

# USE OF REASONABLE FORCE POLICY

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| Date of Policy        | November 2018  |
| Approved by Principal | October 2018   |
| Next Review Date      | April 2020     |
| Lead for Review       | Principal, DSL |

## RATIONALE

Staff who are authorised by the Principal to have control or charge of students are allowed under Section 93 of the Education and Inspections Act 2006 and DfE Guidance issued in July 2013 to use such force as is reasonable in all the circumstances to prevent a student from doing or continuing to do, any of the following:

- Committing a criminal offence (including behaving in a way that would be an offence if the student were not under the age of criminal responsibility)
- Injuring themselves or others
- Causing damage to property (including the student's own property)
- Engaging in any behaviour prejudicial to maintaining good order and discipline at the college or among any of its students, whether that behaviour occurs in the classroom during a teaching session or elsewhere, e.g. on a field trip.

## Guidelines

In principle, staff are advised to avoid physical contact with students but it is recognised that there may be circumstances where contact may be necessary. The use of reasonable force to control or restrain students should only ever be considered as a last resort in very special circumstances. Under no circumstances is physical force to be accepted between students.

Staff are deemed to be authorised if they have been authorised by the Principal to have control or charge of students, even if only for a short time such as a college trip.

## Types of Incidents

There is a wide variety of situations in which reasonable force might be appropriate or necessary, to control or restrain a student. They will fall into these broad categories:

1. Where action is necessary in self defence or because there is an imminent risk of injury.
2. Where there is a developing risk of injury, or significant damage to property.

**Examples of situations that fall within these categories are:**

- A student attacks another student or a member of staff.
- Students are fighting.
- A student is engaged in, or is on the verge of committing, deliberate damage or vandalism to property.
- A student is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials or objects.
- A student is running in a corridor or on a stairway in a way in which he or she might have or cause an accident likely to injure him or herself or others.
- A student absconds from a class or tries to leave college (N.B. this will only happen if a student could be at risk if not kept in the classroom or at college).

- Student persistently refuses to obey an order to leave the classroom.
- A student is behaving in a way that is seriously disrupting a lesson.

## Reasonable Force:

The term reasonable force covers the broad range of actions that involve a degree of physical contact with a student.

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 the use of physical force. The degree of force must be in proportion to the circumstances of the incident and the seriousness of the behaviour or the consequences it is intended to prevent. Any force used should always be the minimum needed to achieve the desired result.

## Practical Considerations:

Before intervening physically, the member of staff should ask the student who is misbehaving to stop. The member of staff should continue to communicate with the student throughout the incident and make it clear that the restraining will cease as soon as it becomes unnecessary. In some situations it is inappropriate for a member of staff to intervene without help, unless in an emergency; for example with a physically large student or if the member of staff believes he or she may be at risk of injury. In these circumstances the member of staff should remove other students who may be at risk, and summon assistance from a colleague or colleagues, or when necessary telephone the police. The member of staff should inform the student that he or she has sent for help and continue to try and de-escalate the situation until help arrives.

## Application of Force:

Physical force can take several forms. It might involve staff:

- Physically interposing between students
- Blocking a student's path
- Holding
- Pushing
- Pulling
- Leading a student by the hand or arm
- Shepherding a student away by placing a hand in the centre of the back, or, (in extreme circumstances) using more restrictive holds.

Staff should NOT ACT in a way that might reasonably be expected to cause injury, for example by:

- Holding a student around the neck, or by the collar, or in any other way that might restrict the student's ability to breathe
- Slapping, punching or kicking a student
- Twisting or forcing limbs against a joint

- Tripping up a student
- Holding or pulling a student by the hair or ear
- Holding a student face down on the ground

Staff should always avoid touching or holding a student in a way that might be considered indecent.

### **Reasonable Adjustments:**

The college will ensure reasonable adjustments are made for students with SEN needs or disabled students, who are on the ALS register. These adjustments will be disseminated to the appropriate staff that teach and support these students.

### **Recording Incidents:**

Incidents requiring the use of force will be fully documented in the same way as all other serious incidents indicating the nature of the problem and the names of all staff and students concerned. The college must inform the parents of any such serious incident. Depending on the severity of the incident, the college will decide whether an oral or written report should be given to parents. As with all serious incidents, parents should be given the opportunity to discuss the incident with a member of the senior management Team as appropriate.

### **Complaints:**

If a student complains about the force used, then the matter will be investigated using our Complaints process and taking in consideration 'Dealing with allegations of abuse against teachers and other staff' DfE guidance document.

## RESTRAINT – INCIDENT REPORT FORM-

All Information contained in this document is strictly confidential.

|   |  |   |      |  |
|---|--|---|------|--|
| Name of student<br><i>Last, First, CEG NO):</i> |  | <input type="checkbox"/> M <input type="checkbox"/> F | DOB: |  |
|---|--|---|------|--|

|                |  |  |  |  |
|----------------|--|--|--|--|
| Name Of School |  |  |  |  |
|----------------|--|--|--|--|

|                       |  |                   |  |
|-----------------------|--|-------------------|--|
| Time of the incident: |  | Date of incident: |  |
|-----------------------|--|-------------------|--|

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|----------------------------------|--|--|-------|--|
| Incident Report<br>completed by- |  |  | Date: |  |
|----------------------------------|--|--|-------|--|

|          |  |  |  |  |
|----------|--|--|--|--|
| Position |  |  |  |  |
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| Copies to |  |  |  |  |
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| Events leading to this incident? |
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| Where did this incident take place |
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| How did the incident begin? |
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| Describe the incident |
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| What was happening at the time? |
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| Was anyone else involved? |
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| Did anyone else see what happened? (give details) |
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| What behaviour was the Student presenting that warranted restraint? |
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| Was there damage to property or an assault on a student or staff during the incident |
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| What did you do to try to defuse the situation before using restraint? |
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| How was the student restrained? (describe)<br>e.g. two people escort; one person wrap; supine control For how long?<br>By how many staff members? Were they authorised?                      |
| Injuries sustained   |
| Was anyone injured? <input type="checkbox"/> Yes <input type="checkbox"/> No<br>Details if yes-  |
| Was this recorded in the accident book? <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Was the student checked for injuries by a member of staff who was not involved in The incident?<br><input type="checkbox"/> Yes <input type="checkbox"/> No<br>If Yes, By Whom ?             |
| Implications for future planning   |
| What do you think this behaviour was about? e.g. attention; emotional release; task escape mechanism; other  |
| What would you do differently next time to avoid the need for physical restraint?  |
| Are other staff aware of the need for a planned response to the pupil <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| Follow up Action:  |
| The incident was reported by: Designation-   |
| 6.2 Parent/Carer was informed by: <input type="checkbox"/> Letter <input type="checkbox"/> Telephone <input type="checkbox"/> Personnel<br>When were they informed?<br>Time _____ Date _____ |

## Appendix 2

## Associated Resources

Behaviour and Discipline in Schools DfE Guidance 2016

Boarding Schools National Minimum Standards DfE March 2015

Use of Reasonable Force DfE July 2013

Keeping children safe in education-Statutory guidance for schools and Colleges September 2016 (and 2018)

Use of Force against Those Committing Crime

[http://www.cps.gov.uk/legal/s\\_to\\_u/self\\_defence/#Use\\_of\\_Force](http://www.cps.gov.uk/legal/s_to_u/self_defence/#Use_of_Force)