

**The purpose of this policy is to**

Outline the Colleges arrangements for de-escalation of challenging situations, the use of reasonable force, physical interventions and clarification on protocols for the restraint of persons.

**Who does this policy apply to?**

This policy applies to all staff, students and visitors to the College.

**Policy Statement**

This policy has been written based on the Education Act, Department of Education guidance on the use of reasonable force within Colleges and the Bournemouth, Poole and Christchurch Local Authority policy guidance on the use of physical or restrictive intervention. The policy defines the appropriate use of physical force by employees and others authorised by the College.

Where necessary, reasonable force can be used to control or restrain students, staff and visitors. Physical contact with students may also be appropriate or necessary in other circumstances, which are explored in this policy. It should never be used as a substitute for good behavioural management.

The College promotes effective, non-aversive intervention strategies.

**Definitions**

**Reasonable Force**

Legally there's no specific definition of reasonable force as this is judged on a case by case basis. However, if you can prove that your actions were necessary given what you thought at the time, then this is acceptable and you have acted within the law.

**Physical Restraint**

Any direct **physical** contact where the intention of the person intervening is to prevent, restrict, or subdue movement of the body, or part of the body of another person.

**De-escalation**

There is a clear process for the management of behaviour of our students at the College. Our students have a wide range of provision to help and support them. There is a staged approach to intervention when dealing with challenging behaviour and situations.

The pyramid below outlines the tiered approach to intervention:

Pyramid of  
Intervention

**Stage 4**  
Physical  
intervention

**Stage 3**  
Risk Assessments  
Working with external  
agencies and appropriate  
referrals made to Student  
Support Team

**Stage 2**  
Appropriate use of Managing Student  
Behavior Policy at stages 1 and 2  
Developing further teaching techniques to  
support students and staff  
Managing boundaries  
Support from Teaching and Learning Coaches  
Ensure high quality communication through  
College systems e.g. Pro Monitor  
Care and Support Plans

**Stage 1**  
Modeling good behavior  
College Values  
Appropriate language  
Classroom behavioral management  
techniques  
Effective communication to defuse situations  
rather than escalate  
Managing student, staff and visitor  
expectations  
Guidance contained within EHCPs and IHCPs

## **Reasonable Force**

The term 'reasonable force' covers a broad range of actions used to control a situation, for example guiding a student to safety by the arm or in more extreme circumstances such as intervening to break up an altercation.

Any decisions regarding the use of physical interventions are to be made on the premise of minimum reasonable force.

It is not possible to totally define all situations when it is reasonable to use force, or the degree of force that may reasonably be used. It will always depend on all the circumstances of the situation, however there are two relevant considerations:

1. The use of force can be regarded as reasonable only if the circumstances of that 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 the use of force.
2. Staff should balance the risk of intervention against the likely outcome of not intervening. Personal safety must be considered at all times.

As soon as the situation is brought under control, steps should be taken to decrease the intensity of any reasonable force used.

## **Those permitted to use reasonable force**

All members of the College staff have a legal right to use reasonable force, where it is warranted for the situation.

## **Situations where the use of reasonable force may be necessary**

There are a number of situations in which the use of reasonable force might be required.

These can be defined under two broad categories:

- Where action is necessary in self-defense or because there is an imminent risk of injury;
- Where there is a developing risk of injury.

Examples of these categories could include:

- Removal of a student from a classroom where they have refused to follow instructions to do so
- Preventing a student behaving in a way that disrupts an authorised activity or educational visit endangering others
- Preventing a student leaving the classroom, where allowing that student to leave, would risk their safety or lead to behavior that would affect the safety of others
- Preventing a student from attacking a member of staff or another student, or to stop a physical altercation

The use of reasonable force should always be a last resort.

### **Practical Considerations**

In the first instance the member of staff, must for their own safety and that of others, escalate the situation through the Security Team before intervening

Before intervening physically an employee should, wherever practicable:

1. Tell the student who is behaving inappropriately to stop, and what will happen if they do not.
2. The employee should continue attempting to communicate with the student throughout the incident and should make it clear that physical contact will stop as soon as it ceases to be necessary. A calm and measured approach to the situation is needed. Employees should never give the impression that they have lost their temper, or are acting out of anger or frustration, or to punish.
3. The employee should remove other students/visitors/staff who might be at risk.
4. Where appropriate, Security Staff, or in the case of a student concern the Student Support Team, will be responsible for calling the Police.

All staff should always avoid touching or holding a student in a way that might be considered indecent or inappropriate and should always follow the College Safeguarding and Child Protection Policy and training.

