



**TyneCoastCollege**

## Security Policy

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- All our policies are subject to equality impact assessments\*. We are always keen to hear from anyone who wishes to contribute to these impact assessments. Please contact: Chief Operating Officer

\*Equality Impact Assessments are carried out to see whether the policy has, or is likely to have, a negative impact on grounds of age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex or sexual orientation.

<b>Approved by:</b>	<b>Version:</b>	<b>Issue Date:</b>	<b>Review Date:</b>	<b>Contact Person:</b>
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**Equal Opportunities:      Impact Assessed**

**Review:      3 years**

**Policy Number: 54**

# SECURITY POLICY

## 1 Policy Statement

The objective of the security policy is to protect Tyne Coast College's learners, staff, visitors, and assets from security problems that may have an adverse impact on individuals, our activities, and our professional standing.

## 2 Scope

The purpose of security services within the College is to:

- Protect learners, staff, visitors and assets of the College
- Prevent, investigate and detect crime and disciplinary offences in accordance with the College's disciplinary procedures

## 3 Legislation

Current legislation applicable to the physical security policy includes:

- Data Protection Act
- Human Rights Act
- The Equality Act
- The Health and Safety at Work Act
- The Private Security Industry Act

## 4 Responsibilities:

Individual accountabilities for the implementation of the policy are as follows:

### 4.1 Authorisation Officer

The Authorisation Officer, namely the College Chief Executive must formally initiate the use of covert surveillance (see Appendices)

### 4.2 Head of Estates

The Head of Estates is accountable for overall security measures within the estate. They exercise this accountability by ensuring compliance with the following:

- Health and Safety Legislation
- Financial Regulations
- Legislation referring to the security of documentation
- Appropriate use of any monitoring or surveillance systems (see Appendices)
- Appropriate use of force to control or restrain is adopted and followed (see Appendices)
- Enabling the Assistant Principals and Heads of School/Service to discharge their responsibilities for physical security measures
- Appropriate use of the College CCTV System

### 4.3 Estates Manager *currently vacant, managed by the Head of Estates in the interim*

The Estates Manager is accountable to the Head of Estates. They are responsible for organising and managing:

- The manned security on College teaching sites
- Compliance with all aspects of the College's security standards and procedures
- A record of security incidents
- The preparation of reports on security incidents for the College Management Team and the Finance and Resources Committee
- Regular security quality appraisals to ensure an acceptable standard of performance
- The development of policy changes and initiatives in step with changing circumstances in consultation with the College Management Team

#### 4.4 General Soft Services Manager

The General Soft Services Manager is responsible for security at the Halls of Residence.

#### 5 Actions to Implement and Develop the Policy

The College adopts a layered approach to security and:

- Secures the perimeters of its buildings by taking all reasonable measures to prevent unauthorised access
- Reserves the right to limit access to its buildings to bona fide learners, staff, visitors, clients and contractors
- Takes additional security measures to protect its high value assets, high-risk facilities and confidential documentation storage areas
- Provides additional security measures to ensure the protection of staff and equipment
- Provides a range of Personal Protection Security measures for those staff that work in high-risk situations

These measures include:

- The provision and monitoring of an externally monitored intruder detection system
- The provision of suitable door entry systems
- Ensure risk assessments are undertaken for staff who work offsite or alone to ensure appropriate measures are taken to minimise the risk to their personal safety and the security of any equipment being transported
- The introduction and operation of CCTV surveillance in sensitive or high-risk areas in or around the College estate as agreed in conjunction with CMT
- The provision at internal reception desks, subject to risk assessment, of a physical attack alarm connected to an externally monitored location and relayed directly to the Police
- The provision of a radio for staff in specific locations such as interview rooms and counselling rooms, where the potential for difficult or aggressive behaviour exists
- The provision of patrols, where necessary
- Learners, staff, visitors and contractors to be in the possession of an ID card or Visitors Badge at all times when on College property (staff and visitors will be required to openly display such identification)

**Note:** There will normally be certain exceptions to this requirement, for example clients of hairdressing, barbering, training restaurants, parents on parent's evenings and people visiting for enrolment etc; all will access the college after visiting reception and receiving an appropriate lanyard.

The College will, in utilising these measures, ensure full compliance with The Data Protection Act and revisions thereof and any relevant College policy and revisions thereof.

The College in pursuance of the purpose of this policy will:

- Reserve the right to conduct spot checks to ensure that individuals in the College can provide evidence that they are genuine learners, staff, visitors or contractors to the premises and request sight of lanyard if this is not in evidence
- Reserve the right to require individuals who can not provide evidence that they are genuine learners, staff, or visitors to leave the premises

- Request police assistance in the event of any criminal offence being committed on College property
- Initiate disciplinary procedures where appropriate, e.g., when proven instances of verbal abuse, intimidation and unruly behaviour occur
- Provide training for staff that may be exposed to difficult or aggressive behaviour
- Provide advice to learners and staff on personal safety and the security of items and equipment
- Provide adequate lighting in & around College buildings such as car parks and access routes
- Require visitors to the College to be collected from the reception desk at the relevant site by their College contact; Contractor(s) will be provided with a Lanyard when on site in the college. The only exception is for contractors who need to access and take possession of areas and take responsibility for security and safety of a particular area e.g., a block. Contractor(s) would be met by Estates at the initial visit and taken to the area to be accessed. Contractor(s) implement a sign in / out system for anyone else accessing that area.
- Engage community police officers to regularly visit the college. Part of their role will include providing advice and guidance on the security of college premises and advice on security for staff and learners

Under no circumstances must learners, staff, contractors and visitors bring in weapons or explosive materials into the college. This includes guns, swords (including sporting or ceremonial), flick/lock knives, chemical compositions which may explode in close proximity to other materials (i.e., oxidising agents), fireworks or bombs. Anyone found bringing weapons into the college will be reported to the police.

