



# **Hardenhuish School**

## **The Use of Reasonable Force, Authority to Search and Violence and Aggression Towards Staff Policy**

If you would like any policy in a more accessible version, please contact the Administration Manager  
([admin@hardenhuish.wilts.sch.uk](mailto:admin@hardenhuish.wilts.sch.uk))

# CONTENTS

<b>1.</b>	<b>SECTION ONE - The use of reasonable force.....</b>	<b>4</b>
1.1.	Definitions .....	4
1.2.	Appropriate physical contact with pupils .....	5
1.3.	Seclusion .....	5
1.4.	Roles and Responsibilities.....	5
1.4.1.	The Governing Board .....	6
1.4.2.	The Headteacher .....	6
1.4.3.	All Staff .....	6
1.4.4.	Designated safeguarding lead (DSL) .....	8
1.4.5.	Special educational needs co-ordinator (SENCO).....	8
1.5.	Acceptable Use of Force .....	8
1.6.	Unacceptable Uses of Force.....	8
1.7.	Prevention and De-Escalation Strategies.....	9
1.8.	Deciding when the use of restrictive interventions is appropriate .....	10
1.8.1.	Necessity and proportionality .....	10
1.8.2.	Pupil and staff welfare .....	10
1.8.3.	Support following an incident.....	11
1.9.	Considerations for pupils with SEND .....	11
1.10.	Training and risk assessments.....	12
1.11.	Recording and reporting arrangements .....	12
1.11.1.	Recording incidents.....	12
1.11.2.	Reporting incidents to parents/carers.....	13
1.11.3.	Following up with parents/carers after an incident .....	14
1.11.4.	Reporting incidents to the local authority .....	14
1.12.	Complaints and allegations .....	14
1.13.	Monitoring and review.....	14
<b>2.</b>	<b>SECTION TWO - Authority to Search .....</b>	<b>15</b>
2.1.	Authority to Search: Law and Guidance .....	15
2.2.	School's obligations under the European Convention on Human Rights (ECHR):.....	15
2.3.	Who can carry out a search .....	15
2.4.	Carrying out a search .....	16
2.5.	Recording and reporting searches .....	16
<b>3.</b>	<b>SECTION THREE - Violence and aggression to staff .....</b>	<b>17</b>

3.1.	Introduction .....	17
3.2.	Definition of ‘Violence and Aggression’ in School .....	17
3.3.	Examples of behaviour classed as ‘violence’ or ‘aggression’:.....	17
3.4.	General Policy .....	18
3.5.	Roles and Responsibilities .....	18
3.6.	Risk Assessment .....	18
3.7.	Preventative Strategies .....	19
3.7.1.	General Security .....	19
3.7.2.	Suitable Working Environments .....	19
3.7.3.	Working Practices and Patterns .....	19
3.7.4.	Physical Intervention (Control and Restraint).....	19
3.7.5.	Self Defence .....	20
3.7.6.	Positive Behaviour Policy .....	20
3.7.7.	Lone Working .....	20
3.8.	Responsive Measures.....	21
3.8.1.	Short-term Debriefing .....	21
3.8.2.	Longer-term Debriefing.....	21
3.8.3.	Counselling .....	21
3.8.4.	Change of Duties .....	21
3.8.5.	Involvement of the Police .....	21
3.8.6.	Employers Liability .....	22
3.8.7.	Legal Advice and Support.....	22
3.8.8.	Suspension of Pupils.....	22
3.8.9.	Warning Letters.....	23
3.9.	Reporting Procedures .....	23
3.10.	Further Support and Advice .....	24

# 1. SECTION ONE - The use of reasonable force

At Hardenhuish School we strive to create a safe, secure and supportive environment for all our pupils and staff.

There are times when the use of restrictive interventions (including reasonable force) is lawful and necessary to keep people safe. However, we understand that the use of restrictive interventions can have a significant impact on pupils, staff and parents/carers. In our school, they are only ever considered as a last resort, once all other prevention and de-escalation strategies have been exhausted.

This policy aims to:

- Minimise the need to use restrictive interventions, through early support, prevention and de-escalation strategies
- Help school staff feel confident in knowing how to use restrictive interventions safely, appropriately and lawfully, when they are necessary
- Clearly set out the steps for recording and reporting incidents of reasonable force and restraint
- Protect the safety, wellbeing and dignity of all pupils and staff, and help create a positive and safe place for everyone at school

## 1.1. Definitions

**Restrictive interventions** are used to prevent, restrict or subdue movement of the body or part of the body. This policy uses 'restrictive interventions' as the umbrella term to describe both physical and non-physical actions aimed to restrain pupils in different ways.

Examples of restrictive interventions could include:

- Supervised seclusion of a pupil in an area away from others, where the pupil is prevented from leaving for their own safety and/or the safety of others
- Passive physical contact, such as a staff member blocking a pupil's path if they're running towards danger (like a busy road), or staff standing between pupils to prevent a fight

**Reasonable force** refers to the broad range of actions used by staff that involve a degree of physical contact to restrain children, using no more force than is needed for the least amount of time, the application of which will depend on the circumstances.

Examples of the use of reasonable force could include:

- A staff member guiding a pupil to safety by the arm
- Staff breaking up a fight between pupils
- A staff member restraining a pupil to prevent injury to the pupil, or others

**Restraint** is a form of non-disciplinary intervention which immobilises a pupil or limits their movement. This may or may not include direct physical contact.

