



DERBY COLLEGE GROUP POLICY

GUIDELINE

Use of Reasonable Force Guidelines

Owning Policy:
Designated Owning Department:

Positive Behaviour Policy
Behaviour for Learning

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POLICY - PROCEDURES - GUIDELINES - RELATED DOCUMENTS

Use of Reasonable Force Guidelines

Definition

There is no legal definition of what degree of force is reasonable. It will depend on the circumstances of individual cases. The degree of force used should always be in proportion to the consequences it is intended to prevent and the minimum needed to achieve the desired result.

Statement

Derby College recognises that there may be occasions where employees are required to use reasonable force to either defend themselves or to protect others from injury. However, the use of reasonable force to restrain or physically direct another person should be regarded as a last resort.

Whilst there are situations in which there is no safer alternative, individual employees should try to minimise the chance of these arising by:

- Creating a calm, orderly and supportive College environment that minimises the risk of violence of any kind.
- An active approach to teaching students how to manage strong emotions.
- Having regard to avoiding actions that may be seen as inciting violence.
- Effective management of individual incidents – remain calm, use non-threatening language.
- Avoiding any physical contact with any other person unless essential to the teaching and learning process or normal working arrangements.

Preventive measures will not always work, therefore, in the circumstances where employees judge that the risks associated with not using reasonable force are greater than those associated with using reasonable force, they should follow the College's guidance and procedures. Employees using any reasonable force who have been properly trained and follow the guidance and procedures will be fully supported by the College in the event of any legal action taken by a student as a result of the application of reasonable force.

Guidelines

Using reasonable force to restrain or physically direct a student should be regarded as a last resort. However, a Derby College employee may use such force as is reasonable in the circumstances for the purpose of preventing a student from doing (or continuing to do) any of the following: -

- Committing an offence;
- Causing personal injury to, or damage to the property of, any person (including the student themselves); or
- Prejudicing the maintenance of good order and discipline at the College or among any of its students whether during a teaching session or otherwise.
- It may not be appropriate to use reasonable force if a student is known to be a self-harmer. Refer to the Self Harm Policy and/or Personal Assessment Plan.

Employees should also refer to the Derby College Use of Reasonable Force Dynamic Risk Assessment tool included within these guidelines as a model for when to and when not to use reasonable force

Preventive measures

Employees should communicate calmly with the student throughout the incident. They should use non-threatening verbal and body language to show that they are not acting out of anger, frustration or a desire to punish. They may need to seek colleagues' support (for example to manage bystanders or other students in a classroom), but should not leave the student alone

(unless they need to withdraw to protect their own safety). They should also ensure that the student does not feel trapped. This could involve offering the student options such as: -

- Going with the employee to a quiet room away from bystanders so that the employee can hear the student's concerns.
- Sitting down and having a drink of water.
- Being joined by a particular employee well known to the student.
- Being joined by a friend or family member.

Reasonable force

In the first instance, employees need to make an informed decision about the incident and whether further harm will be incurred.

There is no precise legal definition of what degree of force is reasonable, it will depend upon the precise circumstances of the individual case; however, the degree of force used should always be: -

- In proportion to the consequences it is intended to prevent; and
- The minimum needed to achieve the desired result.

Generally, reasonable force is used to control students and to restrain them. Control means either passive physical contact, such as standing between a student or blocking a student's path, or active physical contact, such as leading a student by the arm out of a classroom.

Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example when two students are fighting and refuse to separate without physical intervention.

The Crown Prosecution Service's view of reasonable force is: -

"A person may use such force as is reasonable in the circumstances for the purposes of: -

- Self-defence; or
- Defence of another; or
- Defence of property; or
- Prevention of crime; or
- Lawful arrest."

They will also question whether the use of reasonable force was justified in the circumstances, i.e. was there a need for any force at all and was the force used excessive in the circumstances.

Use of force as a punishment will always be seen as unlawful.

Examples of when restraint may be used

Examples of situations that fall into the scope of where restraint may be used are: -

- A student attacks an employee or another student.
- Students are fighting.
- A student is committing, or on the verge of committing, deliberate or serious damage to property or animal.
- A student is causing or at risk of causing injury or damage by accident, by dangerous play, or by misuse of dangerous materials or objects.
- A student is running or behaving inappropriately in a corridor or on a stairway in a way in which they are likely to have or cause an accident which may injure themselves or others;
- A student (aged under the minimum school leaving age) absconds from a class or tries to leave the College other than at an authorised time. The judgement whether to use force in this situation would depend on an assessment of the degree of risk to the student if they are not kept in the classroom or College. (Age and understanding would be critical factors.)

- Refusal to obey an order to leave the room.
- Is behaving in a way that is seriously disrupting a lesson.
- Blocks a door to prevent others from leaving.
- Resists attempts to search them for a prohibited item.

Decision on whether to use reasonable force must depend on judgements about: -

- The seriousness of the incident as judged by the effect of the injury, damage or disorder which is likely to result if reasonable force is not used.
- The chances of achieving the desired result by other means.
- The relative risks associated with physical intervention compared with using other strategies.

Types of reasonable force

The types of reasonable force used could include: -

- Standing between students.
- Blocking a student's path.
- Leading a student by the hand or arm.
- Shepherding a student away by placing a hand in the centre of the back.
- Pushing.
- Pulling.
- In more extreme circumstances, using restrictive holds (which may require specific expertise or training). An example of such holds might be where an employee holds a student's arms at his/her sides.

Action not to take

Except in the most extreme circumstances, employee should always avoid actions 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, kicking or tripping up a student.
- Twisting or forcing limbs against a joint.
- Holding or pulling a student by the hair or ear.
- Applying pressure to the neck, chest, abdomen or groin areas.
- Forcing a student onto the floor or holding them face down on the floor.
- Using clothing or belts to restrict movement.

Employees should always avoid touching or restraining a student in a way that could be interpreted as sexually inappropriate conduct.

Dealing with members of the public

Some of the College's campuses are more open than others, with facilities being open to the general public. It is, therefore, likely that a person encountered on campus will be a member of the public and not linked to the College by a student agreement. Such persons are outside the scope of this policy and the College would have to rely on common law rights, i.e. the right of any citizen in an emergency situation to use reasonable force in self-defence, to prevent another person from being injured or property being damaged.

Staff have common law rights to use reasonable force to defend themselves, persons or property.

Employers providing work experience placements for College students, have only common law rights to use reasonable force.

Complaints

Students and their carers have the right to complain about actions taken by the College, including the use of reasonable force. An early discussion with the student(s) to make clear the College's policy and reasons for actions taken may minimise the chances of a complaint, but will not prevent all. In such circumstances it will be for the Head of Behaviour for Learning (or if there was a prosecution, the Court) to decide whether the use and degree of force was reasonable in all the circumstances. Students and their carers may complain to the Police about unreasonable use of force. Such allegations may be referred to the Local Safeguarding Children Board. The College's policy and records of such incidents would be central to any investigation.

If a complaint is made the onus is on the person making the complaint to prove that their allegations are true. It is not for the employee to show that they have acted reasonably.

Dynamic Risk Assessment for Intervention Using Reasonable Force (RF)

