



## **Physical Intervention and The Use of Reasonable Force Policy**

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This policy will be reviewed: **November 2019**

Statutory policy? **Yes**

Source: **Alternative Provision**

## Physical Intervention Procedures and Guidance

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### 1. Objectives

At Nulogic, we aim to provide a safe, caring and friendly environment for all our learners to allow them to learn effectively, to improve their life chances and to help them maximise their potential.

We take the safety of our learners and staff very seriously. We believe that all learners and staff have the right to be safe and feel safe whilst on a Nulogic programme.

This policy should be read in conjunction with our Code of Conduct Policy.

### 2. Minimising the Need to Use Reasonable Force

As a training provider, we are firmly committed to creating a calm and safe environment which minimises the risk of incidents arising that might require the use of reasonable force. We will only use force as a last resort as we strongly believe in de-escalating any incidents as they arise to prevent them from reaching a crisis point. Staff will be skilled in promoting and rewarding positive behaviour and will utilise various appropriate techniques in the management of a classroom environment.

Staff will only use reasonable force when the risks involved in doing so are outweighed by the risks involved by not using force.

### 3. Staff Authorised to Use Reasonable Force or Physical Restraint

Both are permitted in law (DFE Use of Reasonable Force Non-Statutory Guidance 2013) to prevent learners from hurting themselves or others, from damaging property in such a way that it could cause serious injury to themselves or others or from causing disorder.

### 4. Deciding Whether to Use Reasonable Force

Under English law, members of staff are empowered to use reasonable force to prevent a learner from or to stop them continuing:

- Committing any offence
- Causing personal injury to, or damage to the property of, any person (including themselves)
- Prejudicing the maintenance of good order and discipline at the academy or among any learners receiving education at the academy, whether during a teaching session or otherwise

All members of staff will make decisions about when, how and why to use reasonable force. To help staff in making decisions about using reasonable force the following considerations may be useful:

- Whether the consequences of not intervening would have seriously endangered the wellbeing of a person; whether the consequences of not intervening would have caused serious and significant damage to property
- Whether the chance of achieving the desired outcome in a non-physical way was low
- The age, size, gender, developmental maturity of the persons involved

Staff are also expected to remember that physical intervention is only one option and for behaviours involving extreme levels of risk it may be more appropriate to gain support from other agencies, including the police.

Staff will be kept informed and have a duty to inform others about the plans around specific learners who can present risks to themselves and others. This may include information about SEN, personal circumstance and temporary upset.

## **5. Using Reasonable Force**

When using reasonable force, members of staff should only use the minimum amount of force required in achieving the required outcome. Staff should also use force within the context of existing good practice in non-physical skills.

## **6. Staff training**

All staff receive training on our existing behaviour procedures and regular updates and reminders are provided. All members of training staff will have undertaken Team-Teach training.

## **7. Recording and Reporting Incidents**

A procedure is in place, and is followed by staff, for recording and reporting significant incidents where a member of staff has used force on a learner (*see appendix*). The record must be made as soon as practicably possible after the incident. Whilst ultimately only a court of law could decide what is 'significant' in a case, in deciding whether an incident must be reported, staff should consider:

- Any incident where substantial force has been used (e.g. physically pushing a learner out of a room) would be significant
- The use of a restraint technique is significant
- An incident where a learner was very distressed (though clearly not overreacting) would be significant
- An incident where unreasonable use of force is used on a learner would always be a significant incident;

In determining whether incidents are significant, the academy will consider:

- The learner's behaviour and the level of risk presented at the time
- The degree of force used and whether it was proportionate in relation to the behaviour;
- The effect on the learner or member of staff.

Staff should also bear in mind the age of the learner; any special education need or disability or other social factors which might be relevant.

Records are important in providing evidence of defensible decision-making in case of a subsequent complaint or investigation. Staff may find it helpful to seek the advice of a senior colleague when compiling a report.

## **8. Post-Incident Support**

Following the use of physical intervention staff and learners will be supported, the immediate physical needs of all parties will be met, and the Company Directors will ensure that positive relationships are maintained.

## **9. Complaints and Allegations**

All complaints about the use of force will be investigated thoroughly, promptly and appropriately by one of the Company Directors. When a complaint is made the onus is on the person making the complaint to prove that the allegations are true. Nulogic will ensure that appropriate pastoral care is made available to any member of staff who is subject to a formal allegation following the use of a force incident. Where a member of staff has acted within the law to use reasonable force in order to prevent injury, damage or disorder, this will provide a defence to any potential criminal prosecution or civil action.

## **10. Monitoring and Review**

The Company Directors are responsible for the review implementation of this document.

|   |        |
|---|--------|
| Name of Learner   |        |
| DOB   |        |
| Date of Incident  |        |
| Time of Incident  |        |
| Location  |        |
| CCTV Coverage   | YES/NO |
| Staff Name/s  |        |
| Reason for Intervention   |        |
| Description of Physical Intervention  |        |
| Witnesses   |        |
| Signature of member of staff completing the form  |        |
| Date  |        |
| <b>This form must be handed to the Head of Alternative Provision within 4 hours of any incident or a Company Director</b> |        |