Examples could include:

- A staff member holding a pupil's arms to their sides when the pupil is attempting to harm themselves or others
- Removing a pupil's crutches

**Seclusion** is a non-disciplinary intervention that keeps a pupil confined to a place away from others and prevents them from leaving, for the safety of that pupil and/or others. This could be through physical obstruction or by

making the pupil believe that they will be punished if they leave. For example, putting a pupil into a 'holding' room until they calm down is a form of seclusion.

Hardenhuish School does not use seclusion as an intervention.

A **significant incident** is any incident where the use of force goes beyond appropriate physical contact between a member of staff and a pupil. This includes when physical force is used to implement a non-physical restrictive intervention.

## **1.2. Appropriate physical contact with pupils**

Our school does not have a 'no contact' policy. We do not grant any requests by parents/carers or staff members not to use reasonable force and/or other restrictive interventions.

There are circumstances when it is appropriate for staff to have some physical contact with pupils which does not give rise to any question over the use of reasonable force or other restrictive interventions.

Examples include:

- Providing first aid to a pupil
- Comforting a pupil who is upset
- Offering congratulations or praise, such as with a pat on the back or handshake
- To demonstrate how to use a musical instrument
- When demonstrating exercises or techniques during PE lessons or sports coaching

In assessing whether physical contact is appropriate in any given situation, staff should use their professional judgement, and have regard to:

- The school's Child Protection Policy
- The specific circumstances, such as whether there are other adults present
- Factors including, but not limited to:
  - The pupil's age
  - Any known vulnerabilities, including whether the pupil has special educational needs and/or disabilities (SEND)
  - Whether any alternative strategies that don't involve physical contact can be used

## **1.3. Seclusion**

Hardenhuish School does not use seclusion as an intervention, but seclusion is required to be included in this policy.

As defined above, seclusion is a non-disciplinary intervention that keeps a pupil confined to a place away from others and prevents them from leaving, for the safety of that pupil and/or others. This could be through physical obstruction or by making the pupil believe that they will be punished if they leave. For example, putting a pupil into a 'holding' room until they calm down is a form of seclusion.

Seclusion is not used as a threat or punishment. Seclusion is not a disciplinary response to deliberate or wilful misbehaviour. As soon as the immediate risk of harm has reduced, the pupil will be allowed to leave.

## **1.4. Roles and Responsibilities**

### **1.4.1. The Governing Board**

The governing board is responsible for:

- Reviewing and approving this policy
- Ensuring that a procedure is in place for recording and reporting each:
  - Significant incident involving force
  - Seclusion incident
  - Restraint incident
- Taking all reasonable steps to ensure that the procedures for recording and reporting the use of force, seclusion and restraint are followed
- Reviewing and interrogating data on the use of restrictive interventions in our school
- Supporting and challenging school leaders to identify where changes may be needed to practice. For example:
  - If approaches have been used for some time but haven't been effective
  - If there is any disproportionate use of restrictive interventions, including in relation to pupils who share protected characteristics or have SEND or other types of vulnerabilities

### **1.4.2. The Headteacher**

The Headteacher is responsible for:

- Overall implementation and oversight of this policy
- Making sure that appropriate and high-quality training on preventative strategies and the safe and lawful use of restrictive interventions is provided for staff who need it, based on our school's individual context and needs
- Ensuring adequate staffing levels to support positive behaviour management
- Monitoring incidents involving restrictive interventions, including regular review of incidents to refine and improve processes
- Ensuring compliance with recording and reporting requirements
- Authorising staff to search a pupil or their belongings if they have good reason to think the pupil has a prohibited or banned item
- Following the procedures set out in our complaints policy to deal with any complaint about the use of restrictive interventions
- Following the statutory safeguarding guidance Keeping Children Safe in Education if an allegation regarding inappropriate use of force and/or other restrictive intervention is made against a member of staff

### **1.4.3. All Staff**

All members of staff are responsible for:

- Using de-escalation techniques and positive behaviour management strategies to try to minimise and prevent the need for restrictive interventions
- Accurately recording every seclusion incident, restraint incident and significant incident involving force that they are involved in
- Reporting these incidents to the designated safeguarding lead (DSL)
- Recording any injuries that occur as part of an incident involving restrictive intervention, and following our health and safety policy to ensure these are reported to the Health and Safety Executive where necessary
- Taking part in training on preventative strategies and the safe and lawful use of restrictive interventions, if relevant to their role (this may include additional training appropriate to their responsibilities)
- Engaging in follow-up conversation(s) to debrief and reflect on incidents involving restrictive intervention that they were involved in, to help us understand what happened and why

*This Policy is suitable for public access*

#### **1.4.4. Designated safeguarding lead (DSL)**

The DSL is responsible for:

- Reporting every seclusion incident, restraint incident and significant incident involving force to each parent/carer of the pupil involved
- Making sure records are kept securely and in accordance with safeguarding and data protection procedures
- Contacting the local authority in cases where informing a pupil's parent/carer of the use of reasonable force, seclusion or restraint on their child would put that child at risk of significant harm

#### **1.4.5. Special educational needs co-ordinator (SENCO)**

The SENCO is responsible for:

- Working with pupils, parents/carers and relevant school staff to develop and review behaviour support plans and risk assessments for any pupils with SEND where it's been identified that there is an increased likelihood of the need to use restrictive interventions
- Ensuring staff are aware of individual pupil needs and associated behaviour support strategies
- Working with staff who know pupils well, to identify and manage risk (such as trigger points when challenging behaviour is more likely to occur)
- Working with pupils, parents/carers, staff and other relevant professionals to develop prevention and de-escalation strategies
- Advising on reasonable adjustments for any pupils with disabilities when considering prevention and de-escalation strategies
- Participating in the review of restrictive intervention incidents involving any pupil with SEND
- Providing advice and support on the application of this policy for pupils with SEND
- Contributing to staff training on SEND and behaviour management, including the use of restrictive interventions

### **1.5. Acceptable Use of Force**

All our school staff have a legal power to use reasonable force in certain situations.

