may be situations where an investigation is needed prior to the SIRF being completed.

12 Informing parents/carers

- 12.1 The school will always speak to any parent/carers about any incidents that have involved the use of reasonable force, other restrictive interventions, including a search/ the requirement for the Police to search their child. This must happen on the same day as the intervention/ same time as Police involvement.

Note:

- a) Parents/carers will **not** be informed *only* in situations where to do so may place their child or another at risk of harm. In these situations, the decision about whether to inform the parents/carers will be on the advice from external agencies such as Social Services/Police.
 - b) The requirement to report any incident to parents/carers applies *even* if the use of reasonable force/other restrictive intervention, including a search/ the requirement for the Police to search, in certain circumstances *has already been agreed* with parents/carers as part their child's existing Behaviour Support Plan/Safeguarding Risk Assessment.
- 12.2 Parents should initially be informed via phone call, or face to face where possible, *and as soon as practically possible*. Best practice will include inviting parents/carers into the school to have an in-person discussion about the incident.

The school will use this discussion as an opportunity to review and amend any existing Behaviour Support Plans and Safeguarding Risk Assessments, as needed.

Parents will be informed of the following details about the intervention *as a minimum*:

12.3 **When?** was the time, date, of the intervention, and where was the location (in school/off site).

Why? the intervention was assessed as necessary in that instance, including who was at risk (due to data protection legislation, names of any other pupils involved must not be shared).

Which? alternative de-escalation strategies were used prior to the intervention and how effective they were, including any details about any behavioural triggers, any warning signs of an impending incident

What? type of reasonable force and degree, other restriction intervention, and/or search took place (including Police only), and the approximate length of time the intervention was used

In addition, the parents/carers will be provided with:

- details of any physical injuries sustained by their child/others (including staff) during the intervention, if applicable
- how any agreed behaviour Behaviour Support Plan/Safeguarding Risk Assessment were followed (if already in place)

What next?

- what might be done differently in the future (including the creation/revision of the above Behaviour Support Plans/Safeguarding Risk Assessments)
- what referrals to external agencies may be required as a result of this incident/intervention

13 Searching, Screening, and Confiscation

This section of the policy is intended to explain the screening, searching, and/or confiscating powers a school has, ensuring that Headteachers and members of staff have the confidence to use these powers and schools are a calm, safe and supportive environment to learn and work.

This section of the policy is intended to explain the school's limited role in visual observation and clarify that body searches/screening must only be undertaken by a law enforcement officer i.e. Police.

13.1 Why?

Searching, screening, and/or confiscation can play a critical role in ensuring that schools are safe environments for all pupils and staff. They are vital measures to safeguard and promote staff and pupil welfare, and to maintain high standards of behaviour, through which pupils can learn and thrive.

13.2 Being in possession of a prohibited item (see below 13.7), especially knives, weapons, illegal drugs, and/ or stolen items, may mean that the pupil is involved, or at risk of being involved, in anti-social and/or criminal behaviour including gang involvement, and in some cases may be involved in child criminal/sexual exploitation/extortion.

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- 13.3 A search for a prohibited item or any other reason, therefore, may also play a vital role in identifying pupils who may benefit from a referral to the authorities so that they can receive support (see Safeguarding and Child Protection Policy).

13.4 **When?**

A reasonable and proportionate approach to searching is required whilst always adhering to country specific legislation.

If there is a suspicion that there is a prohibited item on a pupil's body or belongings that could cause significant and imminent harm/danger to others **or** may/has already been known to be used in a criminal offence, staff must contact the Police immediately and **MUST NOT** undertake any search of the pupil's body/possessions. These items may include for example, illegal drugs, stolen items, weapons such as knives/tools/guns etc. See 13.7

With the knowledge and agreement of the Headteacher/Principal, and only in the presence of a staff witness, staff may search the belongings e.g. bags, lockers, and outer clothing (removed from body) of a pupil for other items which, whilst prohibited, in comparison to the above, may not cause significant and imminent harm/danger e.g. vapes but ONLY with the pupil's consent.

If consent is NOT given by the pupil, searches of a child's belongings and/or removed outer clothing is NOT permitted.

- 13.5 Following the school's CCTV Policy, staff may make a request to review CCTV footage and refer findings to the Headteacher or CPC, who may contact the Police where needed. No direct physical body search of pupils may follow based on CCTV review- only the Police have this legal authority.