In addition, learners, staff, contractors and visitors must not bring any tools or implements or chemicals that could be used as weapons onto the College premises unless there is a legitimate business reason e.g., to carry out repairs or for teaching. In such circumstances whereby the tool, implement or chemical is dangerous then it must be stored safely, a risk assessment must be available, and college management must be aware and authorise its use in advance. Fake weapons would be considered in these circumstances as being real due to the possibility of causing fear or panic.

The College requests that learners, staff, contractors and visitors who are of the Sikh faith make college staff aware of their personal Kirpan (ceremonial dagger) and keep it stored or concealed during their time on college premises.

Should staff or learners fail to abide by the requirements of this policy they will be subject to disciplinary action under the appropriate procedure, and this may amount to gross misconduct or exclusion.

## **6 Monitoring and Evaluation**

Responsibility for monitoring and evaluation of the policy lies with the Chief Operating Officer in consultation with the College Management Team.

# SURVEILLANCE

This policy sets out current 'best practice' with regards to when it is appropriate to use surveillance in College upon an individual to monitor their activity. Furthermore, this document sets out the type of surveillance to be used, the process to follow to obtain authority and in what instances surveillance should not be undertaken.

The Chief Executive must authorise surveillance or monitoring in advance of this being undertaken.

This policy covers "intrusive surveillance" and "directed monitoring".

### 1.1 Intrusive Surveillance

Intrusive surveillance is covert surveillance carried out in any residential premise or any vehicle, involving the presence of an individual, or a surveillance device on the premise/vehicle.

**The College is not permitted to undertake intrusive surveillance.** If an officer or employee of the College believes that intrusive surveillance is necessary, they should contact the Authorising Officer who will, if appropriate, refer the matter to the Police, HM Revenue & Customs or the Security Services who have authority to undertake intrusive surveillance.

### 1.2 Directed Monitoring

Directed Monitoring can be defined as:

Monitoring which is covert, but which is not intrusive, and which is undertaken:

- for a specific investigation
- in a manner likely to obtain private information about a person
- is otherwise than by way of immediate response

**For example** – Where an individual(s) is suspected of fraudulent activity in the College, such as theft or altering records, the College may employ a Fraud Investigator from an external agency to conduct Directed Monitoring on the individual(s) while at work to identify whether the suspicions are true. If the Directed Monitoring were to provide proof that the individual(s) was committing fraudulent acts, then the Fraud Investigator would collect evidence to support a case for a disciplinary hearing, or a prosecution against the individual(s).

**For example** – Where an employee has signed off work with a musculoskeletal problem and the College receive an allegation that the individual is involved in activities that would not be possible for an individual with the particular medical condition claimed, then the College may employ a Private Investigator from an external agency to conduct Direct Monitoring on the individual to identify whether the allegations are true. If the Directed Monitoring were to provide proof that the individual was committing fraudulent acts, then the Private Investigator would collect evidence to support a case for a disciplinary hearing, or a prosecution against the employee.

**For example** – Where the Police have reason to believe that an individual(s) is involved in illegal drug dealing activities within or around College grounds or buildings, the College may co-operate with the Police to provide the facilities and support necessary to conduct Directed Monitoring of the individual(s).

## **2 Responsibilities**

Everyone has a responsibility to give full and active support to the policy by ensuring:

- 2.1 The policy is known, understood and implemented.
- 2.2 The Chief Executive (or Chief Operating Officer), as Authorising Officers must authorise the monitoring. The decision will be recorded by the Data Protection Officer

## **3 Actions to Implement and Develop Policy**

Issues to consider prior to requesting surveillance:

- 3.1 *Proportionality*  
Directed monitoring should only be applied where the subject's activity is sufficiently serious to justify the degree of intrusion into their privacy that would result from the techniques used.
- 3.2 *Necessity*  
Monitoring will only be used where it appears that what the action seeks to achieve could not reasonably be achieved by other means. The College Official making the application will need to detail what other lines of enquiry have been undertaken to demonstrate that the proposed action is necessary.

## **4 Collateral Intrusion**

When considering authorisation, the Chief Executive will consider the effect of directed monitoring on third parties in relation to how much their privacy will be infringed and whether it can be justified. For this purpose, third parties include other members of staff, members of the public and members of the subject's own family.

The College Official requesting the monitoring must include a written assessment considering proportionality, necessity and the potential for collateral intrusion on the application form, along with whether and how this can be minimised during the operation.