Staff can use reasonable force to prevent or stop a pupil from:

- Hurting themselves or others
- Committing a criminal offence
- Damaging property
- Causing disorder among pupils, in or out of lessons

While all staff have this power, some staff, especially those who work closely with pupils who might show challenging behaviour, are more likely to need to use it than others.

We will ensure staff are adequately trained and that risk assessments are carried out where necessary.

Any significant incident involving the use of force will be recorded and reported in accordance with the procedures set out in section 1.11 of this policy.

### **1.6. Unacceptable Uses of Force**

It is illegal to use force on a pupil for the purpose of punishment. We never use force as a sanction, threat or deterrent.

Our staff understand that any form of force or restraint carries a risk of physical and psychological harm, so we always avoid using these measures where possible.

The following uses of force are **never acceptable**:

- Staff using force for the purpose of punishment
- Staff restraining a pupil in a way that affects their airway, breathing or circulation, for example by covering their nose and/or mouth or applying pressure to their neck or abdomen
- Staff using force on the ground. If a pupil is unintentionally held on the ground, staff should release their hold or move into a safer position as quickly as possible

## **1.7. Prevention and De-Escalation Strategies**

Restrictive intervention is used only when necessary. We aim to minimise its use as much as possible, using both whole-school and individual approaches.

Our whole-school approach includes:

- Consideration of how our school and classroom environment can support all pupils to achieve and thrive
- Sharing best practice for whole-class behaviour management, and for managing communal spaces such as corridors and playgrounds
- Training staff in effective communication strategies, such as using appropriate tone of voice and empathy to aid de-escalation
- Development of working staff-pupil relationships and trust
- Recording and analysing data on the use of restrictive interventions to inform improvement planning

The individual approaches we use include:

- Working closely with parents/carers to support individual pupils
- Strategies to support individual pupils based on their identified needs, including:
  - The development of behaviour support plans
  - Strategies to help pupils calm down before their behaviour escalates
  - Making 'reasonable adjustments' where a pupil has a disability, to help them participate in school life as fully as possible

### De-escalation when a situation arises

When a staff member is faced with a situation where a restrictive intervention may need to be used, they should consider using de-escalation techniques first, wherever possible. All staff should have appropriate training in other skills as an alternative to restraint. Techniques that could be used in these situations include:

- Having open body language and being aware of a pupil's personal space
- Taking a pupil away from an 'audience' – speaking to them on their own rather than in front of a group of other pupils or staff
- Using empathy – asking the pupil to help you understand their feelings
- Distraction techniques
- Offering a calm space for the pupil to go to so they can self-regulate
- Verbal warnings – calmly reminding the pupil of the consequences of their behaviour

## **1.8. Deciding when the use of restrictive interventions is appropriate**

### **1.8.1. Necessity and proportionality**

The decision on whether to use restrictive interventions is down to the professional judgment of the staff member and will always depend on the individual circumstances of each situation. Physical restraint is an available option, only to be used when other means of dealing with the situation have failed. Identified staff will be provided with training in appropriate forms of restraint and should be used where possible if restraint of a child is needed.

Staff should always consider whether there are other ways to manage the situation, such as the de-escalation techniques outlined in section 1.7 of this policy and/or seeking assistance from a colleague. However, there may be times when staff have no other choice but to use restrictive interventions, to reduce the risk of harm to the pupil and/or others.

Care should be taken to avoid giving the impression that the member of staff is angry or frustrated or are acting to punish the child. It should be made clear with calm language that as soon as the need for force ceases, it will stop.

When assessing whether a restrictive intervention is required, staff should always consider:

- Is it necessary?
  - Are there other more effective, less restrictive ways to manage the situation?
  - Is a restrictive intervention likely to successfully reduce the risks, or could its use escalate the situation further or cause more harm than the behaviour itself?
- Is it proportionate?
  - Staff should use the **least** amount of force or the **least** restrictive intervention for the **least** amount of time required to reduce the risks
  - If the intervention itself is escalating the situation, staff should reconsider their approach and attempt an alternative strategy
  - Staff should consider the individual circumstances of the pupil, such as their age, size and any medical conditions, SEND or other vulnerabilities

### **1.8.2. Pupil and staff welfare**

The most important consideration when using a restrictive intervention is the safety and wellbeing of the pupil involved, as well as the safety of other pupils and staff. Staff should always consider the potential impact on the pupil's welfare balanced against any actions taken. For example, staff should bear in mind that pupils who have experienced adverse life events, trauma or neglect, or who have diagnosed or undiagnosed medical conditions or sensory impairments, communication difficulties or other needs, may find the use of restrictive interventions particularly distressing.

If a restrictive intervention is needed, staff should always aim to maintain respect for a pupil's dignity. This includes consideration of the location and environment where any intervention is used, such as in front of their peers.