13.6 **What** is a prohibited item?

Items which the Headteacher or authorised staff have prohibited are specified in the school rules contained within the school's Behaviour Policy and must always be made clear in communications to staff, parents, and pupils in order to ensure expectations are transparent.

- 13.7 Prohibited items are, but not limited to, *; knives and anything that could be/has been used as a weapon, alcohol, illegal drugs, stolen items, tobacco, cigarette papers, e-cigarettes/vapes, oral tobacco products, fireworks, pornographic images, and/or any other article which has been or is likely to be used to commit an offence, cause personal injury, and/ or damage to property.

*Schools may include other items which the Headteacher has decided are detrimental to maintaining high standards of behaviour and a safe environment.

13.8 **Who** can undertake a search ?

Physical body searches on a pupil's body must only be carried out by Police.

Visual observation by staff may be documented and reported, but no physical search is permitted.

The Headteacher and CPC are responsible for ensuring staff do not exceed legal limits and that they act strictly within the legislation.

This will ensure that a culture of safe, justified, proportionate, and appropriate searching is maintained, which safeguards both the welfare of all pupils and all staff.

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There should ideally be another member of staff present as a witness to the Police search; they must be a permanent member of staff and the same sex as the pupil being searched. Schools will need to work collaboratively with the Police to achieve this.

- 13.9 The Headteacher/Principal and CPC must be informed immediately of any situation where a member (s) of staff has reasonable grounds to suspect a pupil is in possession of a prohibited item as listed above that could lead to significant harm/imminent risk to others, or the pupil themselves.

- 13.10 If the CPC finds evidence that any child is at risk of harm/potential harm, they must make a referral to Social Services (see Safeguarding and Child Protection Policy), whilst also assessing the incident against any potential wider safeguarding concerns.

- 13.11 Where i.e. location?

An appropriate location for the search must be found which is away from other pupils (unless imminent risk of harm and immediate intervention).

The search by the Police must only take place on the school premises or where the member of staff has lawful control or charge of the pupil, for example on a school trip.

- 13.12 **Strip searches**

School staff have **no authority** to conduct or facilitate strip searches.

This is strictly prohibited and must be handled by law enforcement under judicial supervision.

- 13.13 **Consent**

Parents/carers

Parents/carers must be informed of any school referral to the Police that may result in a search (unless to do so would place the pupil/other at increased risk or jeopardise any Police enquiry).

Pupils who consent

School staff are not legally authorised to physically body search pupils, even with their/their parents' consent. All suspected cases must be referred to the Police.

- 13.14 **Emergency situations**

Any suspected imminent threat must result in immediate Police notification.

The pupil's parents/carers **must** be contacted and asked to attend the school immediately (unless to do so may increase risk to their child/others).

The pupil **must** remain in a safe space and be supervised by two members of staff until the Police arrive (and the pupil's parents/carers).

At a suitable time, after the Police have addressed any risk/concerns, including their own decision as to whether a search can take place (and they have undertaken such a search) the Behaviour Policy will be followed, sanctions may apply, and further referrals to authorities may be required, where appropriate (see Safeguarding and Child Protection Policy).

- 13.15 Reasons might include that a pupil may not cooperate:

- does not understand the instruction
- is unaware of what a search may involve
- knows that they are in possession of a prohibited item
- has had a previous distressing experience of being searched (in school/community)

- may be fearful of consequences/implications of the search.

13.16 Underlying fear(s) may be due, but not be limited to:

- anxieties around potential behaviour sanctions as a result of the search
- their parental/carer response to the search
- other threats in the community relating to the prohibited item
- financial implications linked to the prohibited item
- criminal implications linked to the prohibited item

13.17 **Searching personal electronic devices**

Personal electronic devices, including mobile phones, can contain files or data which relate to an offence that has taken place/planned, and/or something else which may cause harm to another person. This includes, but is not limited to, indecent images of children, pornography, abusive messages, images or videos, or evidence relating to suspected/actual criminal behaviour.

Taking the above into consideration in regard to searching, only the Police (or staff on their authority) may examine any data or files on a pupil's electronic device they have confiscated as a result of a search, if there is '*good reason*' to do so. In determining whether there is a '*good reason*' to examine the data or files, the Police/member of staff should reasonably suspect that the data or file on the device has been, or could be used by the pupil/other, to cause harm, undermine the safe environment of the school and disrupt teaching, and/or be used to commit an offence.

