



Policy Title – Physical Intervention Policy

Author – Principal

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Contents

1. Introduction
2. Purpose
3. Prevention and de-escalation
4. Who is authorised to use force?
5. Where force can be used?
6. Dealing with members of the public.
7. Circumstances in which restrictive physical restraint may be used.
8. The nature of physical intervention.
9. Physical contact in other circumstances.
10. Recording incidents
11. Post-incident support
12. Searching students for weapons.

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Introduction:

In Summer 2007, colleges were given new powers to address the small but growing number of incidents of actual or threatened violence on college sites. Under the Education and Inspections Act 2006 from 1 April 2007 members of college staff (with or without an employment contract) are given an explicit power to use reasonable force to restrain students to prevent injury to others or damage to property. (Section 165 adding a new section 85C to the Further and Higher Education Act 1992). This is extended to situations arising outside the school/college premises (section 93) and to those other than members of staff of the school/college who are authorised by the college principal (section 165 adding a new section 85C to the Further and Higher Education Act 1992).

Purpose:

The purpose of this document is to provide some general guidance about physical intervention, describe what can be considered acceptable and to give examples of the circumstances when it can be used. It also gives guidance on searching students for weapons for staff authorised by the principal to do so. The overriding aim is for staff and students to be safe whilst in college and on college organised activities.

Prevention and de-escalation:

At Thomas Rotherham College we recognise that the vast majority of its students do not behave in an aggressive or violent way and that they attend college in order to learn effectively. In line with government policy using force to restrain or physically direct should be avoided wherever possible. Nonetheless, it is acknowledged that there might be occasions when this is necessary but it should always be reasonable and proportional to the circumstances. **Restraint is an action of last resort and not a substitute for behaviour management.** When restrictive physical interventions are necessary, staff should recognise the need to maintain the dignity of all concerned as well as always being intent on preserving everyone's safety.

Staff can minimise the chances of needing to use force by:

- Creating a calm and orderly environment
- Employing an active approach to teaching students how to manage strong emotions
- Avoiding actions that might incite violence
- Effective management of individual incidents and communicating calmly to students

Staff may need the support of colleagues to manage bystanders or other students but should not leave the person who is being restrained alone (unless the member of staff needs to withdraw to protect their own safety).

One technique for de-escalating a situation is to offer students options such as:

- Moving to another location
- Sitting down and having a drink of water
- Being joined by a familiar member of staff
- Being joined by family/friends

However, preventative measures will not always work. Sometimes the risk of not using force is greater than avoiding it and the following provides guidance about these circumstances:

Who is authorised to use force?

All members of staff (i.e. any person who works at the college, whether or not as its employee, including teaching and support staff and contractors) have the explicit power to use reasonable force to restrain students (as covered by Section 165 of the Education Inspections Act 2006).

Where force can be used?

Staff can only use force where they and the student are on college premises or its immediate surrounds if an incident overflows, or where they are off college premises, but in lawful control of the student (e.g. on a college visit)

Dealing with Members of the Public

Members of the Public who are not linked to the college by a learning agreement are outside the scope of this policy. The common law right of any citizen, in an emergency, to use reasonable force in self-defence, to prevent another person being injured or his property being damaged remains.

Circumstances in which restrictive physical intervention may be used

There are a wide variety of incidents in which reasonable and proportional force might be appropriate, or necessary, to control or restrain a young person. There is no legal definition of 'reasonable' force so it is not possible to set out comprehensively when it is reasonable to use force, or the degree of force that may be reasonably used. It will always depend on all the circumstances of the case.

Generally there will be four main categories as described below:

1. Preventing a student from committing a criminal offence
2. Where action is necessary in self-defence or because there is an imminent risk of personal injury to any person, for example:
 - there is danger to yourself.
 - a student attacks a member of staff or another student
 - students are fighting.
 - a student is running in a corridor or on a stairway in a way in which he or she might cause an accident likely to injure him/herself or others.
 - A student is committing, or on the verge of committing, serious damage to property.
3. Where there is an assessment that there is risk of injury, for example:
 - a student is causing, or at risk of causing, injury or damage, by out of control behaviour or the misuse of objects.
4. Where a student is behaving in a way that is seriously disruptive either during a teaching session or elsewhere and is not responding to verbal instructions, for example:
 - a student persistently refuses to obey an instruction to leave the classroom.
 - a student behaving in a way that is seriously disrupting a lesson
 - a student blocks a doorway to prevent others from leaving the room
 - a student is using a mobile 'phone to disrupt a lesson (a member of staff could forcibly confiscate the 'phone by removing it from a hand or desk but could not lawfully search the learner for the 'phone.)

The nature of physical intervention

A member of staff should call for assistance – the Site Security officer if practicable or a senior member of staff or the nearest available colleague and it would not be expected that physical intervention must be used. (See above for preventative measures).

Physical intervention means that a member of staff will touch a student in order to prevent one or more of the above four points and can take several different forms. Approaches that will generally be considered reasonable include:

- physically standing between students
- blocking a student's path
- guiding a student by the hand or arm
- shepherding a student away by placing a hand in the centre of the back
- holding (this term is taken to include only the sort of hold a reasonable parent might use with his / her young person. It does not refer to specific techniques of physical restraint that in untrained hands may pose a risk of injury)
- pushing (although this is specifically included in the DfES Circular, general advice would be that the only form of pushing that is appropriate, other than as a last resort in cases of immediate risk to life or serious injury, would be where reasonable force was used to resist someone's movement rather than the kind of forceful push that could cause a person to fall over with unpredictable results)
- restraining a student by using more restrictive holds than those listed above and for which specialist training has been given.

