



**REASONABLE FORCE & RESTRAINT POLICY**

Policy	Reasonable Force & Restraint Policy
Applies to	All staff in college and boarding premises
Author(s)	Paul Ludlow
Approved by	I certify I have reviewed this policy and verify that to the best of my knowledge it reflects current legislation and is in accordance with the wishes of the Principal and the Board of Directors  Martin Meenagh, Acting Principal
Annual Review	
Reviewed on	October 2016
Next review date	August 2017
Reviewed by	Dershna Patel

### **Legal Framework**

The Education Act makes it clear that those staff authorised by the Principal may use such force as is reasonable in all the circumstances in order to prevent a student from doing - or continuing to do - any of the following;

- committing a criminal offence
- injuring themselves or others
- causing damage to property (including their own)
- engaging in behaviour prejudicial to maintaining good order and discipline at the school.

The Government also published the document ‘Use of reasonable force Advice for head teachers, staff and governing bodies’ in July 2013

### **Aims**

- To create a learning environment in which young people and adults feel safe.
- To protect every person in the school community from harm
- To protect all pupils against any form of physical intervention that is unnecessary, inappropriate, excessive or harmful.
- To put in place guidance for staff so that they are clear about the circumstances in which they might use reasonable force to restrain pupils and how such reasonable force might be applied.

### **Definition of reasonable force**

There is no legal definition of reasonable force. Our definition of reasonable force is the minimum force necessary to prevent a pupil from physically harming him/herself or others or seriously damaging property, but used in a manner which attempt to preserve the dignity of all concerned. The use of reasonable force will always depend on the circumstances of the case and staff should take the following into consideration:

Whether it is reasonable to use force, and the degree of force that could reasonably be employed, given the age, sex, physical strength, size, understanding, medical conditions and any special educational needs of the pupil.

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. Therefore physical force could not be justified to prevent a pupil from committing a trivial misdemeanor, or in a situation that clearly could be resolved without force.

The degree of force employed should 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 diffuse the situation.

### **WHEN MIGHT IT BE APPROPRIATE TO USE REASONABLE FORCE?**

Reasonable force should be limited to EMERGENCY SITUATIONS and used only as a last resort in situations where:

- A student attacks a member of staff, or another pupil
- Students are fighting and at risk of injury
- A student is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous material, substances or objects

### **Prevention should be the primary consideration**

Steps to avoid these situations should be taken and the adult should be able to demonstrate that those steps were taken. Physical restraint should always be the last resort.

Staff have a responsibility to ensure the safety and welfare of their students. They are in a particular position of trust (in loco parentis).

The following should be applied in all cases:

- Steps taken before any form of physical intervention is used, such shouting and using distraction techniques.
- Staff should delay if at all possible. (However, in some circumstances e.g. a student running out onto the road, you might be deemed negligible if you do not intervene.)
- An 'on the spot' risk assessment for each occasion should be made.
- Consideration should be given to the environment, the medical circumstances and the clothing.
- Action being taken should always be for the good of the student, trying to keep them safe.
- Assure the student that the restraint is not a punishment.
- Any physical intervention must only last for as long as the danger is present.
- Never use other students in the restraint.
- Restraint or reasonable force should be witnessed by another responsible adult. Staff should call for another adult if restraint or reasonable force is needed.
- An immediate account of the incident and the steps taken to prevent and deal with it must be made to the Principal/DSL & Principal Head of Boarding and Welfare. A written report of the incident and action taken should be completed, signed by the person using restraint/reasonable force and the witness and logged with the Principal, Designated Safeguarding Lead (copied to the Principal Head of Boarding and Welfare). The incident should be followed up with time for the adult and child to talk about the situation.

Reasonable force might be used as a last result:

- In self-defence, where risk of injury is imminent and you cannot avoid the confrontation by walking away or by some other means.
- When there is developing risk of injury to the person deemed in need of restraint or others.

Physical intervention in these circumstances may take several forms, e.g:

- Holding (last result)
- Shepherding a student away by placing a hand in the center of the back

The law strictly prohibits the use of force, which constitutes the giving of corporal punishment. The use of force as a punishment or to intentionally cause pain, injury or humiliation, such as the examples below, (which are not exhaustive) should not be permitted under any circumstances;

- holding around the neck;
- any hold that might restrict breathing;
- kicking, slapping or punching;
- forcing limbs against joints;
- tripping;
- holding by the hair; and
- holding the pupil face down on the ground.

Physical intervention may involve staff in: -

- holding
- pushing
- pulling

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

Where a student has caused actual harm or injury, details will need to be recorded in the college accident book.

### **REASONABLE FORCE TO CONDUCT SEARCHES WITHOUT CONSENT**

Under statutory power granted under the Education and Inspections Act 2006, reasonable force can be used by the Principal and authorised members of staff to conduct a search without the student's consent for the following prohibited items when there are reasonable grounds to suspect such items are in the student's possession:

- Knives and weapons
- Alcohol
- Illegal drugs
- Stolen items
- Tobacco
- Pornographic images
- Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property

Force CANNOT be used to search for items banned under school rules. The above principles should be applied.

### **ROLES AND RESPONSIBILITIES**

The college should endeavor to ensure that all staff know and understand their roles and responsibilities in relation to the management of pupils. New staff are made aware of this policy as part of their induction.

Staff should be made aware of individual students who are considered likely to pose serious behavioral problems or violence.

The Vice Principal should keep staff (including boarding staff) informed about students with special educational needs who may require special attention with regard to their physical management. Staff will consult with the DOWSEN regarding any concerns that they have about physical management of pupils with special educational needs.

### **RECORD KEEPING**

All incidents involving the use of reasonable force should be recorded in a detailed, written signed and dated report. The college should keep up-to-date record of all such incidents. Such records may be required for future reference. Immediately following any such incident the member of staff concerned should inform the Principal/DSL and provide a written report. Parent/guardians should be contacted as soon as possible and the incident explained to them. This action will also be recorded in the incident book.

### **PREVENTATIVE STRATEGIES**

All staff in college need to be aware of strategies and techniques for dealing with difficult students and steps, which they can take to defuse and calm a situation. The strategies listed below as examples will be influenced by the age of the student(s) and the context in which they are applied.

1. Move calmly and confidentially;
2. Make simple, clear statements;
3. Intervene early;
4. Try to maintain eye contact;
5. If necessary summon help before the problem escalates; and
6. If possible, remove the audience from the immediate location.

### **ACTION STEPS**

1. Tell the student who is misbehaving to stop and tell him/her the possible consequences of failure to do so.
2. Summon another adult. Another adult should be present if physical restraint/intervention of any kind needs to be applied or send another student/ message to alert a member of the senior management team.
3. Continue to communicate with the student throughout the incident.
4. Make it clear that physical intervention will cease as soon as it is no longer necessary.
5. Appropriate follow-up action should be taken, which may include:
  - a. providing medical support;
  - b. providing respite for those involved; and
  - c. accessing external advice/support.

A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper or are acting out of anger or frustration when handling a problem.