- 4.1 **Authorisation**  
Monitoring activity can only be lawfully authorised within the College if its purpose is for one of the following:
  - To prevent and detect crime
  - In the interests of public safety
  - To protect public health

Any College Official who believes that monitoring is required to investigate one of the above criteria should complete the Application for Authority for Directed Monitoring (Appendix A) and send it to the Chief Executive for consideration, marked 'confidential'.

In considering the request, the Chief Executive will consider all the matters referred to within this policy.

- 4.2 **Authorisation Procedure**  
Authorisation from the Chief Executive must be obtained prior to any surveillance being carried out.

An application for 'Authority for Directed Monitoring' must be completed (Appendix A) and sent to the Chief Executive for consideration. An oral request will be considered and authorisation provided orally in emergency situations. In the event of an emergency request, the College official should ensure that a statement containing details of the conversation with the Chief Executive is completed as soon as possible, detailing the nature of the emergency request and outcome of the decision. The statement must be sent to the Chief Executive to agree the statement and to record his/her recollection of the conversation surrounding the oral application.

#### 4.3 Review of Monitoring

The Chief Executive should review the progress of the monitoring and investigation to ensure that continued activity is warranted. The Chief Executive may cancel the monitoring and investigation if he/she is satisfied that the directed monitoring no longer meets the criteria for authorisation.

#### 4.4 Duration of an Authorisation

Once granted, authorisation should last for a specified period, not exceeding 3 months. If the objectives of the activity have not been met by the end of that time, then authority can be renewed for a further period of 3 months. The application can be renewed more than once, providing the criteria upon which the initial authorisation was granted have not changed. A renewal application must be completed (Appendix B).

Appendix A: Application for Authorisation for Directed Monitoring

Appendix B: Renewal Application for Authorisation for Directed Monitoring.



**TyneCoastCollege**

**APPLICATION FOR AUTHORITY FOR DIRECTED MONITORING**

<b>Name of Person making request:</b>		<b>Tel No:</b>	
<b>Position:</b>			
<b>Case Name:</b>			

<b>1</b>	<b>Grounds on which the action is necessary (delete as applicable)</b>
<p>A For the purpose of preventing or detecting crime;</p> <p>B In the interest of public safety;</p> <p>C For the purpose of protecting public health;</p> <p><u>Specific reason in this case</u></p>          	

<b>2</b>	<b>Explain why the directed monitoring is proportionate to what it seeks to achieve</b>

**3** The identities, where known, of those to be subject of the directed monitoring/or description of operation or investigation

**Name:**

**Address:**

**Other information as appropriate:**

**4** The action to be authorised, including any premises or vehicles involved

**5** Give an account of the investigation

**6** Explanation of the information which it is desired to obtain as a result of the authorisation

**Unique Ref No:**

<b>7</b>	<b>Collateral intrusion:</b> Indicate any potential for collateral intrusion on other persons than those targeted - include a plan to minimise collateral intrusion

<b>8</b>	<b>Risk Assessment</b>

<b>9</b>	<b>Chief Executive's Comments</b>
Date for first review	

**Unique Ref No:**

**10 Chief Executive Officer's Recommendation**

I ..... (insert name) hereby authorise the directed monitoring as detailed above. This written authorisation will remain valid until reviewed on ..... (date). See separate form for renewals.

Name: .....

Position: .....

Signature: .....

Date/Time: .....

Unique Ref No:
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**TyneCoastCollege**

**APPLICATION FOR RENEWAL OF DIRECTED MONITORING AUTHORITY**  
 (Please attach to original authorisation)

<b>Name of Person making request:</b>		<b>Tel No:</b>	
<b>Position:</b>			
<b>Case Name:</b>			

**Details of renewal:**

<b>1</b>	<b>Renewal numbers and dates of any previous renewals</b>
<b>Renewal number:</b>	<b>Date:</b>

<b>2</b>	<b>Detail the information as listed in the original authorisation as it applies at the time of the renewal</b>

<b>3</b>	<b>Detail any significant changes to the information on the previous authorisation</b>