Staff should, wherever possible, clearly and calmly communicate to the pupil what is happening, why, and what the pupil needs to do, including using verbal and non-verbal strategies where needed, and giving time for the pupil to process information and respond where appropriate.

Staff should seek to understand how the pupil is feeling and use this information to determine whether the restrictive intervention should be, or continue to be, applied, reduced or stopped.

### **1.8.3. Support following an incident**

As soon as possible after any use of restrictive intervention, our school will evaluate the incident to understand why restrictive intervention was used, the impact on pupils and staff, any patterns and trends, and how another incident could be avoided in the future.

Our school will make sure each pupil and staff member involved get the right support, including a medical assessment and treatment if needed, and an opportunity to reflect on and talk through the incident.

This follow-up conversation(s) will be part of the overall debriefing process to understand what happened during the incident and why, based on separate reflections from all parties involved. Conversations should also aim to repair and rebuild relationships through dialogue.

Wherever possible, this process will be facilitated by a staff member who was not involved in the incident. It may also include the presence of an additional person to ensure impartiality and support. The school will continue to monitor pupil and staff wellbeing and provide additional support if needed.

Depending on the circumstances, support may also be offered to those who witnessed the incident.

## **1.9. Considerations for pupils with SEND**

We understand that pupils with SEND may react to distressing or confusing situations by displaying behaviours which may be harmful to themselves and others. Pupils who have difficulty communicating verbally might show their needs and discomfort through their actions.

Our school is committed to understanding what might trigger challenging behaviour in pupils with SEND, and to providing the right support and an inclusive environment.

We will carry out risk assessments for pupils with SEND, where we identify that there is an increased likelihood of needing to use reasonable force and/or other restrictive interventions. Our school is aware of its duty under the Equality Act 2010 to make reasonable adjustments for pupils with disabilities to avoid disadvantage and ensure they can take part in school life as fully as possible.

We will utilise staff who know individual pupils well to help identify and manage risk, such as trigger points when challenging behaviour is more likely to occur and develop proactive strategies to reduce the likelihood of restrictive interventions being used. We will also work with the pupil, their parents/carers and other professionals to develop prevention and de-escalation strategies.

These strategies might include:

- Removing stimuli that may be causing distress to the pupil
- Staff members changing how they communicate with the pupil, such as being more mindful of body language, facial expressions and/or tone of voice
- Helping the pupil express their emotions before getting overwhelmed
- Engaging the pupil in activities to help them regulate their emotions
- Distracting the pupil with familiar objects or activities to redirect their attention

Where appropriate, we will create individual behaviour support plans for pupils with SEND. The plan will be reviewed regularly, and following any significant incident, with the pupil and parents/carers to make sure it's still working well. The plan will:

- Outline any adjustments, such as to address aspects of the school environment which the pupil finds challenging
- Explain the best ways to communicate with the pupil

- In some cases, specify when increased physical contact with staff might be appropriate. These situations will be discussed with everyone involved and clearly written down in the plan

## **1.10. Training and risk assessments**

Our school will make sure that all staff who are likely to need to use reasonable force and/or other restrictive interventions are adequately trained in their safe and lawful use and in preventative strategies.

We also have a duty to ensure the health, safety and welfare of our staff. Therefore, we carry out risk assessments to ensure that staff who regularly work alongside pupils where the use of reasonable force and/or other restrictive interventions may be required can do so as safely as possible.

## **1.11. Recording and reporting arrangements**

We have a legal duty to record and report all:

- Significant incidents involving force
- Seclusion incidents
- Restraint incidents

### **1.11.1. Recording incidents**

Our school has a clear process in place for recording the incidents listed above. Any incidents should be reported through the Red Book electronic form.

Staff must record incidents in writing, as soon as possible after the event, and should endeavour to do this on the same day. Staff should do this even if the use of restrictive interventions is agreed as part of a pupil's behaviour support plan.

**For significant incidents involving force**, we will record:

- The names of the pupil and staff members directly involved
- Any relevant needs or circumstances of the pupil, including whether they have an identified special educational need or disability, and their SEN status code
- The time, date, location and approximate duration of the intervention
- A clear and brief description of what happened, including:
  - What led up to the incident
  - Any known or potential triggers for the behaviour
  - Any preventative or de-escalation strategies used
  - The type and degree of reasonable force used
  - Details of any physical injuries sustained, if applicable
- A brief explanation of why using force was assessed as necessary in that situation
- Details of any support given after the incident, such as medical help or emotional support
- Any relevant pupil or witness accounts
- When and how parents/carers were notified

**For seclusion incidents and restraint incidents**, we will record:

- The names of the pupil and staff members directly involved
- Any relevant needs or circumstances of the pupil, including whether they have an identified special educational need or disability, and their SEN status code
- The time, date, location and approximate duration of the intervention

- A brief explanation of why the intervention was assessed as necessary in that situation
- Details of any physical injuries sustained, if applicable
- Details of any support given after the incident, such as medical help or emotional support
- Any relevant pupil or witness accounts
- When and how parents/carers were notified

If a seclusion or restraint incident also constitutes a significant incident involving force, we will record it in line with our procedure for recording significant incidents involving force. It does not need to be recorded twice.

The purpose of recording is to ensure that policy guidelines are followed, to inform parents, to inform future planning as part of school improvement processes, to prevent misunderstanding or misinterpretation of the incident and to provide a record for any future enquiry. Staff may find it helpful to seek advice from a senior colleague or a representative of their staff association when compiling the report.

Completed reports will be kept securely and retained in line with our data protection procedures.

