



Educ8

Education Delivered with Utmost Care

Educ8 (Luton) Ltd

(Hereinafter referred to as "Educ8")

A bespoke 1:1 tuition service, where the education delivered is tailored to meet the exact requirements of the student involved.

PHYSICAL RESTRAINT POLICY

Rationale

At Educ8 we recognise our responsibility and duty to care for and support one another as adults and students. It is important that adults working with children avoid physical contact, however we also appreciate that it is not possible to have a total "no contact" policy as there are in law a variety of situations where this would not be responsible. One such occasion where contact may be necessary is where there is a need for appropriate physical restraint or the use of reasonable force, both of which are permitted in law (DFE Use of Reasonable Force Non-Statutory Guidance 2013) to prevent students 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. It is recognised that in practice the use of reasonable force will be a rare event.

Aim

- To explain the rights of tutors to use reasonable force when necessary.
- To explain the nature of reasonable force.
- To establish the circumstances in which reasonable force may be justified and deemed appropriate.
- To explain the reporting and recording procedure.
- To establish an effective complaints process.

Legal guidelines and the rights of tutors

All tutors have a legal power to use reasonable force within the limitations of our policy and there may be occasions when failure to do so could breach the duty of care towards students. Educ8 will support tutors who use reasonable force within the context of our policy.

Definition

What is reasonable force?

Force can be used to either control or restrain. Control means either passive physical contact such as standing between pupils or blocking a student's path, or active physical contact such as leading a pupil by the arm out of the room. Restraint means to hold back physically or to bring a student under control and is typically used in more extreme circumstances. Regarding both control and restraint, 'reasonable force' means using no more force than is needed or considered necessary. Tutors should always try to avoid acting in a way that might cause injury, but it may not always be possible to avoid injury to a student. To summarise:

- The term 'reasonable force' covers the broad range of actions used by most teachers at some point in their career that involve a degree of physical contact with students.
- Force is usually used either to control or restrain which can range from guiding a student to safety by the arm through to more extreme circumstances such as breaking up a fight or where a student needs to be restrained to prevent violence or injury.
- 'Reasonable in the circumstances' means using no more force than is needed or considered necessary.



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When can reasonable force be used?

Reasonable force can be used to prevent students from injuring themselves or others, from damaging property in such a way that it could cause serious injury to themselves or others or from causing disorder. The decision on whether or not to use reasonable force is down to the professional judgement of the tutor concerned and should always depend on the individual circumstances. There is no need for parental consent prior to using reasonable force, however if problems do arise in the home the parent should be asked to take control of the situation and the tutor should above all be mindful of their own safety and wellbeing. The tutor may feel that the appropriate course of action is to vacate the premises. In using reasonable force, reasonable adjustments need to be made for disabled students and students with a statement of special educational need. Wherever possible, assistance should be sought so as to avoid a one-to-one situation. Any other students at risk should be removed from the situation.

Reporting and Recording

Any incident involving the use of physical force with students **MUST** be reported to the Company Director, Nigel Jones as soon as is practically possible. Any incident involving the use of physical force must be written up in full and recorded by the tutor. The Company Director will liaise with parents, the school and outside agencies if necessary.

Complaints

All complaints about the use of force will be investigated thoroughly, speedily, and appropriately by the Company Director. When a complaint is made the onus is on the person making the complaint to prove that the allegations are true. Educ8 will ensure that appropriate pastoral care is made available to any tutor who is subject to formal allegation following a use of force incident. Where a tutor 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.

References:

Police and Criminal Evidence Act (1984)
DFE Use of Reasonable Force in Schools (July 2013)

N K Jones
Review Date

September 2023
September 2024