As with all prohibited items, staff should first consider the appropriate *safeguarding* response if they find, during a search of the pupil's electronic device: images, data or files that they reasonably suspect are likely to put any person at risk.

If the member of staff conducting the search anticipates that they may find an indecent image/video of a child (including nude or semi-nude images), they must never intentionally view the image (s), copy, print, share, store or save such images as this is a criminal offence (see the Safeguarding and Child Protection Policy). Instead, they should confiscate the device and refer the incident immediately to the CPC as the most appropriate person to advise on the school's response. The CPC may contact the Police.

Handling such reports or concerns can be especially complicated and whilst local and national legislation, regulations and protocols will prevail, schools may find the principles as set out in KSCIE useful. The UK Council for Internet Safety also provides the following guidance to support school staff and designated safeguarding leads: Sharing nudes and semi-nudes: advice for education settings working with children and young people (see above section 5).

If a member of staff unintentionally finds or sees any image, data or file that they suspect might constitute a specified criminal offence, then they must report this immediately to the CPC. The device must be confiscated and delivered to the Police as soon as is reasonably practicable by the Headteacher/CPC but on the same day.

In *exceptional circumstances* members of staff may *dispose* (erase) of the image or data if there is a '*good reason*' to do so, but they **must** always first seek the advice and permission of the Police.

In determining whether there is a '*good reason*' to *dispose (erase)* any data or files from the device, the school, alongside the Police, should consider whether the material found may constitute evidence relating to a suspected/actual offence. In those instances, the data or files must not be deleted, and the device must be handed to the Police as soon as it is reasonably practicable.

If the data or files are *not* suspected to be evidence in relation to an offence, after first taking the advice of the Police, the school may delete the data or files **if** the continued existence of the data or file is likely to continue to cause harm to any person and the pupil, and/or the parents/carers refuse to delete the data or files themselves. The rationale for the deletion must always be recorded. Those disposing of data must be the Headteacher or a member of the safeguarding team. Their name and role must be written on the record (Appendix A).

If there is any doubt about whether data or files can be disposed of, or what to do in any situation, the school must contact the RSL.

13.18 **Child abuse imagery**

The possession by a pupil (or staff) of child abuse images/videos constitutes a specified criminal offence and must be referred to the Police **immediately** by a member of the safeguarding team. The pupil's device must be confiscated and kept safe until the Police respond to the referral, as evidence may be needed to support their enquiries. The parents/carers must always be informed of the safeguarding concerns and the referral to the Police (unless they are implicated in the offence/the pupil may be at increased risk).

The school must immediately inform the RSL of the above situations.

Images/videos found that are semi-nudes/nudes of children is also a criminal offence but may be managed in school, according to the situation if the pupil knows the other pupil in the image, or for example, is/has been in a consensual relationship with them (see the Safeguarding and Child Protection Policy). Whilst the national and local legislation, regulations will prevail, the school may find the UK [government advice](#) for managing such incidents useful.

The school may seek the support and advice of the RSL in the above situations, where required.

13.19 **Screening**

Screening is the use of a walk-through or hand-held metal detector (arch or wand) to scan all pupils for weapons before they enter the school premises.

Only the Police can undertake screening.

Currently the school does not operate screening measures.

13.20 **Confiscation**

Confiscation means the taking away of someone's possession.

The Police (or an authorised staff member) carrying out a search can confiscate any item from a pupil that they have *reasonable grounds* for suspecting that it:

- poses a risk to staff and/ or any pupil
- is prohibited, or identified in the school rules for which a search can be made (see above) or
- is evidence in relation to an offence (actual or suspected)

The law protects members of staff from liability in any proceedings brought against them for any loss of, or damage to, any item they have confiscated, provided they acted lawfully.

What to do with items that have been confiscated

Following confiscation, the Headteacher, in collaboration with the CPC, must make a decision about what to do with the item(s) that have been confiscated from the pupil. Below is a suggested list of items that may potentially be confiscated and what must be done.

The school should seek the advice from the RSL as needed.

Weapons or items which are evidence of a suspected offence

Any weapons or items which are evidence of a suspected offence must be delivered to the Police immediately; this should be by a member of the safeguarding team.

Items that have been (or are likely to be) used to commit an offence or to cause personal injury or damage to property must also be delivered to the Police.

Drugs

Controlled drugs must be delivered to the Police as soon as possible.

