

Reasonable Force Policy

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** Policies will be reviewed more frequently if legal changes or good practice require*

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Related policies/documents:

Staff Code of Conduct;
Student Disciplinary Policy; and
Safeguarding Policy

1. Background

Guidance concerning the use of reasonable force to restrain students can be found in section 550(A) of the Education Act 1996. This policy should be read in conjunction with the Use of Reasonable Force (July 2013) DfE Guidance document for headteachers, staff and governing bodies.

2. Rationale

The Education Act 1996 forbids corporal punishment but allows all North Kent College (“the College”) staff and appointed security contract staff to use reasonable force to prevent a student from:

- 2.1 committing a criminal offence;
- 2.2 injuring themselves or others;
- 2.3 damaging property; and/or
- 2.4 acting in a way that is counter to maintaining good order and discipline at the College

This power may be used where the student is on College premises or elsewhere in the lawful control or in the charge of a staff member.

There is no legal definition of when it is “reasonable” to use force. That will always depend on the precise circumstances of individual cases. To be judged lawful, the force used would need to be in proportion to the consequences it is intended to prevent. The degree of force used should always be the minimum needed to achieve the desired result.

The Act does not cover more extreme situations, such as action in self-defence or in an emergency, when it might be reasonable for someone to use a degree of force.

3. Scope

This policy applies to every campus of North Kent College, which incorporates Hadlow College and its residential accommodation.

4. Definitions

Campus:	Any site from which the College operates;
MyConcern:	Online portal for the recording of concerns relating to students;
Reasonable Force:	Please see point five for full definition;
SEND:	Student with Learning and/or Physical Disabilities;
Staff:	For the purposes of this policy, the term “staff” includes all employees of North Kent College,

College Contract staff, Agency staff and can also apply to individuals who the Head of Curriculum has temporarily put in charge of students, such as volunteers.

It does not include individuals employed by a contractor, e.g. cleaning operatives.

Student(s): Individual(s) enrolled on educational programmes at the College;

The College: North Kent College, which incorporates Hadlow College;

Visitor(s): Individuals who are:

invited to attend meetings with staff regarding their child/ward;

patrons of theatres, restaurants or salons etc; or

uninvited individuals who arrive on campus without an appointment.

5. What is reasonable force?

- 5.1. The term “reasonable force” covers the broad range of actions used by most lecturers at some point in their career that can involve a degree of physical contact with students.
- 5.2. Force is usually used either to control or restrain. This can range from guiding a student/visitor to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student/visitor needs to be restrained to prevent violence or injury.
- 5.3. “Reasonable in the circumstances” means using no more force than is needed.
- 5.4. As mentioned above, Colleges generally use force to control students/visitors and to restrain them. Control means either passive physical contact, such as standing between students/visitors or blocking a student's/visitor's path, or active physical contact, such as leading a student by the arm out of a classroom.
- 5.5. Restraint means to hold back physically or to bring a student/visitor under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.
- 5.6. College staff should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the student/visitor.

6. Minimising the need to use reasonable force

- 6.1. Staff or College contract staff should always try to deal with the situation using other agreed strategies to calm a situation before considering using force.
- 6.2. Although the College recognises that preventative measures will not always work, there are numerous steps that will be taken to help reduce the likelihood of situations arising where the power to use force may need to be exercised. The College endeavours to:
 - 6.2.1. create a calm, orderly and supportive College environment that minimises the risk of violence of any kind;
 - 6.2.2. develop effective relationships between students/visitors and staff that are central to good order;
 - 6.2.3. adopt a whole-College approach to developing social and emotional skills;
 - 6.2.4. take a structured approach to staff development that helps staff to develop the skills of positive behaviour management; managing conflict and also support each other during and after an incident;
 - 6.2.5. recognise that challenging behaviours are often foreseeable;
 - 6.2.6. effectively manage incidents while understanding the importance of communicating calmly, using non- threatening verbal and body language to ensure that the individual can see a way out of a situation.

For example, students should always be given an option of going to a quiet space with the staff member or contract staff, away from bystanders and other students, so that staff can listen to their concerns; or they can be joined by a member of staff who is well known to the student; and/or
 - 6.2.7. wherever practical, warning an individual that force may have to be used before using force.

7. Staff authorised to use reasonable force

As detailed in point four, Staff and the College's appointed contractor staff are defined as all members of the College who have a legal power to use reasonable force. It can also apply to people whom the Heads of Curriculum has temporarily put in charge of students such as volunteers.

8. When can reasonable force be used?

Reasonable force can be used to prevent individuals from hurting themselves or others, from damaging property, or from causing disorder.

In a College, force is used for two main purposes – to control students or to restrain them.

The decision on whether to physically intervene is down to the professional judgement of the staff or contract staff member concerned and should always depend on the individual circumstances.

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

8.1. Colleges can use reasonable force to:

- 8.1.1. remove disruptive student from the learning space where they have refused to follow an instruction to do so;
- 8.1.2. prevent a student behaving in a way that disrupts a College event or a College trip or visit;
- 8.1.3. prevent a student leaving the learning space where allowing the student to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- 8.1.4. physically moving a student to a position of safety, in the case where not to do so could result in an injury to the student (including administering first aid)
- 8.1.5. prevent a student from attacking a member of staff or another student, or to stop a fight on campus;
- 8.1.6. restrain a student at risk of harming themselves – e.g. through physical outbursts; and/or
- 8.1.7. removing an uninvited visitor from the Campus who refuses to leave but could either be a safeguarding risk or a disruption to teaching and learning.