### **1.11.2. Reporting incidents to parents/carers**

We will inform parents/carers about an incident as soon as we can after it happens and will endeavour to do this on the same day. We will do this even if the use of restrictive interventions is agreed as part of a pupil's behaviour support plan.

When reporting an incident to parents/carers, the following information will be included:

- The time, date, location and approximate duration of the intervention
- Which members of staff were directly involved (anonymised where necessary)
- An explanation of why the intervention was assessed as necessary in that situation What force was used
- A description of the type and degree of force that was used
- Details of any physical injuries sustained, if applicable
- What follow-up action (support and/or disciplinary) was being taken in relation to their child.

The Headteacher or member of the Leadership Team to whom the incident is reported will consider whether that shall be done straight away or at the end of the school day, and whether the pupil's parents should be told orally or in writing.

The only exception to this is if a member of staff thinks that telling the pupil's parents/carers would likely result in significant harm to that pupil. In these cases, we will report the incident to any parent(s)/carer(s) who it can be reported to without resulting in significant harm or, if there are none, to the local authority where the pupil ordinarily resides.

When we report **seclusion incidents and restraint incidents** to parents/carers, we will provide parents/carers with information about the incident in writing.

If a seclusion or restraint incident also constitutes a significant incident involving force, we will report it in line with our procedure for reporting significant incidents involving force. It does not need to be reported twice.

When reporting to parents/carers, we will have regard to data protection requirements when deciding what information to share. For example, we will not include any identifying details of any other pupil.

### **1.11.3. Following up with parents/carers after an incident**

It's best practice to invite parents/carers to have a follow-up discussion about the incident, where appropriate. Insert details of your process/approach, if applicable. For example, the discussion might include:

- Any behavioural triggers or warning signs of an impending incident
- Whether any agreed behaviour support plans were followed
- What de-escalation strategies were used and how effective they were
- What might be done differently in the future

### **1.11.4. Reporting incidents to the local authority**

In cases where we have assessed that an incident needs to be reported to the local authority where the pupil ordinarily resides, this report will include all the information that we would normally share with the pupil's parents/carers, as well as the reasons why we thought it was unsafe to tell the pupil's parents/carers directly.

In cases where a pupil has parents/carers and is the subject of a care order under section 31 of the Children Act 1989 or is being accommodated under section 20 of the Children Act 1989, we will report the incident to the relevant local authority in addition to the parents/carers (unless we deem it unsafe to inform the parents/carers, as set out in section 1.11 of this policy).

## **1.12. Complaints and allegations**

Any complaints about the use of restrictive interventions will be handled through our school's complaints policy, which can be found on the Hardenhuish School website.

We take any allegation of inappropriate use of force and/or other restrictive interventions made against a member of staff very seriously. We will deal with allegations in line with the statutory safeguarding guidance [Keeping Children Safe in Education](#).

## **1.13. Monitoring and review**

This policy will be reviewed every two years.

## **2. SECTION TWO - Authority to Search**

### **2.1. Authority to Search: Law and Guidance**

S91 of the Education and Inspections Act 2006, enables school staff to confiscate, retain or dispose of a pupil's property as a disciplinary penalty where reasonable to do so.

Guidance published in 2022 (Searching, Screening and confiscation: advice for schools, 2023), allows staff, within a range of safeguards, to search pupils with and without consent.

### **2.2. School's obligations under the European Convention on Human Rights (ECHR):**

- Under article 8 of the European Convention of Human Rights pupils have a right to respect for their private life. In the context of these particular powers, this means that pupils have the right to expect a reasonable level of personal privacy.
- The right under Article 8 is not absolute, it can be interfered with but any interference with this right by a school (or any public body) must be justified and proportionate.
- The powers to search in the Education Act 1996 are compatible with Article 8. A school exercising those powers lawfully should have no difficulty in demonstrating that it has also acted in accordance with Article 8.

### **2.3. Who can carry out a search**

The staff who are authorised to carry out a search are:

- a) any teacher who works at Hardenhuish School,  
and
- b) any other person expressly authorised by the Headteacher to have control or charge of pupils including support staff such as Pastoral Managers, Teaching Assistants, Medical Officer, Resources Centre Staff and Cover Supervisors. The Headteacher may also give temporary authorisation to those who do not usually have such control or charge for example catering staff, and suitable unpaid volunteers such as parents or Governors accompanying pupils on school organised visits. The power does not extend to Prefects appointed by the School.

The person carrying out the search must be the same sex as the pupil being searched, and there must be another member of staff present as a witness to the search. The only exception to this is if:

- a) the searcher reasonably believes that there is a risk of serious harm being caused to a person if a search isn't carried out urgently  
and
- b) it is not reasonably practical to summon another member of staff (to carry out the search or act as a witness) within the time available.

In such cases, staff should take into account the increased expectation of privacy for older pupils. Every effort should be made to persuade the pupil to hand over the item voluntarily. If a pupil decides to leave at any point, then they should not be prevented from doing so. Physical restraint should not be attempted in circumstances such as these, as it may amount to an unlawful detention. If appropriate, this will be reported to the Police.

## **2.4. Carrying out a search**

If a pupil is suspected of being in possession of something they should not have in school (the complete list of items that will be confiscated can be found in the Positive Behaviour Policy) then the pupil should be asked to hand it over.