Schools do not have to give the name of the pupil from whom drugs have been taken to the Police.

However, schools should consider this on a case-by-case basis, as this may form part of an overall safeguarding scenario.

Whilst national legislation, and local regulations and protocols will always prevail, the school may find the following has useful information: [DfE and ACPO drug advice](#).

Other substances

Other substances which are not believed to be controlled drugs should also be delivered to the Police if the member of staff believes they could be harmful.

Schools should seek advice from the Police if in any doubt.

Where staff find alcohol, tobacco, e-cigarettes/vapes, cigarette papers, and/ or fireworks during a search, they (or the parents/carers) may retain or dispose of them safely as they think appropriate, but they must not be returned to the pupil.

Staff must have a witness of handover to parents/carers and/or safe disposal.

Stolen items

Where a member of staff finds *known* stolen items during a search, these must be confiscated and delivered to the Police as soon as reasonably practicable. However, if there is good reason to do so, the member of staff may also return the item to the owner or retain or dispose of it if returning them to their owner is not practicable. Staff must make this decision with the Headteacher and CPC should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the confiscated item.

In considering the relevant circumstances, they should consider the following:

- the value of the item
- whether the item is prohibited in school
- whether retaining or returning the item to the owner may place any person at risk of harm
- whether the item can be disposed of safely.

Pornography

If a member of staff finds a pornographic image on a pupil device, after seeking the advice of the Police, 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 an indecent image of a child, not an adult, in which case this is child abuse imagery and the device must be delivered to the Police as soon as reasonably practicable that same day by a member of the safeguarding team after making a referral.

Any other items banned in the school rules

Members of staff should use their judgement to decide to return, retain, or dispose of any other items banned under the school rules. The member of staff should take into account all relevant circumstances and use their professional judgement to determine whether they can safely dispose of the seized item.

They should seek the advice and authorisation of the Headteacher.

The parents/carers must be informed (see section 12).

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/carer and
- whether the item is likely to continue to disrupt learning or the calm, safe and supportive environment of the school

14 Complaints

All parental complaints about staff use of reasonable force, restrictive intervention and/or restraint, including the requirement to search, involving their child will be thoroughly investigated in accordance with our Complaints Procedure.

15 Allegations

Should the school receive an allegation about a member of staff (from a parent/carer or staff member) in relation to a staff member's use of reasonable force, restrictive intervention and/or restraint, the Headteacher will follow the relevant section of the Safeguarding and Child Protection Policy, including informing the authorities, where required.

16 Data analysis

Proprietors, via those in governance roles, in partnership with the school, should regularly review and interrogate data on the use of reasonable force and other restrictive interventions, and in addition the number of searches undertaken*. Schools who conduct a high number of interventions should consider whether the interventions fall disproportionately on any particular groups of pupils. In such cases where interventions are being undertaken is falling disproportionately on any group or groups, they should consider whether any regional actions should be taken to prevent this with the aim to:

- identify and implement improvements to policies and practices, particularly where approaches have been used for some time but have not been effective.

Use of Reasonable Force, Restrictive interventions, and/or Restraint Policy incorporating Pupil Screening, Searching, and Confiscation

- identify areas of learning and development for school staff, supporting specific departments and teachers to improve understanding and practice.
- understand pupils' repeat patterns and triggers to interrogate the effectiveness of pupil support measures and alternative strategies, share this information with teachers who work with those pupils to better support them- and their parents/carers, to establish a Behaviour Support Plan (or revise an existing plan).
- identify any disproportionate use of interventions in relation to pupils who share protected characteristics, have SEND, or other types of need/vulnerability

*Proprietors, via those in governance roles, and school leaders, should consider the limitations of data and what can be inferred from it. Analysis should be proportionate and avoid over-interpreting small subgroups of people.

17 Policy Summary

In undertaking any of the above interventions described within this policy, staff **must**:

- first use alternative strategies to de-escalate the situation
- consider the pupil's needs/vulnerabilities
- ensure that the pupil understands what is happening and why
- respect pupils' dignity, right to respect, privacy, and confidentiality
- never involve other pupils in any intervention
- have at least one staff witness
- ensure that any actions are necessary, justified, and proportionate
- assess the risk of harm, and whether the intervention will prevent risk or escalate the situation
- gain the Headteacher's authorisation
- only use reasonable force as a last resort after all other strategies have been exhausted and risk of harm remains high or is imminent
- use the least amount of force needed, for the shortest duration
- inform the parents/carers of any intervention on the same day
- contact the authorities as soon as possible on the same day, as required
- never undertake physical body searches; only the Police have this lawful right
- pass on any weapons, drugs, and/or child abuse imagery above to the Police
- make a record of the intervention as soon as possible after the event

18 Monitoring and Evaluation

This policy will be reviewed annually by Cognita centrally, and our Senior Leadership Team and revised in accordance with changing national requirements for independent schools.

