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# Policy on the appropriate use of physical contact and reasonable force

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## 1 Policy Statement

### 1.1 The College:

- 1.1.1 Does not require staff to make physical interventions with students or perform physical restraint. This policy sets out the mechanism for such decisions to be made and how such actions should be implemented, monitored and evaluated.
- 1.1.2 Acknowledges that there will be occasions when an individual's behaviour will necessitate the use of physical restraint.
- 1.1.3 Believes that the management of difficult and challenging behaviour is an activity requiring decency, honesty, humanity and respect for the right of the individual, balanced against the risk of harm to students, staff and members of the public. It will not use force as a punishment.
- 1.1.4 Acknowledges that the use of restraint or reasonable force is a personal choice (and not a requirement) for an individual member staff.
- 1.1.5 Expects that if restraint is used, it is only used if not using restraint may put an individual at risk of significant harm, and when all other practical means of managing the behaviour, such as de-escalation, verbal persuasion, time out have failed or are likely to fail in the circumstances.
- 1.1.6 Expects that in managing behaviour staff should give consideration to the cultural values, race and any special needs of the student in so far as is reasonably practicable.
- 1.1.7 Will ensure that systems and processes are in place to review all occasions where restraint is deployed, to ensure that any restraint used is reasonable, proportionate, necessary and used for the shortest possible interval to establish control.
- 1.1.8 Will ensure that professional and legal support is made available to any member of staff acting lawfully and in good faith, in situations where aggression or violence (actual or threatened) have led to restraint being applied.
- 1.1.9 Will ensure that staff involved in (or witness to) restraint are offered support, either via the Occupational Health Department or Employee Assistance Programme.
- 1.1.10 Establishes that any member of staff alleged of/witnessed using inappropriate or excessive physical contact or restraint with a student will participate in an independent investigation and/or procedures outlined by the College's Disciplinary Policy.

### 1.2 Introduction

- 1.2.1 City of Bristol College is committed to delivering the highest standards of health, safety and welfare to its students, staff and visitors.
- 1.2.2 Members of staff and students are aware of the standards of behaviour expected throughout the college to ensure learning takes place in a safe and supported environment. The college expects students studying at the college and staff to treat each other with courtesy, respect and to value the contribution each makes to the learning experience and the life of the college.
- 1.2.3 In order to ensure individuals are aware of expectations with regard to behaviour and the nature of their interactions with others, the college promotes its expectations via induction processes and supporting documents which are readily accessible via the College Intranet

and other relevant communication channels i.e. Student Charter, Staff Code of Conduct, Disciplinary Policies, Fitness to Study / Practice Policy and Equality, Diversity and Inclusion Policy.

- 1.2.4 This policy aims to offer guidance on the College's position on physical contact and use of reasonable force so that there can be no confusion.

## 2 Policy and Procedure

### 2.1 Physical Contact

- 2.1.1 There are occasions and circumstances when physical contact with a student may be required and appropriate. The Guidance for Safe Working Practices for the Protection of Children and Staff in Educational Settings states that: "A 'no touch' approach is impractical for most staff and may in some circumstances be inappropriate.
- 2.1.2 Any member of staff who is concerned about inappropriate physical contact should refer to the College's Safeguarding Policy and Procedure.
- 2.1.3 Staff should always avoid any action which might cause an injury.

### 2.2 Use of Reasonable Force, Recording and Monitoring of Serious Incidents

- 2.2.1 Restraint and reasonable force should only be considered as a last resort and only when all other avenues have been exhausted. Under Section 93 of the Education and Inspections Act 2006, staff have the right to use "reasonable force" in restraining or holding a child/young person ("reasonable force" being 'Reasonable in the circumstances' - meaning using no more force than is needed) under the circumstances when a student, including adult students, is committing or at risk of committing any offence, personal injury to any person (including the student themselves), causing damage to the property or preventing good order at the College.
- 2.2.2 The Act also defines to whom the power applies as follows:
- any member of staff who works at the College (teaching staff, support staff, learning support assistants, learning mentors).
  - any other person who has been authorised to have control or charge of students (agency staff or contractors).
- 2.2.3 In all cases of physical restraint, the guiding principle must be to use the least restrictive and most proportionate option to control the behavior for the least amount of time possible.
- 2.2.4 Any member of staff identifying violent or aggressive behaviour must escalate the incident to the senior person in charge, informing the Principalship immediately and wherever possible, and only if it is safe to do so, move other students away from the locality. The police should also be called if further expertise is required to safely control the behaviour.
- 2.2.5 The power to use reasonable force applies whether students are on College premises or elsewhere, as long as they are in the lawful control or charge of a staff member. This includes off site visits.
- 2.2.6 In an emergency, any member of staff is entitled to intervene or contact the police.

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- 2.2.7 All incidents where physical restraint and/or reasonable force has been necessary must be reported immediately to the Principalship and recorded in accordance with the College's incident reporting procedures.
- 2.2.8 The use of physical restraint will be monitored in order to help staff learn from experience, promote the wellbeing of students in their care and provide a basis for appropriate support. Monitoring of records will inform policy and practice, risk assessment and management, and to identify training and development needs.

## 2.3 The Searching of Students

- 2.3.1 The Principalship and staff authorised by them (members of the Strategic Leadership Team, managers, facilities officers and safeguarding officers) have a statutory power<sup>1</sup> to search students or their possessions, without consent, where they have reasonable grounds for suspecting that the student may have a prohibited item. Prohibited items are:
- knives or weapons
  - alcohol
  - illegal drugs
  - stolen items
  - fireworks or any other explosives
  - pornographic images
  - any article that the member of staff reasonably suspects has been, or is likely to be, used to commit an offence, or to cause personal injury to, or damage to the property of, any person (including the student).
  - Any other items banned by the College.
- 2.3.2 If a member of staff believes a student needs to be searched because they suspect that the student has on their possession items such as those described above, they should report this a member of staff authorised to perform a search.
- 2.3.3 In cases when staff believe that a student may be in possession of harmful and dangerous items such as knives, firearms or guns, the police should be involved and at the same time a member of the Strategic Leadership Team should be notified, starting with the Principal, Vice Principal or Designated Safeguarding Lead.
- 2.3.4 Staff conducting a search must be the same sex as the student being searched; and there must be a witness (also a staff member) and, if possible, they should be the same sex as the student being searched.
- 2.3.5 There is a limited exception to above rule. Staff can carry out a search of a student of the opposite sex to them and / or without a witness present, but only where they reasonably believe that there is a risk that serious harm will be caused to a person if they do not conduct the search immediately and where it is not reasonably practicable to summon another member of staff.

### 3 Linked Policies and Procedures

- Student Charter
- Staff Code of Conduct
- Safeguarding Policy
- Disciplinary Policy and Procedure
- Complaints Policy
- Fitness to Study / Practice Policy
- Equality, Diversity and Inclusion Policy

<sup>1</sup> Department for Education: Searching, Screening and Confiscation, January 2018

**Review frequency:** 3 years

**Lead officer:** Head of Student Services

**Senior Manager Responsible:** Director of Marketing, Communications and Customer Services