### **Action in Self-Defense or in an Emergency**

All employees have the legal right to defend themselves, provided that there is not a disproportionate degree of force used to do so.

In an emergency situation for example, if a student was at immediate risk of serious injury or they were on the point of inflicting injury to another person, an employee is within their rights to intervene.

The use of reasonable force or restraint should always be a last resort and must be reasonable and proportionate.

### **Supportive use of Risk Assessments**

At stage 3 of the pyramid of intervention a formal risk assessment should be compiled in conjunction with the Head of Health and Safety, Head of Student Support and Security Manager. The process of assessing risk is to identify what additional control measures and levels/types of intervention that may be required. The process will evaluate the individual's characteristics, effective strategies that can be used to manage behavior and an evaluation of the current risk posed. There should be full consultation with those who have parental responsibilities.

### **Physical Restraint**

The College recognises that at certain times there may be a requirement to deploy or use actual physical restraint. There are only certain named staff that are fully trained and permitted to use actual physical restraint. These staff names are held by the Director of Estates and the Security Manager.

All decisions regarding the use of physical restraint should be made on the premise of minimum force.

Physical restraint can take several forms and might involve:

- Physically interposing
- Holding
- Pushing or pulling

Authorised individuals are not permitted to act in any way that might reasonably be expected to cause injury, for example:

- Holding around the neck, or by the collar, or in any other way that might restrict the ability to breathe.
- Slapping, punching or kicking
- Twisting or forcing limbs against a joint.
- Tripping
- Holding or pulling by the hair or ear.
- Holding face down

### **Corporal Punishment**

The law forbids any employee to use a degree of physical contact which is deliberately intended to punish, or which is primarily intended to cause pain, injury or humiliation. The College does not tolerate or authorise the use of corporal punishment on students, staff or visitors and this will form part of the College disciplinary policy.

### **Recording Incidents**

It is important that there is a detailed, written report made of any occasion where reasonable force is used. The incident must be reported and recorded within 24 hours of the incident occurring. This should be recorded on the College's incident report form and sent to the Health and Safety Department. It is a requirement to inform parents/carers of an incident involving their child at the earliest opportunity but certainly before the end of the College day. This communication with parents/carers should be recorded on the incident report form and Pro Monitor.

Immediately following any incident involving the use of restraint the staff member concerned must directly inform the Director of Student Experience, the Director of Learning for the area and / or the Head of Health and Safety. All incidents will be formally logged and reported to appropriate and relevant authorities. Parental/Carer contact and post management of the incident will be delegated to the relevant Director of Learning, or in their absence the Learning Manager.

### **Complaints**

The College has a formal complaints policy which will be followed were there are any allegations in relation to physical intervention or the use of physical restraint and search.

## Why do we need this policy / background information?

- To provide guidance on the circumstances in which physical and restrictive intervention may be used
- To clearly explain associate processes and procedures
- To maintain the safety of everyone at the College
- To meet the Colleges legal responsibilities

## Links to College values and other College policies

- Safeguarding and Child Protection Policy
- Managing Student Behaviour Policy
- Complaints Policy
- Staff Disciplinary Policy
- Equality, Diversity and Inclusion Policy
- Health and Safety Policy

## Who needs to understand this policy and how will they know about it?

The following training and awareness will be put in place:

Who?	How?
Students	Policy available on the College website. Reference made to the Policy through induction and enrolment processes
College managers	Include in SLT bulletin
All teaching staff	Briefing by Learning Manager; visits to team meetings if requested.
Business Support staff who interact with students	Briefing by line managers; copies of the policy to be distributed.

Policy approved by:

SLT

Date: October 2020

Bournemouth and Poole College Function Equal Opportunities
<b>This policy has been examined for equality impact i.e. the impact that this policy will have on different groups of current or potential learners, service users and staff taking into account the protected characteristics of the Equality Act 2010 (age, disability, gender, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sexual orientation)</b>
<b>1. If equality impact analysis is not relevant to this function give reasons and proceed to section 5 below</b>
<b>2. In what ways could this function have a negative impact on any of the groups above? What actions have been taken to eliminate these?</b> This policy could have a negative impact on certain student groups e.g. High Needs / SEND/ESOL students. Action will be taken to fully brief staff in these areas and

guidance offered. Review of impact of this policy within this area to be undertaken by relevant Learning Manager.  
The awareness to respect cultural and religious beliefs when applying physical intervention

**3. In what ways could this function have a positive impact on any of the groups above? How will this function be used to eliminate discrimination, advance equality of opportunity and foster good relations between different groups? Are there plans for the future which will further advance equality?**

The policy will ensure that our sites are kept and maintained as being safe for all users of the College and will ensure that staff feel confident in the use of the policy.