**Unique Ref No:**

<b>4</b>	<b>Detail why it is necessary to continue with the authorisation</b>

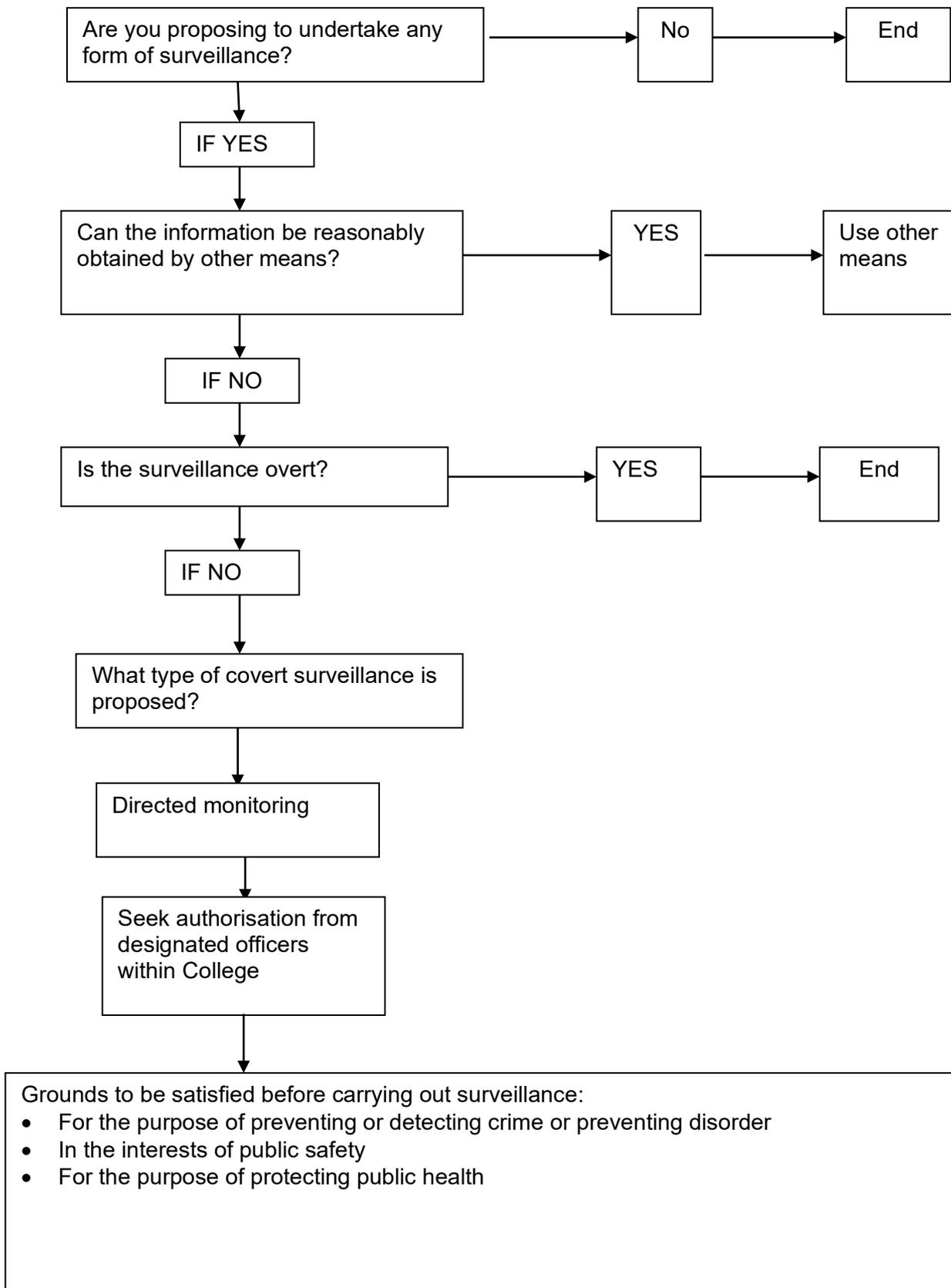
<b>5</b>	<b>Indicate the content and value to the investigation of the product so far obtained by the surveillance</b>

<b>6</b>	<b>Give an estimate of the length of time the authorisation will continue to be necessary</b>
Date for review:	

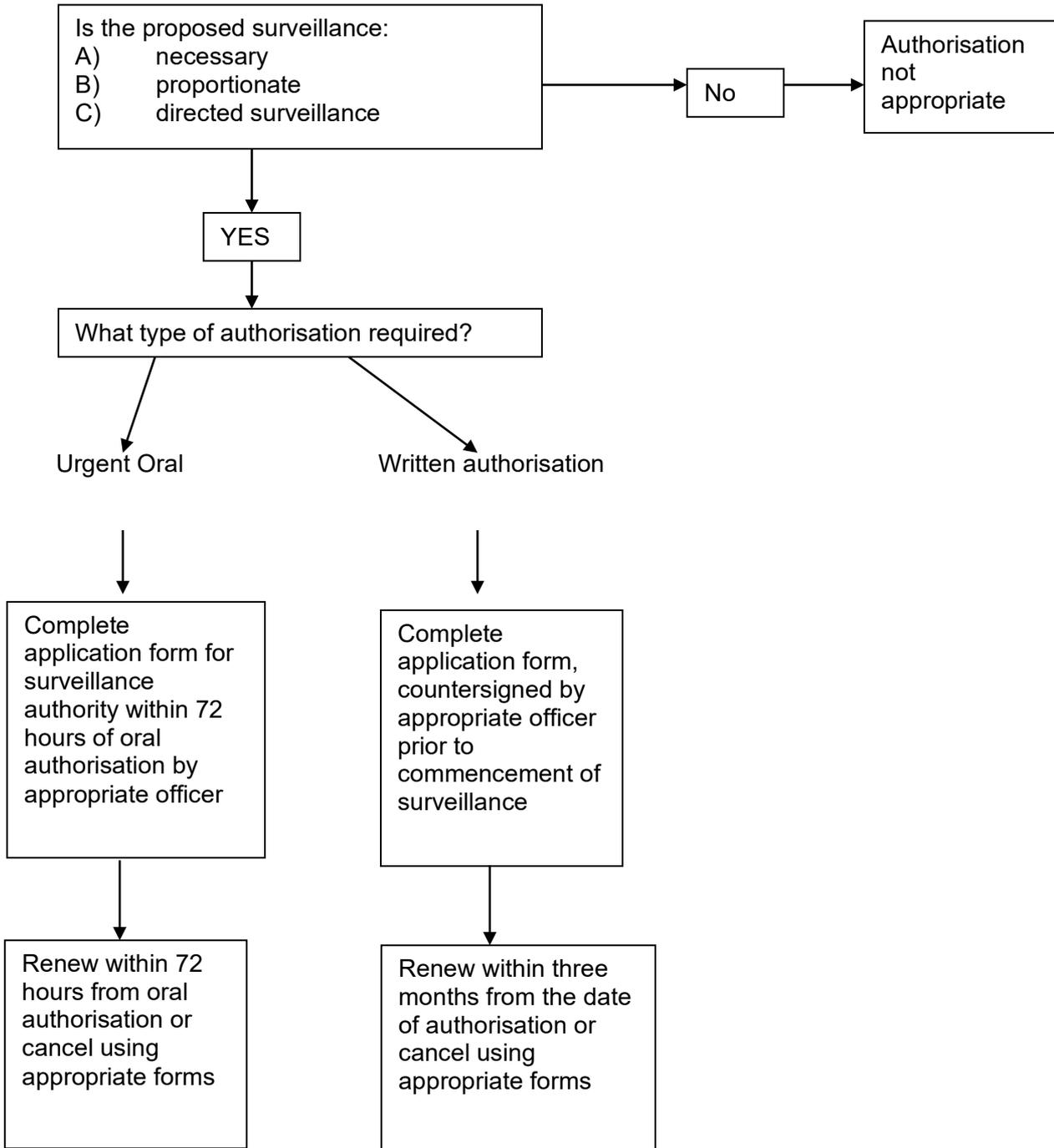
<b>7</b>	<b>Chief Executive's Recommendation</b>

