



Use of Reasonable Force Policy

Date of Publication: 12/03/2022

Last review: 10/08/2023

Date of Next Review: 10/08/2024



This policy should be interpreted in the context of other relevant Policies and Procedures, particularly EmpowerEd Safeguarding Child Protection and Safeguarding Policy

Purpose

Providing high quality education that gives our students the knowledge, skills and experience to be successful in their chosen career.

EmpowerEd Equality and Diversity Ethos Statement

This policy and procedure is subject to The Equality Act 2010. EmpowerEd is fully committed to promoting, maintaining and supporting equality and diversity in all aspects of its work. EmpowerEd aims to create an environment where all individuals have the opportunity to achieve their full potential, and gain a feeling of self-esteem and respect for and from all others. EmpowerEd expresses its opposition to all forms of inequality and discrimination.

Introduction

It is important that we have a policy about the use of reasonable force to control or restrain students. All members of staff who may have to intervene physically with students must clearly understand the options and strategies open to them. This policy clarifies what is acceptable and what is not.

Corporal punishment is in no way authorised through the following policy. EmpowerEd policy and the law forbids a member of staff to use any degree of physical contact which is deliberately intended to punish a student, or which is intended to cause pain or injury or humiliation.

Every effort will be made to ensure that all staff at EmpowerEd will have a clear understanding of this policy and be trained accordingly.

Implications of the Policy

The Education Act 1997 clarified the position about the use of physical force by tutors, and others authorised by senior management, to control or restrain students. The clarification was made by adding a section (Section 550A) to the Education Act 1996. This new section came into force on 1st September 1998 and applies to all education settings. It restates principles derived from common law and statute that have, in the past, been misunderstood. Where necessary reasonable force can be used to control or restrain students. Physical contact with students may also be appropriate or necessary in other circumstances. Staff should always avoid touching or holding a student in a way that might be considered indecent.

Policy Statement

Tutors and those authorised by the Management Team, who have control or charge of students are allowed to use 'reasonable force' to prevent a young person from doing the following:

- ✎ Committing a criminal offence



- ↳ Injuring themselves or others
- ↳ Damaging property
- ↳ Acting in a way that is counter to maintaining good order and discipline at the EmpowerEd
- ↳ The policy is only applicable when an authorised person is on the EmpowerEd premises, or has lawful control or charge of the student concerned on an authorised out of EmpowerEd activity.

Reasonable Force

Although there is no legal definition of reasonable force, the degree of force must:

- ↳ Be in proportion to the circumstances of the incident.
- ↳ Always be the minimum needed to achieve the desired result.
- ↳ Take into account the individual

The degree and reasonability of force will depend upon circumstances.

Physical force is not justified for:

- ↳ Trivial misdemeanours
- ↳ A situation that can be resolved without force

The Behaviour Policy should always be used in the first instance to support both staff and students.

Application of Force

Physical intervention can involve:

- ↳ Coming between students.
- ↳ Blocking a student's path.
- ↳ Holding, pushing or pulling.
- ↳ Leading a student by the hand or arm.
- ↳ Shepherding a student away by placing a hand in the centre of the back.
- ↳ And in extreme circumstances, using more restrictive holds which staff will have been trained for.

On no account can a member of staff act in a way that might cause injury

- ↳ Holding a student around the neck, by the collar or in any way that might restrict breathing.
- ↳ Slapping, punching or kicking a student.
- ↳ Tripping up a student.
- ↳ Holding or pulling by the hair or ear.
- ↳ Holding a student face down on the ground.



Self Defence

All staff have the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so.

Recording Incidents

A detailed, written report of any occasion where force is used is required. This will help prevent misunderstanding and would be helpful should there be a complaint. Records of a written incident should be passed to the Senior Management. This procedure would not be applicable in a minor or trivial incident.

The written incident should include:

- ↳ The name of the student or students involved.
- ↳ Where the incident took place.
- ↳ Names of witnesses, staff or students.
- ↳ How the incident began and progressed. Include details of student's behaviour, what was said, steps taken to defuse or calm the situation, degree of force used and how applied.
- ↳ Student's response and outcome.
- ↳ Details of any injuries or damage to property.

Staff may consider informing their professional association. Parents will be informed of any such incident as soon as possible. This may require a phone call followed up by a letter. Complaints from a parent could lead to an investigation either under the EmpowerEd's disciplinary procedures, by the Police or Social Services under child protection procedures. It is therefore vital that the policy is carefully followed and all incidents accurately recorded.

Advice

Prior to using physical intervention consider:

- ↳ Can the situation be dealt with using other strategies?
- ↳ Whether strategies are in place for the individual student concerned which can be used to defuse or calm situations.
- ↳ Whether such action will exacerbate the situation.
- ↳ The age and level of understanding of the student.

Practical Considerations

Before intervening physically a member of staff must:

- ↳ Tell the student who is misbehaving to stop.
- ↳ Continue to talk with the student throughout the incident.



- ↘ Retain a calm and measured approach.

It may be inappropriate for a member of staff to intervene in an incident without help unless in an emergency. In such cases the member of staff should:

- ↘ Remove other students who are at risk.
- ↘ Summon help from colleagues.
- ↘ Inform students that help has been sent for.
- ↘ Continue to attempt to defuse the situation orally
- ↘ Utilise de-escalation techniques - both verbal and non verbal in attempting to diffuse the situation.

Positive handling at EmpowerEd is seen as a proactive response to meet individual student needs and any such measures will be effective in the context of the overall ethos of the EmpowerEd, the way that staff exercise their responsibilities and the behaviour management strategies used.

- ↘ Shepherding a student away by placing a hand in the centre of the back
- ↘ And in extreme circumstances, using more restrictive holds which staff will have been trained for.