If the pupil should refuse, the matter should be reported to the Pastoral or Learning Manager or a member of the Leadership Team. They may then obtain the pupil/student's consent and conduct a 'with consent' search of the pupil/student's outer clothing (clothing that is not worn next to the skin e.g. coat) and possessions over which the pupil/student has control such as their locker or bag.

A 'without consent' search can be conducted if pupils/students are thought to be in possession of knives or weapons, alcohol, illegal drugs, stolen items, tobacco and smoking related paraphernalia, fireworks, pornographic images and any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property. At Hardenhuish the policy is to conduct without consent searches as a last resort. The headteacher and any member of staff authorised by the headteacher can use reasonable force to search for these items. They **cannot** use reasonable force to search for items that are banned under our school rules only, such as mobile phones. The decision to use reasonable force to carry out a search should be made carefully, on a case-by-case basis and taking into consideration the level of risk to pupils and staff.

The school can seize any prohibited item found as a result of a search. They can also seize any item, however found, which they consider harmful or detrimental to school discipline.

## **2.5. Recording and reporting searches**

There is no legal requirement to make or keep a record of a search although this is recommended good practice. Any member of Hardenhuish staff who has conducted a search must record this on CPOMS.

In any situation where a pupil is suspected of having a banned or prohibited item in their possession and where they have been asked to empty their pockets, bag or locker, parents must be contacted, regardless of whether the result was positive or negative.

## **3. SECTION THREE - Violence and aggression to staff**

### **3.1. Introduction**

The Governing Body is aware that some members of staff will on occasion be in a position where they may face verbal abuse, threatening behaviour or even be assaulted in some way. This will be distressing for themselves, their families and their colleagues. Where violence and aggression is anticipated, the School will operate systems of work that minimise risks. This policy sets out ways in which the School and its staff can help prevent such incidents and minimise their effect.

We work with a diverse range of young people and adults and it may not always be possible to foresee a particular incident. However, the overwhelming majority of situations can be anticipated in which there might be a risk to personal safety, and this document sets out the way in which these potential incidents should be managed.

When incidents do occur, it is important that managers and staff follow the reporting procedure so that relevant information from the incident can be used to adjust operational, managerial and policy practices.

### **3.2. Definition of ‘Violence and Aggression’ in School**

The School defines the term as:

***‘Any incident in which an employee is abused, threatened or assaulted by another person in circumstances arising out of the course of his or her employment.’***

This applies whether the member of staff is on or off duty and is irrespective of the status of the perpetrator.

### **3.3. Examples of behaviour classed as ‘violence’ or ‘aggression’:**

- Kicking
- Biting
- Punching
- Poking or pushing
- Spitting
- Scratching
- Head butting
- Tripping
- Actions that restrict movement
- Unwanted physical contact which results in no injury
- Use of weapons
- Use of missiles
- Extreme or repetitive verbal or written abuse which causes personal offence or distress
- Sexual, racial or other harassment
- Bullying
- Intimidation
- Damage to personal property

Other aggressive behaviour

- Shouting
- Posturing
- Gestures

- Insults
- Innuendo
- Unreasonable demands or blackmail

### 3.4. General Policy

Violence and aggression are unacceptable. However, given the nature of the services we provide, it is acknowledged that some staff may, on occasion, encounter violence or aggression and therefore the School takes reasonable measures to eliminate or minimise the risks.

- Risk assessments will be undertaken for specific pupils with known difficulties.
- Staff will receive training from time to time on measures to be taken in different circumstances.
- All incidents of violence and aggression **must** be reported to a member of the Leadership Team e.g. Positive Handling and any incident requiring a member of staff to use any form of restrictive physical intervention should be recorded through the Red Book form.
- Following an incident of violence or aggression, support will be offered by the School.
- Staff are expected to take account of their own safety when considering their actions in intervening in any incidents of violence or aggression.

### 3.5. Roles and Responsibilities

**The Governing Body**, as the employer, is responsible for the provision of measures to safeguard its staff. It delegates the implementation of the measures provided for within this policy to the **Headteacher**.

The Headteacher and Leadership Team will:

- ensure that risk assessments are undertaken where required.
- ensure that relevant staff receive training at appropriate intervals in skills that can be used to minimise risks to personal safety.
- ensure that all staff are aware of the procedure to report incidents of violence and aggression.
- ensure that all such reports are thoroughly investigated and responded to.
- offer and provide appropriate post-incident support to staff.
- monitor the effectiveness of this policy.

**Individual members of staff** are responsible for:

- following working procedures and risk assessments.
- reporting likely or actual incidents of violence or aggression.
- taking due regard of their own personal safety and well-being and for withdrawing from a situation where the risk of actual or potential violence or aggression is high. An exception to this is where any formal plan (e.g. a care plan) relating to a pupil, requires an alternative, prescribed course of action to be followed.

### 3.6. Risk Assessment

Risk is defined as “the likelihood of harm”. The significance of a risk depends upon the severity of the possible outcome and the number of people who may be affected. All risks will be managed before harm occurs – that is to say, by adopting a proactive approach rather than a reactive one.

These assessments are not to be confused with those made for an individual pupil, through a formal plan such as a Care Plan or a My Support Plan. They are different and separate because the risk of violence or aggression from a pupil or service user may extend beyond the staff who might normally be expected to have access to the

agreed plan. In the case of care plans, these individual assessments will be considered when preparing the risk assessment.

Risk assessments will seek to establish the risk to staff after considering:

- information about children including the frequency and severity of any previous incidents.
- frequency and nature of the contact.
- experience and training of the staff.
- location.
- adequacy of existing precautionary measures.