<b>8</b>	<b>Detail any significant changes to the information on the previous authorisation</b>
I ..... (insert name) hereby authorise the renewal of the directed monitoring as detailed above. The renewal authorisation will last until reviewed by ..... (date).	
Name: .....	
Position: .....	
Signature: .....	
Date/Time: .....	

PROCESS DECISION MAP



**AUTHORISATION OF DIRECTED SURVEILLANCE PROCESS MAP**



## CCTV

This section on the use of this security tool is to provide guidance on good practice in the use of CCTV (closed circuit television) and to detail the controls necessary to ensure compliance with the Data Protection Act.

### 1 Scope

The use of CCTV lies within the security policy, to enable its implementation and to support the security provision across the estate.

### 2 Responsibilities

Head of Estates

The duties of this post holder in respect of the CCTV system are to:

- Ensure that the installation and operation of the CCTV system complies with the CCTV Code of Practice issued by the Office of the Information Commissioner
- Deal with any complaints regarding the operation of the CCTV system and ensure that they are dealt with under the terms of the College's complaints procedure
- Retain images for evidential purposes and ensure they are kept in a secure place to which access is controlled

Data Protection Officer

- Ensure that the notification lodged with the Information Commissioner Officers covers the purposes for which this equipment is used

Director of IT

- Ensure that the system is maintained and repaired when necessary

### Actions to Implement and Develop the Policy

The principles of operation of the CCTV system are:

- 1) The CCTV system is provided for the benefit and protection of the public and the College as a whole.
- 2) The CCTV system will be used for the protection of people subject to harassment or intimidation, monitoring of vehicle and pedestrian traffic and the maintenance of good order in the College. It may also be used to investigate complaints and to assist in civil proceedings. Whereas the CCTV system is in place for all of these purposes, the College will not always be monitoring for all of these purposes all of the time.
- 3) The system will only be used in a manner which is fair to everyone.
- 4) Where copies of recordings are made for use in legal proceedings the Security staff and/or the Data Protection Officer, or nominated deputy will ensure that they have documented:

- a) The date on which the images were removed from the general system for use in legal proceedings.
  - b) The reason why they were removed from the system.
  - c) Any crime incident number to which the images may be relevant.
  - d) The location of the images.
  - e) The name and position of the person to whom the recordings have been supplied.
  - f) Retained copies of any associated authorisation documents.
- 5) Any individual whose personal data is held by the College in the form of a CCTV recording can request access to that recording and the College will respond in accordance with the Data Protection Act 2018. Recordings will be released for reviewing to other persons, i.e., not the individual whose personal data it is, in accordance with the Data Protection Act 2018, in copy form and on the authority of a member of DPO who must be satisfied of the need to release them unless ordered to do so under statutory powers.
- 6) The College may release recordings to the Police or other authorised Government agent for the purposes of the prevention or detection of crime, the apprehension or prosecution of offenders, or in the interests of national security, or in other circumstances where the College is legally obliged to do so, or in accordance with the specified purposes of the CCTV system. The identity of individuals on the recording not relevant to the investigation or the request for access will be obscured unless the individuals have given their consent. The identity of individuals on the recording whose presence is relevant to the investigation or request for access will be disclosed if they give consent for this and may be disclosed if this consent is refused when deemed reasonable to do so in the circumstances.
- 7) Live viewing of the system or reviewing of recorded material prior to the production of specific recordings under clauses 6-7 above, by approved staff of the College and others, including the Police, will be permitted at all reasonable times. In these circumstances it will not be possible to obscure the identity of persons not relevant to the investigation. Under no circumstances will victims/complainants be permitted to view material in this form. Care will be taken to ensure that evidence is not compromised if potential witnesses are to view material.
- 8) The Chief Executive shall have powers to authorise Government agencies to carry out covert CCTV surveillance upon request. In the case where the Chief Executive is involved, the Chair of the Governors shall have the powers to authorise Government agencies to carry out covert surveillance.
- 9) The system will not be operated for personal gain by any individual or financial gain by the College.
- 10) The equipment will be sited in such a way that it only monitors those spaces which are intended to be covered by the equipment.
- 11) If domestic areas such as gardens or areas not intended to be covered by the scheme, border those spaces which are intended to be covered by the equipment,