**4. What evidence supports your judgements? E.g. Consultations, observations, expert opinions, quantitative or qualitative surveys? If the evidence is in the form of an additional document, where is it stored?**

As detailed at the start of the policy there has been extensive review of existing arrangements, Local Authority and other college exemplar policies and guidance have been used to create this policy.

5. Name and job title of manager responsible

Director of Estates

## **Appendix 1**

### **Weapons and Firearms Procedure**

The College does not tolerate bringing an offensive weapon or firearm onto our campuses or educational related activity. To ensure the most effective approach to this issue, the following procedures should be followed:

#### **Prevention:**

The College will undertake a range of actions to promote conditions that reduce the risk of a student bringing a weapon or firearm into the College. This includes work with external agencies and the Police; effective awareness raising through Personal Development sessions including British Values and the Prevent Duty.

#### **Legislation:**

The Offensive Weapons Act and the Criminal Justice Act confirm that:

‘A person who without proof of good reason or lawful authority has an article with blade or point, or an ‘offensive weapon’, on college premises is guilty of an offence. Some examples, not exhaustive of offensive weapons include:

- Gun or knife
- Tasers
- Acid or corrosive substances
- Any item that is pertaining to be gun/knife like

It is down to the individual to prove that the article or weapon was needed for use at work, for educational purposes, for religious reasons or as part of any national costume.

#### **Students deemed to pose a threat of carrying offensive weapons:**

The College will undertake a range of actions with regard to students who are identified as being at a higher risk of bringing an offensive weapon or firearm into the College. This includes seeking information from referrers, previous schools and external agencies working with a student. The College will ensure that all staff understand they have a responsibility to act on information from other students and stakeholders. Where appropriate, random searches may be carried out; the Police may assist with this.

#### **Students who have attempted to, or have brought an offensive weapon or firearm into the College or its undertaking:**

The College staff will take the following actions when a student brings or attempts to bring an offensive weapon or firearm onto a College campus, within Homestay provision, while on an educational visit or work placement:

- At any point, if there is a concern for the safety and well-being of any student or staff member the Police will be called.
- Any member of staff who receives knowledge that a student may be in possession of a weapon or firearm must immediately inform the Security Team. Based on a dynamic risk assessment of the immediate situation, the student will be isolated where possible and asked if they have a weapon.



- Under all circumstances any offensive weapon or firearm will be confiscated by the College and passed to the Police by the Security Manager.
- If a student takes out an offensive weapon or firearm at any point the student will be isolated where possible and other students and staff will be removed to a safe place. The Police will be called immediately.
- Appropriate persons will be informed such as parents/carers, the police or relevant agencies.
- Any situation will be recorded as an incident on the College incident report form.
- Appropriate referrals to agencies and counselling will be made on behalf of the student.
- Due regard will be given to staff wellbeing and a support plan agreed as required.
- In all cases where possession of a knife or other offensive weapon occurs within the College it will be reported to the Police by the Security Manager, a crime will be recorded by Police and investigation carried out.
- Any students involved in carrying or using an offensive weapon or firearm will be subject to action through the Managing Student Behaviour Policy.