The risk assessor will identify any necessary measures and ensure that identified post holders accept the responsibility to act upon them within an agreed timescale commensurate with the risk.

All significant risks will be recorded on a risk assessment form. Both assessors and managers are responsible for ensuring that the outcomes of assessments are made known to all relevant personnel.

All assessments will be reviewed *at least* annually but more frequently if enhanced risks are identified or whenever relevant circumstances change. Assessments will be reviewed after each incident.

## **3.7. Preventative Strategies**

### **3.7.1. General Security**

Hardenhuish School occupies an open site which is accessible to the public in areas. School procedures provide for the registration of all visitors at Reception. However, due to the nature of the site, unauthorised access is possible, and it is acknowledged that this may pose a risk to staff or pupils.

If a member of staff observes a stranger not wearing a visitor's badge, they will challenge this person immediately and alert Reception or a member of senior staff.

### **3.7.2. Suitable Working Environments**

When speaking to a member of the public/parent/pupil, staff will wherever possible use rooms with an unobscured vision panel in the door.

Classroom layout is at the discretion of the individual teacher and is governed by space and teaching needs. Wherever possible staff will base themselves in a position which allows sight of all entrances and immediate access to at least one of them.

### **3.7.3. Working Practices and Patterns**

If it is anticipated that a visitor or pupil may display aggressive behaviour, staff will consider whether to meet with that person alone and will prepare their responses to any violent or aggressive behaviour in advance of the meeting.

Staff will avoid working in isolation, particularly out of normal hours.

If telephone callers become abusive or threatening, staff will issue a caution along the lines of, 'if you continue to be abusive, I shall put the telephone down', and then do so if the caller persists.

### **3.7.4. Physical Intervention (Control and Restraint)**

As a general rule, physical interventions will only be used as a last resort when other strategies have been tried and found to be unsuccessful or when the risks of not employing an intervention outweigh the risks of using reasonable force.

There is no legal definition of 'reasonable force' so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the case.

There are two relevant considerations:

- the use of force can be regarded as reasonable only if the circumstances of the particular incident warrant it. The use of any degree of force is unlawful if the particular circumstances do not warrant such use;
- the degree of force employed must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. The degree of force and the duration of its application will always be the minimum needed to achieve the desired result.

It is a criminal offence to use physical force, or to act in a way that leads another person to fear the use of force (for example, by raising a fist or issuing a verbal threat), unless the circumstances give rise to a 'lawful excuse' or justification for the use of that force. Such justification may be to prevent an injury to oneself or to others or to prevent serious damage to property. In these circumstances, a reasonable amount of force may be used. Staff are aware that the use of unjustified and excessive force might be an offence.

All instances of physical intervention will be reported to a senior member of staff and recorded on the Red Book form.

### **3.7.5. Self Defence**

Leaving or getting away is often the best defence using any pretext that may work but individuals do have the legal right to defend themselves, or others, if attacked. The amount and degree of defensive force used must be proportional to the level of risk being faced. This will depend upon the circumstances. You do not have to be hit first if you are in fear of being injured.

### **3.7.6. Positive Behaviour Policy**

Staff will refer to the School's Positive Behaviour Policy which outlines the School's expectations of pupils, as well as providing advice on creating a positive climate for learning and information on School rewards and sanctions.

### **3.7.7. Lone Working**

There will be occasions when members of staff will be working alone in their particular area of the School, particularly outside of normal school hours/term time.

The risk of violence and aggression towards staff increases in a lone working situation. Staff will take care not to make an appointment to see a visitor who is not previously known to them at a time when they will be alone in an area of the school.

If possible, they will cancel or re-schedule the appointment, re-arrange the venue or arrange for an additional member of staff to be present.

## **3.8. Responsive Measures**

### **3.8.1. Short-term Debriefing**

The nature and level of action following an incident will depend on the circumstances of each case. Some 'minor' instances may not require any action, but it is important that no incident is dismissed as being too trivial to deal with without first exploring the effect of it with the member of staff involved.

Immediately after an incident, the line manager or Medical Officer will ensure that all necessary first aid or medical treatment is arranged.

It is probable that the victim will want to talk about the incident but may be feeling distressed or guilty. It is important that sensitive support is given at this point. Line Managers will be aware that other colleagues are likely to be seen as primary emotional supports and this may require some flexibility about the normal work routine continuing. Further opportunities to talk about the incident will be provided after a period for reflection.

All parties involved in the incident will write down their thoughts and recollection of the incident as soon as they feel able to. The staff member will be offered counselling and reminded that a trade union or professional association representative may be present at any meeting where a discussion of the incident takes place.

All incidents will be formally acknowledged, verbally and/or in writing.

The Headteacher and other managers will review risk assessments and care and support programmes in the light of any incident. This will include the sharing of information to ensure that all staff are made aware of risks as appropriate.

### **3.8.2. Longer-term Debriefing**

Victims of violence or aggression may need time to come to terms with the implications of the incident. The Headteacher, Leadership Team and Line Manager will be alert to the possibility that the member of staff is underestimating his or her own needs.

Other staff who witnessed the incident or are likely to come into contact with the aggressor will be given information about the incident and its implications.

Any staff development needs that are highlighted by the incident will be addressed.

If a member of staff is absent from work for a lengthy period following the incident, a referral will be made to an Occupational Health Adviser in accordance with the School's Sickness and Ill Health Absence Management Policy.