and then the College will consult with the owners of such spaces if images from those spaces might be recorded. In the case of back gardens, this would be the resident of the property overlooked.

- 12) If cameras are adjustable by the operators, they will be restricted so that operators cannot adjust or manipulate them to overlook spaces which are not intended to be covered by the scheme.
- 13) If it is not possible physically or electronically to restrict the equipment to avoid recording images from those spaces not intended to be covered by the scheme, then operators will be trained in recognising the privacy implications of such spaces being covered.
- 14) Signs will be placed so that staff, students and the public are aware that they are entering a zone which is covered by surveillance equipment.
  - The signs should be clearly visible and legible to staff, learners and members of the public.
  - The size of signs will vary according to circumstances:

The signs will contain the following information:

- a) Identity of the College as the organisation responsible for the scheme.
  - b) The purposes of the scheme.
  - c) Details of whom to contact regarding the scheme.
- 15) Monitors displaying images from areas in which individuals would have an expectation of privacy should not be viewed by anyone other than authorised employees.
  - 16) Access to the recorded images will be restricted to designated staff. The Data Protection Officer, in consultation with CMT, will decide whether to allow requests for access by third parties in accordance with College disclosure policies.
  - 17) Viewing of the recorded images should take place in a restricted area, for example, in a manager's office. Other employees, students and members of the public should not be allowed to have access to that area when a viewing is taking place.
  - 18) Removal of the medium on which images are recorded, or the transfer of images to a portable electronic device for viewing purposes, should be documented as follows:
    - a) The date and time of removal.
    - b) The name of the person removing the images.
    - c) The name(s) of the person(s) viewing the images. If this should include third parties, this should include the organisation of that third party.
    - d) The reason for the viewing.
    - e) The outcome, if any, of the viewing.

- f) The date and time the images were returned to the system or secure place, if they have been retained for evidential purposes.
- 19) All operators and employees with access to images should be aware of the procedures which need to be followed when accessing the recorded images.
- 20) All operators should be trained in their responsibilities under the CCTV Code of Practice issued by the Information Commissioner and be aware of and comply with the CCTV Policy.

They must ensure that access to, and disclosure of, the images recorded by CCTV and similar surveillance equipment is restricted and carefully controlled; not only to ensure that the rights of individuals are preserved, but also to ensure that the chain of evidence remains intact should the images be required for evidential purposes. The reason(s) for disclosing copies of the images must be compatible with the reason(s) or purpose(s) for which they were originally obtained.

- 21) All College employees with access to CCTV images should be aware of the restrictions set out in this policy in relation to access to, and disclosure of, recorded images.
- a) Access to recorded images must be restricted to those staff that need to have access in order to achieve the purpose(s) of using the equipment.
  - b) All access to the medium on which the images are recorded should be documented.
  - c) Disclosure of the recorded images to third parties should only be made in limited and prescribed circumstances.

**For example** - if the purpose of the system is the prevention and detection of crime, then disclosure to third parties should be limited to the following:

- The Police and other authorised Government agencies where the images recorded would assist in a specific criminal enquiry.
  - Prosecution agencies.
  - Relevant legal representatives.
  - The media, where it is decided that the public's assistance is needed in order to assist in the identification of victim, witness or perpetrator in relation to a criminal incident. As part of that decision, the wishes of the victim of an incident should be taken into account.
  - People whose images have been recorded and retained (unless disclosure to the individual would prejudice criminal enquiries or criminal proceedings)
- 22) All requests for access or disclosure should be recorded. If access or disclosure is denied, the reason should be documented.
- 23) If access to or disclosure of the images is allowed, then the following should be documented:
- a) The date and time at which access was allowed or the date on which disclosure was made.
  - b) The identification of any third party who was allowed access or to whom disclosure was made.

- c) The reason for allowing access or disclosure.
  - d) The extent of the information to which access was allowed or which was disclosed.
- 24) Recorded images should not be made more widely available - for example they should not be routinely made available to the media or placed on the Internet.
- 25) If it is intended that images will be made more widely available, that decision will be made by the Chief Executive. The reason for that decision should be documented.
- 26) If it is decided that images will be disclosed to the media (other than in the circumstances outlined above), the images of individuals not party to the investigation will need to be disguised or blurred so that they are not readily identifiable.