## **Appendix 2**

### **Search Procedure**

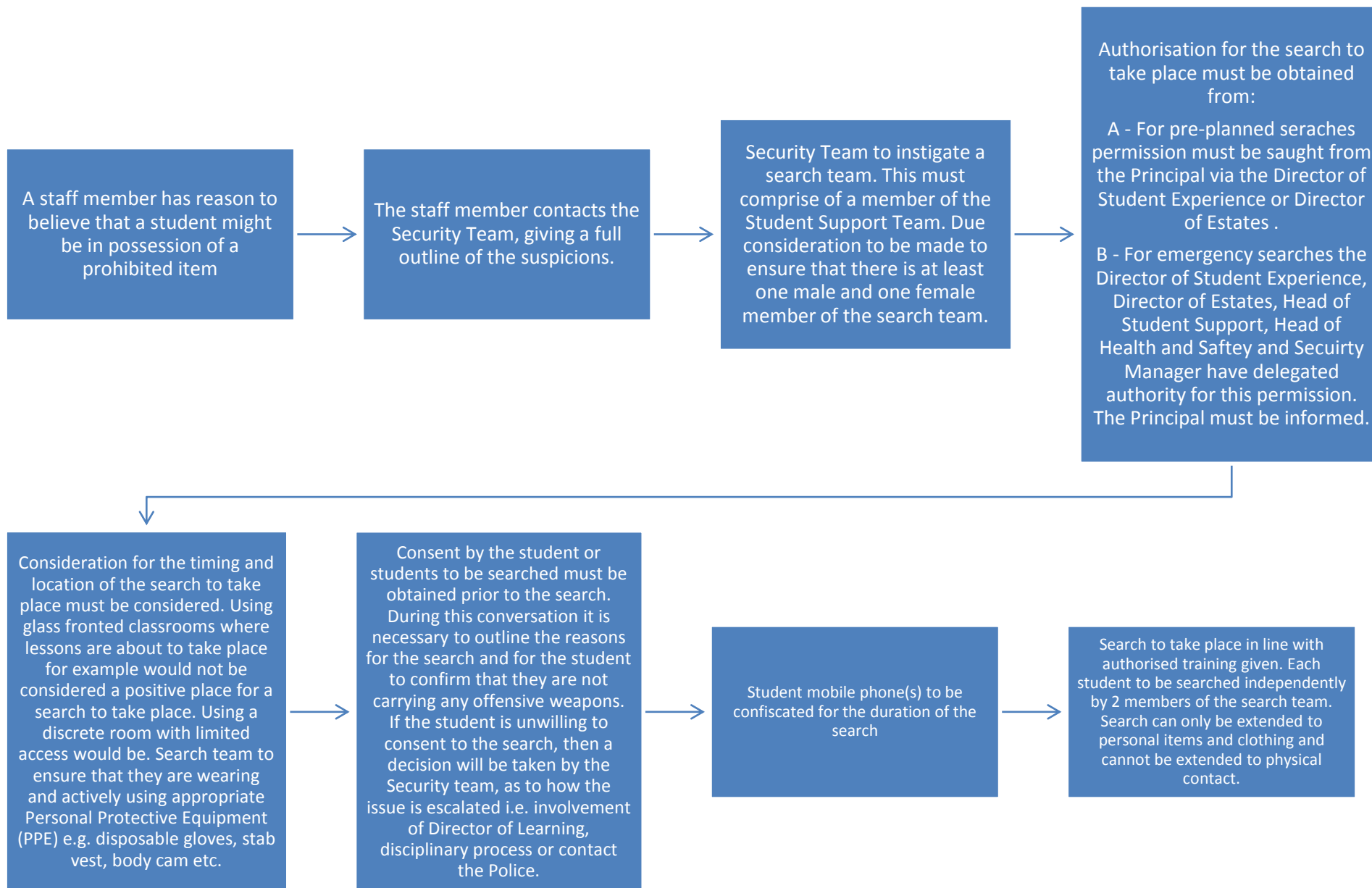
In addition to the general power to use reasonable force, there are certain named staff that are fully trained and permitted to search. These staff names are held by the Director of Estates and the Security Manager.

These named staff can search for the following prohibited items:

- Knives and Weapons
- Alcohol
- Illegal drugs and paraphilia
- Stolen Items
- Any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Search can only be carried out with consent. If consent is not given then the Police will be called.

## Search Process





## Outcomes

Item Found	Immediate Action	Sanction
Drug Paraphilia	Drugs and Alcohol Policy to be followed. Confiscation and appropriate disposal by the Security Manager	Managing student behaviour policy to be followed.
Suspected stolen Items e.g. College property or other student possessions	Where the items cannot be confirmed as belonging to the student these are to be confiscated and treated as lost property, following Security procedures. Police to be informed, by Security Manager, should the item or items be of high monetary value.	Managing student behaviour policy to be followed.
Illegal Drugs and Alcohol	All illegal substances to be seized and the Drugs and Alcohol policy to be followed. Student to be suspended immediately via the Director of Learning. If there are large quantities of drugs found seek immediate advice from the Police. Student to be suspended immediately via the Director of Learning.	Managing student behaviour policy to be followed.
Knives and Weapons	Confiscate the items immediately. Security Manager to store in evidence bags and locked safe and contact the Police immediately.	Managing student behaviour policy to be followed.
Significant quantities of money (over £100)	If there are significant quantities, of monies that cannot be reasonably explained seek immediate advice from Director of Student Experience/Head of Student Support with consideration of Police involvement.	Managing student behaviour policy to be followed.

	Student to be suspended immediately via the Director of Learning	
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### **Documentation and Reporting**

The College incident report form must be completed in all cases where a search has taken place and sent to the Health and Safety Department following that process.