8.2. College Staff or contract staff cannot:

- 8.2.1. use force as a punishment – it is always unlawful to use force as a punishment.

In these examples use of force would be reasonable (and therefore lawful) if it was clear that the behaviour was sufficiently dangerous or disruptive to warrant physical intervention of the degree applied and could not be realistically dealt with by any other means.

When possible, a warning should be issued that force will be used if they do not desist from their behaviour.

However, should the situation be time critical or involve a high risk of injury to the student, then it is accepted that action must be taken quickly, and a warning cannot be issued.

9. Deciding whether to use reasonable force

Staff or contract staff should only use force when the risk of not using force significantly outweighs those of using force.

In such an instance, the judgement whether to use force and what force to use should always depend on the circumstances of each case. Students with Student with Learning and/or Physical Disabilities ("SEND") should be handled according to information about the individual student concerned.

The greater the potential for injury, damage or serious disorder, the more likely it is that using force may be justified.

The relative risks associated with a physical intervention should be compared to the risks of using other strategies. Where using a physical intervention will result in a reduced risk when compared with other strategies (i.e. a student can be moved to safety more quickly than explaining the risk and asking the individual to move in a time critical scenario) the more likely it is that using force can be justified.

10. Using reasonable force

Staff, as far as possible, should not use force unless or until another responsible adult is present to support, observe and call for assistance. Then staff should always only use the minimum amount of force to achieve the desired effect.

Before using reasonable force, staff or contract staff should, wherever practical tell the student/visitor to stop misbehaving/explain the danger of the situation and communicate in a calm measured manner throughout the incident.

Staff or contract staff should not give the impression of acting out of anger or frustration, or to punish a student/visitor and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary.

10.1. Types of reasonable force used could include:

- 10.1.1. passive physical contact resulting from standing between students/visitor or staff and students.

10.2. Active physical contact such as:

- 10.2.1. leading a student/visitor by the arm or hand;
- 10.2.2. ushering a student/visitor away by placing a hand in the centre of the back; and

- 10.2.3. in more extreme circumstances, using appropriate restrictive holds/moving a student/visitor to safety quickly.

Where there is a high and immediate risk of death or of serious injury, any member of staff or contract staff would be justified in taking necessary action (consistent with the principle of seeking to use the minimum force required to achieve the desired result). Such situations could include preventing a student running off the pavement onto a busy road or preventing a student hitting someone with a dangerous object such as a glass bottle, hammer or knife.

Staff should always make every effort to avoid acting in a way that might reasonably be expected to cause injury. However, in the most extreme circumstances it may not always be possible to avoid injuring a student.

Staff or contract staff should always avoid touching or restraining a student/visitor in a way that could be interpreted as sexually inappropriate.

11. Staff Training

Appropriate staff training will be available relating to the nature of the role held by the staff member.

Students with higher support needs will be assessed by the Head of Additional Learning Support in order to produce an individual risk assessment, available to staff where it is known that force is more likely to be necessary to restrain a particular student, such as a student whose SEND and/or disability is associated with extreme behaviour. Appropriate training will be given to the necessary staff working with these students on a regular basis and College staff will be notified about procedures in place.

12. Recording/reporting Incidents

The College will keep records of every incident in which force has been used on a student by using MyConcern, in accordance with this College policy and safeguarding requirements. The purpose of recording such an incident is to: ensure policy guidelines are followed; to inform parents; to prevent misunderstanding or misinterpretation of the incident; and to provide a record for any future enquiry.

12.1. Staff that can be called if a situation arises include:

- 12.1.1. Head of Welfare and Safeguarding Services;
- 12.1.2. Head of Additional Support;
- 12.1.3. Senior Leadership Team

12.2. Parents/carers to be informed on the same day by relevant Senior Leadership Team member:

12.3. Where the incident involves an individual who is not a student, this too can be logged on the safeguarding MyConcern database but no student would be assigned to the record.

13. Complaints and Allegations

Complaints and allegations should be managed in accordance with the College's Complaints Policy.

14. Further information

For all students, physical contact may be appropriate when:

- 14.1. a student needs to get comfort or reassurance e.g. following an accident or personal crisis;
- 14.2. a student needs encouragement to attempt a new challenge e.g. to climb on to a piece of apparatus; and/or
- 14.3. there is a need to take urgent action to avoid an incident or injury.

However, physical contact must be appropriate for the age, understanding and gender of the student and should not threaten or be sexually inappropriate. Staff should aim to be sensitive to:

- 14.4. cultural backgrounds/religious beliefs;
- 14.5. the need to maintain students' personal space; and
- 14.6. students who either seek physical contact or positively avoid it.

Appendix 1: How to report an incident where the use of reasonable force was unavoidable

Log on to MyConcern Click here to log-on to MyConcern
Click on: Report a Concern
Complete the report and remember to include:
Name of Student
Curriculum Area/Course
Date and time of Incident.
Campus/Location where the incident occurred.
Is there CCTV Footage available?
Record the names of Staff involved (include first aider where applicable).
Record the name(s) of students involved either directly or indirectly.
Full description of incident - please include any attempts made to de-escalate and warnings given that force might be used.
Be clear on specifying the reason for using force and description of force used.
Detail any injuries suffered by staff and/or students and whether any first aid or medical attention required
Has any information been shared with staff not involved with the incident or external agencies – e.g. the police?
How and when were parents/guardians informed? (Please include any views they expressed about the incident).