## 1. The use of force to control or restrain

Using force to restrain or physically direct a learner, visitor or member of staff should be regarded as last resort.

There are situations in which there is no safer alternative, but staff can minimise the chance of these arising by:

- 1.1 Creating calm, orderly and supportive environment that minimises the risk of violence of any kind.
- 1.2 An active approach to teaching learners how to manage strong emotions. Staff training will be available for staff likely to be dealing with students with strong emotions or with known anger management difficulties.
- 1.3 Having regard to avoid actions that may be seen as inciting violence. For example, young men often respond better to females, or older men, than young male staff from whom any contact may be seen as a challenge. In certain circumstances a colleague may be better placed to deal with an incident.
- 1.4 Effective management of individual incidents. Staff should communicate calmly with the learner 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 seek colleagues' support (for example to manage bystanders or other learners in a classroom) but should not leave the learner alone unless they need to withdraw to protect their own safety. They should also ensure that learners do not feel trapped. That can involve offering the learner options such as:
  - 1.4.1 Coming with the staff members to a quiet room away from bystanders so that the staff member can hear the learners concerns
  - 1.4.2 Sitting down and having a drink of water
  - 1.4.3 Being joined by a particular member of staff well known to the learner
  - 1.4.4 Being joined by a friend or family member

However, preventive measures will not always work. There will be circumstances in which staff judge that the risks associated with not using force are greater than those associated with using force. This policy provides guidance on these circumstances.

## 2. Scope

The policy in the use of force to control or restrain covers all members of the college staff.

## 3. Legislation

The relevant section of the Education and Inspection Act 2006 is Section 165 (Power of members of staff of the further education institutions to the force) which inserts section 85C into the Further and Higher Education Act 1992 (c.13).

### 85C Power of members of staff to use force:

- 3.1 A member of **the** staff of an institution which is within the further education sector may use such force as is reasonable in the circumstances for the purpose of preventing a student at the institution from doing (or continuing to do) any of the following, namely:-
  - 3.1.1 committing any offence
  - 3.1.2 causing personal injury to, or damage to the property of, any person (including the student himself), or

3.1.3 prejudicing the maintenance of good order and discipline at the institution or among any of its students, whether during a teaching session or otherwise.

3.2 The power conferred by subsection (1) may be exercised only where:-

3.2.1 the member of the staff and the student are on the premises of the institution,

3.2.2 they are elsewhere and the member of staff has lawful control or charge of the student.

3.3 Subsection (1) does not authorise anything to be done in relation to the student which constitutes the giving of corporal punishment within the meaning of section 548 of the Education Act 1996.

3.4 The powers conferred by subsection (1) are in addition to any powers exercisable apart from this section and are not to be construed as restricting what may lawfully be done apart from this section.

3.4 In this section, “member of the staff”, in relation to an institution within the further education sector, means any person who works at that institution whether or not as its employee.

#### 4. Dealing with members of the public

Such persons are outside the scope of Section 165 and a college must rely on common law rights.

A fuller analysis of “reasonable force” and the circumstances under which the common law allows its use can be found on the Crown Prosecution Service website. <https://www.cps.gov.uk/legal-guidance/self-defence-and-prevention-crime>

The 2011 Education Act further identifies where it may be appropriate to use force to confiscate property from a student.

[http://www.legislation.gov.uk/ukpga/2011/21/pdfs/ukpga\\_20110021\\_en.pdf](http://www.legislation.gov.uk/ukpga/2011/21/pdfs/ukpga_20110021_en.pdf)

#### 1. Application of the guidance

##### 5.1 Who is authorised to use force

It should be recognised that this policy provides guidance for those staff that are confident to intervene in situations. **No obligation for all staff to intervene is implied.** The legislation gives statutory power to use reasonable force to any person who is a member of the staff of the college in order to prevent a student at the college from doing or continuing to do certain prescribed things (see section 85C (1) and (5)). Members of the staff in relation to an institution means any person who works at that institution whether or not as its employee. This includes:

- any member of the teaching staff
- support staff including teaching assistants, learning support assistants
- members of the staff whose job does not normally involve supervising learners, i.e., business support staff
- security staff
- staff working through an agency

## 5.2 What type of incident might require the use of force

The triggers for using reasonable force are set out in section 85C(1) of the Further and Higher Education Act 1992, as inserted by section 165 of the Education and Inspections Act 2006. A member of staff may only use force to prevent a learner from doing (or continuing to do) certain prescribed actions namely:

- committing a criminal offence
- causing personal injury to, or damage to property
- prejudicing the maintenance of good order and discipline at the institution

However, paragraph 13 states that 'To Be Judged Lawful, The force used must be in proportion to the consequences it is intended to prevent. The degree of force should be the minimum needed to achieve the desired result.'

