



PHYSICAL INTERVENTION POLICY – USE OF REASONABLE FORCE

Physical Restraint

Introduction

Collingham College's policy is that physical intervention or restraint should only be used as a last resort in extreme circumstances and when all other methods have been deployed in order to reduce confrontational behaviour. Physical intervention must be considered very carefully because it can cause distress, and can be counter-productive to good order. However, it is important that staff understand the circumstances when such intervention may be necessary and would be considered reasonable and appropriate

The reason for the use of restraint is to keep people safe:

- to prevent a student injuring themselves, other students or staff;
- to prevent serious damage to property; and
- to prevent a student from running away where in doing so they are putting themselves at risk.

Supporting Principles

- Physical restraint is a last resort and should only be used when other methods have been exhausted or judged unlikely to succeed.
- Physical restraint should only be used to prevent a student from harming him/herself or others, or from seriously damaging property and should only be used in the best interests of the student and the others around the student;
- Restraint should involve minimum reasonable force and should seek to avoid injury.
- Members of staff should receive appropriate training.
- Members of staff should not attempt to restrain a student if they are likely to put themselves at risk.
- Only be used if all other preventative measures (including sending for adult support) have been explored;
- Never be punitive;
- Be reasonable, proportionate and necessary. It should usually be the minimum required to prevent injury to another person or to prevent them from harming themselves.
- The rights and dignity of students and members of staff must be recognised.
- Any incident in which a student is physically restrained must be recorded by the Principal or Deputy Principal.
- A record of any use of restraint will be reported to the Board of Directors.

Physical Restraint

Teachers may use 'physical intervention' to avert 'an immediate danger of personal injury to, or an immediate danger to the property of, a person' (including the student). The position is stated in DfE Guidance *Behaviour and Discipline in Colleges*. Teachers in our college do not hit, push or slap students. Staff may only intervene physically to restrain students to prevent them injuring themselves or others, damaging property or committing a criminal offence. Details of such an event (what happened, what action was taken and by whom, and the names of witnesses) are brought to the attention of the Principal and recorded in the student's personal file. The student's parents are informed on the same day. Records are kept of when force is used and parents are informed. Training and Guidance is given to all 'members of staff' (as defined above) on the circumstances in which 'physical intervention' is allowable.

Section 550A of the 1996 Education Act states:

"A member of staff of a school may use, in relation to any student at the school, such force as is reasonable in the circumstances for the purpose of preventing the student from doing (or continuing to do) any of the following, namely:

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- committing an offence;
- causing personal injury, or damage to property, of any person (including the student himself/herself);
- engaging in any behaviour prejudicial to the maintenance of good order and discipline at the college or among any of its students, whether that behaviour occurs during a teaching lesson or otherwise”.

Restrictive physical intervention is defined as use of physical force to control a person’s behaviour. A member of staff means any teacher who works at the college and any other person who, with the authority of the Principal, has lawful charge of young people at the college.

What is reasonable?

It would be considered reasonable to shepherd a young person away by placing a hand in the centre of the back or by holding them so that they cannot proceed into further danger or conflict. There is no precise legal definition of “reasonable force” so it is not possible to state, in fully comprehensive terms, when it is appropriate to use physical force to restrain or control students or the degree of force that may reasonably be used.

It will always depend on the circumstances of each case. However, there are two relevant considerations to be borne in mind:

- 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 student from committing a trivial misdemeanour, or in a situation that clearly could be resolved without force.
- 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. Any force used should always be the minimum needed to achieve the desired result; and whether it is reasonable to use force, and the degree of force that could reasonably be employed, might also depend on, amongst other things, the age, level of understanding of the student, and any physical disability they may have.

Appropriate situations to use reasonable force

In a situation where other behaviour management strategies have failed to resolve the problem, or are inappropriate (e.g. in an emergency), there are a wide variety of circumstances in which reasonable force might be appropriate, or necessary, to restrain or control a student. They will fall into two broad categories:

- where action is necessary in self-defence or because there is an imminent risk of injury
- where there is a developing risk of injury, or significant damage to property

Examples of such situations are:

- a student attacks a member of staff, or another student
- students are fighting
- a student is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects
- a student is or appears to be under the influence of alcohol or illegal substances
- a student absconds from college (this will only apply if a student would be at serious risk if not kept in college)

The constitution of reasonable force

Physical intervention can take a number of forms. It might involve staff:

- physically interposing between students
- blocking a student’s path
- leading a student by the arm
- shepherding a student away by placing a hand in the centre of the back or (in extreme circumstances) using more restrictive holds, including holding, pushing and pulling

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of “reasonable force”, for example, to prevent a young student running off a pavement on to a busy road, or to prevent a student hitting someone, or throwing something.