### **3.8.3. Counselling**

Counselling will be offered where it is deemed appropriate by the Leadership Team and/or Human Resources.

### **3.8.4. Change of Duties**

The staff member and Headteacher/Line Manager should agree any need to alter work duties as a result of the incident. This will be done such that the member of staff is not put under duress or made to feel guilty.

### **3.8.5. Involvement of the Police**

The police will usually be informed of all incidents where a member of staff has been assaulted. In some circumstances the member of staff may not wish the police to be involved. However, the Headteacher has the

final decision and may judge that the wider protection of the community requires that a report be made to the police, notwithstanding the wishes of the individual.

If, during the course of the incident, a child is assaulted or abused, this will be reported in accordance with current statutory regulations.

### **3.8.6. Employers Liability**

A member of staff who believes that they have suffered harm as a result of a work-related incident may seek independent advice as to any civil claim they may have. The School's Employers Liability insurance will apply where legal liability is established against the School or any other employee.

Employees may also contact the Criminal Injuries Compensation Board. Details can be found at [www.cica.gov.uk](http://www.cica.gov.uk). In order to pursue a claim, the incident must be reported to the police within 24 hours and to the Board within two years.

### **3.8.7. Legal Advice and Support**

#### **If an employee is the victim**

If an employee is a victim of an assault in School which gives rise to criminal proceedings, the School's solicitors will provide support in terms of advising on the criminal process. However, this will not extend to bringing a civil action for damages, save to the extent that this is necessary in order to secure an injunction to prevent further assaults or harassment. If an injunction is to be sought against the perpetrator, the School's solicitors will advise on each case as to whether the circumstances justify such an application or whether alternative action may be more suitable.

#### **If an employee is alleged to have committed an offence**

Where an employee is the subject of a criminal investigation as a result of allegations made by one of the School's clients, the School cannot provide legal advice or representation to that individual. This is so, even where it appears that the employee has followed the School's procedures.

If the police decide to take action against a member of staff, then the School will be as supportive as the merits of the case allow. However, the School is also unable to provide financial assistance to an employee to seek his or her own legal advice and representation from another source. Nor can it reimburse an employee's legal costs in the event of a prosecution not proceeding or ending in an acquittal.

In light of these two paragraphs, **it is strongly recommended that staff consider membership of an appropriate Professional Association**. Alternatively, staff may want to consider the possibility of taking out private insurance cover for such eventualities.

#### **If a third party claims compensation**

Where an employee is the subject of civil proceedings arising from an incident in which a third party alleges injury, the matter will be dealt with under the School's insurance arrangements, thus protecting individual employees. The only circumstances where employees may find themselves outside the protection of the School's insurance are where criminal acts have been committed or where the individual is negligent.

### **3.8.8. Suspension of Pupils**

Guidance on the suspension of pupils has been provided by Statutory guidance: School suspension and permanent exclusions 2024.

Only the Headteacher of a school can suspend a pupil and this must be on disciplinary grounds. A pupil may be suspended for one or more fixed periods (up to a maximum of 45 school days in a single academic year), or

permanently. Please refer to the Positive Behaviour Policy regarding the school's approach to permanent exclusion.

### **3.8.9. Warning Letters**

The School's solicitors will, at the request of the Headteacher and subject to satisfactory evidence, issue a warning letter to any adult who has committed a serious act of violent, abusive or aggressive behaviour.

## **3.9. Reporting Procedures**

Only by reporting incidents can working practices and procedures be adjusted to provide as much protection for staff as is possible. The cumulative effect of several minor incidents can be just as harmful as that from those of a more serious nature.

The reporting process has two elements:

- The School's Accident Report Forms are kept by the Medical Officer and are used to record all incidents and accidents.
- For incidents that are more serious, the Medical Officer completes an on-line Accident/Incident Report and Investigation form with a copy being retained at the School. Major injuries are also reported to RIDDOR.
- Any incident requiring a member of staff to use any form of restrictive physical intervention should be recorded through the Red Book form.

The Headteacher and Leadership Team, via the Health and Safety Committee, will use these reports to identify measures that can reduce the likelihood of any recurrence as well as spotting regular or repeated perpetrators and victims. All reports will also be monitored by the Committee and regular cumulative reports will be compiled to identify trends and areas for further action.

If a major injury is attributable to an act of violence in a work-related incident, then the incident will be reported to the Health and Safety Executive immediately. Any injury which results in an absence of more than 3 days from normal work duties must also be reported to the HSE.

### **3.10. Further Support and Advice**

Support and advice in respect of violence to staff is available from any member of the Leadership Team who will be able to refer a member of staff for more specialist support where appropriate.

The School still liaises with the Local Authority regarding Health and Safety advice and such advice can be accessed by the Business Manager in the first instance.

Some other useful contacts are:

Health and Safety Executive  
The Pithay  
Bristol, BS1 2ND  
Tel: 0117 988 6000

Department for Education  
Castle View House  
East Lane  
Runcorn  
Cheshire, WA7 2GJ

British Association for Counselling and Psychotherapy Tel: 0370 000 2288  
BACP House  
15 St John's Business Park  
Lutterworth  
Leicestershire, LE17 4HB  
Tel: 01455 883300

Victim Support  
9A The Butts  
Ilminster  
Somerset, TA19 0AY  
Tel: 01460 55535

Criminal Injuries Compensation Authority  
Alexander Bain House  
15 York Street  
Glasgow, G2 8JQ  
Tel: 0203 6842517