## 5.3 Decisions on whether to use force must depend on judgement about

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

Wherever possible, these judgements should take account of the particular characteristics of the learner, including his or her age, physical size and any special educational needs or disability he or she may have. The DfE provides additional guidance on physical intervention with learners who display extreme behaviour associated with learning disability and/or autistic spectrum disorders and learners with severe behavioural difficulties. Whilst this is aimed at special schools, it is also relevant to colleges with such learners. It is available at:

<https://www.gov.uk/government/publications/use-of-reasonable-force-in-schools>

If possible, a member of staff should not intervene in an incident without help (unless it is an emergency). For example, help is likely to be needed in dealing with large learner, more than one learner or if the member of staff believes he or she may be at risk of injury. In these circumstances he or she should take steps to remove other learners who might be at risk and summon assistance from other staff.

In all these cases use of force would only be reasonable (and therefore lawful) if it was clear that the behaviour was sufficiently dangerous disruptive to warrant physical intervention of the degree applied and could not realistically be dealt with by any other means.

## 4.4 What constitutes reasonable force?

There can be no legal definitions of what degree of force is reasonable. That will always depend on the precise circumstances of individual cases. By 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

The types of force used could include:

- standing between learners
- blocking a learner's path
- leading a learner by the hand or arm
- shepherding a learner 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 a staff member holds a learner's arms at his or her sides

- 4.5** Where there is a high and immediate risk of death or serious injury, members of staff would be justified in taking any necessary action (consistent with the principle of using the minimum force required to achieve the desired result). Such situations could include preventing a learner going too close to dangerous moving machinery or hitting someone with a dangerous object such as a glass bottle or hammer.
- 4.6** Staff should always avoid actions that might reasonably be expected to cause injury, for example:
- Holding a learner around the neck, or by the collar, or in any other way that might restrict ability to breathe
  - slapping, punching, kicking or tripping up a learner
  - twisting or forcing limbs against a joint
  - holding or pulling a learner by the hair or ear
  - applying pressure to the neck, chest, abdomen or groin areas
  - forcing a learner onto the floor or holding them face down on the floor
  - Using clothing or belts to restrict movement.
- 4.7** Staff should always avoid touching or restraining a learner in a way that could be interpreted as sexually inappropriate conduct.

Under no circumstances should force be threatened or used as a punishment.

**Examples of what type of incident might require the use of reasonable force:**

- a learner attacks a member of staff, or another learner
- learners are fighting
- a learner is committing, or on the verge of committing, deliberate and serious damage to property
- a learner is causing, or at risk of causing, injury or damage by accident, by dangerous play, or by misuse of dangerous materials or object
- a learner is running in a corridor or on a stairway in a way in which he or she is likely to have or cause an accident likely to injure him or herself or others
- A learner (aged under the minimum school leaving age) absconds from a class or tries to leave college other than at an authorised time. The judgement on whether to use force in this situation would depend on an assessment of the degree of risk to the learner if he or she is not kept in the classroom or college (age and understanding would be critical factors)
- refuses to obey an order to leave a room
- is behaving in a way that is seriously disrupting a lesson
- blocking a door to prevent others from leaving
- is using a mobile phone to disrupt a lesson (a member of staff could forcibly confiscate the phone by removing it from a hand or desk but could not lawfully search the learner for the phone)

## 5. Recording Incidents

Incidents where the use of force to control or restrain should be made on the AR1 form as soon as possible after the event and forwarded to the health and safety manager who monitors the reports. The following questions will help staff to decide if an AR1 form is required.

- Did the incident cause injury or distress to a learner or member of staff?
- Even though there was no apparent injury or distress, was the incident sufficiently serious in its own right to require a written record? Any use of restrictive holds would, for example, fall into this category.
- Is a written record needed to be able to justify the use of force? This is particularly relevant where the judgement was very finely balanced.
- Is a record needed to help identify and analyse patterns of learner behaviour?

## 6. Post-incident support

Serious incidents that require use of force can be upsetting to all concerned and result in injuries to the learner or staff. After an incident ends, it is important to ensure that staff and learners are given first aid treatment for any injuries and provided with emotional support.

The college should reach decisions about whether, how and when to contact the family of the learner to engage them in discussing the incident and setting out subsequent actions.

In the days after an incident, colleges should:

- ensure that the incident has been recorded (see paragraph 43 above);
- Decide whether multi-agency partners need to be engaged and if so, which partners. For younger learners this could include local authority Children's Services or the Youth Offending Team (if the learner is already under their supervision or has been identified by the YOT as being at risk of becoming engaged in criminal or anti-social behaviour);
- Hold the learner to account so that he or she recognises the harm caused or which might have been caused. This may involve the learner having the chance to repair the relationships with staff and learners affected by the incident. In some cases, an incident might lead to a decision to exclude a learner. In these circumstances the principal will apply the college's own policies (but will need to inform the school if the learner is a school pupil);
- help the learner to develop strategies to avoid such crisis points in future and inform relevant staff about these strategies and their roles;
- ensure that staff affected by an incident have continuing support for as long as necessary in respect of:
  - physical consequences;
  - support to deal with any emotional stress or loss of confidence; and
  - Analysing and reflecting on the incident.

## 7. Responsibilities

Everyone has responsibility to give full and active support for the policy by ensuring the policy is known, understood and implemented throughout the college.

## **8. Actions to Implement the Policy**

The need for staff training is to be assessed by line managers. The assessment will be different for different areas of staffing and assesses the specific risks associated with their areas of work.