Staff should not act in a way that might reasonably be expected to cause injury for example

- holding a student around the neck or by the collar or in any other way that might restrict their ability to breathe;
- slapping, punching or kicking a student;
- twisting or forcing limbs against a joint;
- holding or pulling a student by the ear or hair;
- applying pressure to the neck, chest, abdomen or groin areas;
- forcing a student to the ground or holding them face down on the floor
- using clothing or belts to restrict movement;

In extreme circumstances of self-defence the above restrictions would not apply.

Staff should always avoid touching or holding a student in a way that might be considered indecent or could be interpreted as sexually inappropriate conduct.

- Under no circumstances should force be threatened or used as a punishment.

Special Considerations for students with Special Educational Needs, Disabilities or Specific Medical Conditions

Before students start at the College, students are interviewed concerning the above. This ensures that any prior needs can be taken into account and disseminated as necessary to relevant staff.

When reaching a decision about using force in a particular situation, staff where possible need to take into account any known relevant factors related to any special educational needs or disabilities the particular student may have.

Physical Contact in Other Circumstances

Everyone has the right to defend themselves against an attack, provided they do not use a disproportionate degree of force to do so.

There are occasions where physical contact with a student may be proper or necessary, for example, to demonstrate exercises, sports coaching or giving first aid. Touching may occasionally be appropriate where a student is distressed and needs comforting. Staff should use their own professional judgment when they feel a student needs this kind of support.

There may be some students for whom touching is particularly unwelcome, for example because of their cultural backgrounds or because they have been abused. It is essential that staff in regular contact with these students receive information on them. Staff should be aware that innocent and well-intentioned physical contact can sometimes be misconstrued. Other than in circumstances of self-defence or dealing with potential danger permission for physical contact should be obtained before initiating it.

Recording Incidents

It is essential that staff keep a detailed, written report of any occasion where force is used. This may help prevent any misunderstanding of the incident and is essential should there be a complaint.

The member of staff concerned should also report the incident to a member of SMT. The written report should be provided as soon as possible afterwards and given to the Principal.

The written report should include the following:

- the name of the student involved and when/where the incident took place;
- the names of any other staff or students who witnessed the incident;
- the nature of the incident
- the reason that 'force' was necessary
- how the incident began and progressed, including details of the student's behaviour, what was said by those involved, steps taken to diffuse the situation, the degree of force used, how that was applied and for how long;
- the student's response;
- details of any injury suffered by the student, other students, staff or any damage to property;
- subsequent actions including those related to the welfare of the student and staff involved;
- information given to other staff, parents and external agencies.

Incidents involving the use of force can cause parents great concern. The Safeguarding Team should consider at what stage the parents should be informed and given the opportunity to discuss the incident.

Any injuries should be reported and recorded in accordance with normal College procedures. In accordance with RIDDOR the college should report relevant incidents to the Health and Safety Executive.

Post Incident Support

After the incident it is essential that the staff and students involved are given first aid treatment and/or emotional support. If an ambulance is called, the usual procedures will apply. The Safeguarding Team will contact the student's family/carers to discuss, or arrange to discuss the incident.

In the days after the incident, the college will ensure that:

- The incident is recorded properly
- A decision about involving other agencies is made.
- The student is asked to give an account of the incident and the college disciplinary procedures are used appropriately.
- The staff involved have continuing support in respect of the physical consequences, the emotional stress or loss of confidence, analysing and reflecting on the incident.

Searching Students for Weapons:

In addition, from 31 May 2007, colleges were given powers by the Violent Crime Reduction Act 2006 (sections 45 and 46 respectively, section 46 inserting a new section 85B to the Further and Higher Education Act 1992.) The powers are to screen students, even without suspicion and without their consent, and to search students for weapons with reasonable grounds for suspicion but without their consent. The powers are subject to the following conditions:

- they are exercised on the institution's premises or elsewhere where the member of staff has lawful control of the student (e.g. during a field trip.)
- searches are undertaken or authorised by the principal or other senior manager, either generally or to deal with a specific incident;
- the student can only be required to remove outer clothing, i.e. clothing not worn next to the skin or immediately over underwear, but the staff member can require the student to remove a hat, gloves, scarf or shoes;
- the person conducting the search must be of the same sex as the student and may only carry out the search in the presence of another member of staff of the same sex as the student;
- anything found which the member of staff has reasonable grounds for suspecting is a knife, blade or in law an offensive weapon may be seized and handed over to the police as soon as reasonably practicable;
- the person exercising the power may in doing so use such force as is reasonable in the circumstances. Where the staff member anticipates force may be required it may be advisable to call the police if it is feasible to postpone the search until they arrive.

TRC expects that such searches will only occur when there are reasonable grounds to suspect a student may have a weapon on their person. When a member of staff suspects that a student has a dangerous object a senior manager should be informed immediately.

The student will be accompanied by 2 members of staff and at least one of them will be a member of the Senior Management Team (or authorised deputy). When this occurs the student is always informed of the suspicion and invited to give the item to the senior member of staff who is investigating the incident. If the item is found the usual disciplinary procedures will follow.

If the item is not found, the reasons for suspicion are explained to the student and an offer to contact the parents is made to the student by the Senior Member of staff.

When such powers are used the college must record them appropriately, and a report will be made to the governors, as part of the annual Safeguarding report.