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What is not reasonable?

However, staff should never act in a way that might reasonably be expected to cause injury, for example by:

- holding a student round the neck, or by the collar, or in any other way that might restrict the student's ability to breathe;
- slapping, punching, kicking or using any implement on a student;
- throwing any object at a student;
- twisting or forcing limbs against a joint;
- tripping up a student;
- holding or pulling a student by the hair or ear and
- holding a student face down on the ground.

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

Alternatives

- Withdrawal – where a young person is removed from a situation that caused anxiety or distress to somewhere that they can be continuously observed and supported until they are ready to resume their usual activities.
- Time out – where a young person's access to all positive reinforcements is restricted as part of the behaviour management programme and very exceptionally.
- Seclusion – where a young person is forced to spend time alone against their will. Note that seclusion should only be considered under highly exceptional circumstances (for example, if a young person causing actual physical harm is locked in while adults seek assistance) since it restricts the right to liberty and freedom of movement.

Teachers must not put themselves at personal risk by intervening in an incident.

Recording of incidents where reasonable force has been used

Immediately following any such incident the member of staff concerned should tell the Principal or Deputy Principal in his absence, and then provide the short written factual report as soon as possible afterwards. It should include the following information:

- the name(s) of the student(s) involved, when and where the incident took place
- the names of any other staff or students who witnessed the incident
- the reason that force was necessary (e.g. to prevent injury to the student, another student or a member of staff)
- briefly, how the incident began and progressed, including details of the student's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long
- the student's response, and the outcome of the incident
- details of any obvious or apparent injury suffered by the student, or any other person, and of any damage to property.

Complaints and Child Protection

If the physical intervention is of a nature that causes injury or distress to a student it may be considered under child protection or disciplinary procedures. The Principal may decide that further investigation of the occurrence is required. Any parental complaint arising from such intervention would be investigated under the college's normal complaints procedure.

Corporal Punishment

Under section 131 of the School Standards and Framework 1998, corporal punishment is prohibited in all colleges and is a criminal offence. The college policy is that under no circumstances will corporal punishment ever be used. The prohibition includes the administration of corporal punishment to a student during any activity whether or not within the college premises. The prohibition applies to all 'members of staff'. These include all those acting *in loco parentis*, such as unpaid, volunteer supervisors. The verbal threat of corporal punishment is also strictly forbidden.

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Punishments that are humiliating or degrading will not be used.

The following sanctions / punishments will *never* be used:-

- Corporal punishment.
 - Any form of hitting of a student (including hitting a student in anger or retaliation)
 - Deprivation of food or drink.
 - Enforced eating or drinking.
 - Prevention of contact by telephone to parents or any appropriate independent listener or helpline.
 - Requirement to wear distinctive clothing
 - Withholding of any aids or equipment needed by a student.
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Legal Status:

- Regulatory Requirements, Part 3, Paragraph 9 and Exclusion Element of Part 6 (24)(3) of the Education (Independent School Standards) (England) (Amendment) Regulations 2010
- Advice received from the Department of Education 2011 which incorporates previous advice including the use of force to control or restrain students (2010, section 93 of the Education and Inspections Act 2006), Guidance on the Use of Restrictive Physical Behaviour in Association with Learning Disability and/or Autistic Spectrum Disorders (2002), and Guidance on the Use of Restrictive Physical Interventions for Students with Severe Behavioural Difficulties LEA 0264/2003 (2003).

Applies to:

- the whole college along with all activities provided by the college, including those outside of the normal college hours;
- all staff (teaching and non-teaching), the directors and volunteers working in the college.

Related Documents:

- Anti-bullying Policy and Procedures
- Safeguarding and Child Protection Policy
- Behaviour Management including Discipline and Sanctions Policy
- Staff Code of Conduct

Availability

This policy is made available to parents, staff and students in the following ways: via the College website, in the Parents' portal, on the Staff portal, within the Parents' Policies Folder in Reception area from where a may be obtained on request

Monitoring and Review:

- This policy will be subject to continuous monitoring, refinement and audit by the Principal.
- The Board of Directors undertake a formal review of the policy, by no later than two years from the date shown below, or earlier if significant changes to the systems and arrangements take place, or if legislation, regulatory requirements or best practice guidelines so require.

Signed:

Date: December 2016

Dr Sally Powell
Principal

Edward Browne and Robert Marsden
Board of Directors