

THE USE OF FORCE TO CONTROL OR RESTRAIN STUDENTS

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<i>Approved by Principal(s)</i>	<i>Yes</i>
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<i>Key Staff</i>	<i>Staff, House Supervisors, Welfare Teams etc</i>
<i>Lead on Reviewing Policy</i>	<i>Head of Welfare Canterbury</i>

Rationale

Section 550A of the Education Act 1996 which came into force on September 1st 1998 allows teachers, and other persons who are authorised by the Principal to have control or charge of students 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 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 three 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;
3. where a student is behaving in a way that is compromising good order and discipline.

Examples of situations that fall within one of the first two categories are :

- a student attacks another student or a member of staff;
- student's 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).

Examples of situations that fall into the third category are:

- a 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 who 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 the appropriate Programme Director (Cambridge) /Head of Welfare (Canterbury) / Principal (London) or Vice Principal, depending on the severity of the problem.

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.

Associated Resources

Guidance on the Use of Restrictive Physical Interventions for Staff Working with Children and Adults who display Extreme Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002)

Guidance on the Use of Restrictive Physical Interventions for Pupils with Severe Behavioural Difficulties (2003)

<http://www.education.gov.uk/childrenandyoungpeople/sen/sen/types/cneeds/a0013105/guidance-on-the-use-of-restrictive-physical-interventions>

Link to Searching Guidance

<http://www.education.gov.uk/schools/pupilsupport/behaviour/f0076897/screening>

Link to Dealing with allegations of abuse against teachers and other staff – guidance for local authorities, head teachers, school staff, governing bodies and proprietors of independent schools

<http://www.education.gov.uk/aboutdfe/advice/f0076882/ensuring-goodbehaviour-in-schools/allegations-of-abuse-against-staff>



Ministry of Justice advice on self defence (when published) and Home Office PACE codes

<http://www.homeoffice.gov.uk/publications/police/operational-policing/pacecodes/?view=Standard&pubID=810826>

Legislative links

Education and Inspections Act 2006

<http://www.legislation.gov.uk/ukpga/2006/40/contents>

This policy also has reference to the latest guidance from the Dept for Education documents:

Use of Reasonable force – advice for head teachers, staff and governing bodies – DFES- 23/08/2011