Use of Reasonable Force, Restrictive interventions, and/or Restraint Policy
incorporating Pupil Screening, Searching, and Confiscation

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Related documentation	
Related documentation	Safeguarding and Child Protection Policy Behaviour Policy Suspension, Exclusion, and Removal Policy SEND/NEAE Policy Complaints Procedure Educational Visits Policy Health and Safety Policy First Aid Policy Code of Conduct Drug and Alcohol Policy IT Policy AI Policy

Appendix A

Record of intervention for:

Use of Reasonable Force, Restrictive Intervention (including restraint, seclusion and /or removal), incorporating searching, screening, and/or confiscation.

- This record must be completed as soon as practical and sent to the Headteacher.
- Parents/carers must be informed of the intervention on the same day of the incident *(therefore points 6 and 33 below must be recorded as the same date)*.
- If more than one pupil is involved, a separate record must be completed for each pupil.

1	Pupil - name	
2	Pupil - Year/Stage/Grade	
3	Pupil - additional needs/circumstances	
4	Pupil -Behaviour Support Plan in place (prior to incident)	YES or NO
5	Pupil- Safeguarding Risk Assessment in place (prior to incident)	YES or NO
6	Date of intervention	
7	Time of intervention	
8	Location of intervention	
9	Name of staff member (completing intervention)	
10	Role of staff member (completing intervention)	
11	Name of any staff witness (of intervention)	
12	Role of any staff witness (of intervention)	
13	Headteacher authorisation <i>prior</i> to intervention	YES or NO
14	HT authorisation <i>prior</i> to intervention	TIME: _____ DATE: _____
15	Method of HT authorisation <i>prior</i> to intervention	E.G.: EMAIL, VERBAL, OTHER
16	Context/situation prior to intervention	
17	Alternative prevention strategies used prior to intervention	
18	Necessity and justification for intervention (the assessed risk to self/others/property)	
19	Type of intervention used: • Restrictive intervention • Restraint • Removal • Search • Other	
20	Search only – Name of Police Officer	NA if not a search
21	Search only- prohibited item found by Police	YES or NO or NA if not a search
22	Search only- Description of prohibited item	NA if not a search

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23	Search only – location where the prohibited item was found	Location: NA if not a search
24	Search only – item confiscated and stored safely (include current location of item)	Confiscation: YES or NO or NA if not a search Safely stored - <i>add location</i>
25	Search only - electronic data <i>found</i>	YES or NO or NA if not a search of electronic Rationale for deletion: Deleted by Police Officer: Deletion witnessed by staff member:
26	Search only - electronic data retained and rationale	YES or NO or NA if not a search of electronic Rationale for being kept:
27	Reasonable Force used during intervention	YES or NO
28	Detailed description of Reasonable Force used • positioning of staff member • positioning of pupil • extent of force used • duration of force used	
29	Physical injuries as a result of the intervention- PUPIL (ensure to also record any treatment to the pupil on Medical Tracker/other system used)	
30	Physical injuries as a result of the intervention-STAFF	
31	Emotional wellbeing impact – PUPIL	
32	Emotional wellbeing impact – STAFF	
33	Parents/carers informed of the intervention involving their child	TIME: DATE:
34	Method of communication for above	E.G Telephone call, in person meeting, email.
35	Parental/carer meeting held	TIME: DATE:
36	Referrals to external agencies following the incident – Police /Social Services/mental health etc	DATE: Agency/Organisation: REASON:
37	Staff debrief meeting held	TIME: DATE:
38	Any further actions needed as a result of this incident	
37	Date that the Headteacher informed the Cognita: Regional Safeguarding Lead Regional Head of Health and Safety (or delegated authority of the Head of Compliance for Spain/Italy) of this intervention	DATE:
38	SIRF directed by: Regional Safeguarding Lead Head of Health and Safety	YES or NO