

# Use of Reasonable Force Policy

## 1.0 Introduction

In this policy the abbreviation of EDA will be used to cover all full-time courses, and anyone involved with them at Emil Dale Academy.

### 1.1 Purpose and aims

At EDA we pride ourselves on the high standards of behaviour seen and expected of all staff and students. This policy is for the very rare occasion that a student is a danger to themselves or others, is damaging property or causing a disturbance.

### 1.2 Location of Policy

This policy is available to access on EDA's website.

### 1.3 To whom and where this policy applies

This policy applies to all students enrolled on an EDA full-time course.

### 1.4 Statutory and legal framework

EDA will act in accordance with the following legislation and guidance:

1. [Use of Reasonable Force in Schools Guidance](#) (17 July 2013)
2. [Information Commissioner's Office GDPR Guidance](#)

### 1.5 The context of this policy and its relationship to other policies

This policy should not be read in isolation as it links with many of EDA's other policies, including, but not limited to the:

1. Student Complaint Policy (3 Year Course Students)
2. Student Complaint Policy (1 and 2 Year Course Students)

## 2.0 Policy

This policy gives clear guidance to all EDA staff and freelancers so they are protected and confident should there ever be a need to use reasonable force on a student.

### 2.1 What is reasonable force?

1. To control or restrain. This can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or where students need to be restrained to prevent violence or injury.
2. 'Reasonable in the circumstances' means using no more force than is needed.
3. Colleges/schools generally use force to control students and to restrain them. Control means either passive physical contact, such as standing between students or blocking a student's path, or active physical contact such as leading a student by the arm away from the situation.
4. Restraint means to hold back physically or to bring a student under control. It is typically used in more extreme circumstances, for example on the rare occasion two students could get into a fight and refuse to separate without physical intervention.
5. Staff and freelancers should always try to avoid acting in a way that might cause injury, but in extreme cases it may not always be possible to avoid injuring the student.

The decision on whether or not to physically intervene is down to the professional judgement of the staff member or freelancer concerned and should always depend on the individual circumstances.

## **2.2 When is reasonable force acceptable to use?**

1. To remove disruptive students from a learning environment where they have refused to follow an instruction to do so.
2. To prevent a student from attacking a member of staff, freelancer, or another student, or to stop a fight.
3. To restrain a student at risk of harming themselves through a physical outburst.

## **2.3 When is it appropriate to tell parents/legal guardians when force has been used on a student?**

1. It is good practice to speak to parents/legal guardians about serious incidents involving the use of force and to consider how best to record such serious incidents.
2. If a student is under the age of 18 or is a student on the full-time BTEC National Extended Diploma in Performing Arts Practice (Musical Theatre) course, EDA has an obligation to contact their parent/legal guardian. Host families will also be contacted if applicable.
3. If a student is over 18 and on either the Gap Year or the BA (Hons) Musical Theatre course, it is up to EDA to decide whether it is appropriate to report the use of force to parents/legal guardians. Host families will also be contacted if applicable. The sharing of this information falls under section 6(1)f of the GDPR legal basis, where consent of the student is overridden by the legitimate interests of EDA of the subject.
4. In deciding what is a serious incident, staff and freelancers should use their professional judgement and consider:
  - a. Students' behaviour and level of risk presented at the time of the incident,
  - b. Degree of force used,
  - c. Effect on the student, freelancer or member of staff, and
  - d. The students age.

## **2.4 What happens if a student complains about force being used on them?**

1. All complaints about the use of force should be thoroughly, speedily and appropriately investigated. Please refer to the relevant Student Complaint Policy to see further information on the complaints procedure.
2. Where a member of staff or freelancer has acted within the law – that is, they have used reasonable force in order to prevent injury, damage to property or disorder – this will provide a defense to any criminal prosecution or other civil or public law action.
3. When a complaint is made, the onus is on the person making the complaint to prove that his/her/their allegations are true – it is not for the member of staff or freelancer to show that he/she/they has acted reasonably.
4. Suspension must not be an automatic response when a member of staff has been accused of using excessive force. Schools/colleges should refer to the “Dealing with Allegations of Abuse against Teachers and Other Staff” guidance (see the Gov.uk website).

### **Document Review**

<b>Version Number</b>	<b>Date of Issue</b>	<b>Review Date</b>	<b>Author</b>	<b>Changes Made/ detail</b>
01	16 <sup>th</sup> November 2021	July 2022	Charlotte Oliver & Eden Tinsey	First issue
02	1 <sup>st</sup> August 2022	July 2023	Eden Tinsey	Annual policy review
03	6 <sup>th</sup> September 2023	July 2024	Eden Tinsey	Annual policy review and reformat in line with new layout