



Use of Reasonable Force

ISI Regulatory Code – A4

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Approved by Compliance team:

This Policy is for Mount St. Mary's College

Linked Policies: Anti-bullying Policy, Behaviour Management Policy, Discipline and Exclusion Policy, Rewards and Sanctions Policy, Pupil Code of Conduct (Appendix One)

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Mount St Mary's College

Educating Men and Women for Others since 1842

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This policy outlines when and how reasonable force may be used in the College.

School staff have a power to use force and lawful use of the power will provide a defence to any related criminal prosecution or other legal action.

Suspension should not be an automatic response when a member of staff has been accused of using excessive force.

Senior leaders should support their staff when they use this power.

INTRODUCTION

Mount St Mary's College aims to encourage pupils to adopt the highest standards of behaviour, principles and moral standards and to respect the ethos of the school. Promoting the emotional well-being of all of our pupils is key to their development. We aim to teach trust and mutual respect for everyone. We believe that good relations, good manners and a secure learning environment play a crucial part in the development of intellectually curious pupils, who are motivated to become life-long learners. We seek to develop qualities of team-work and leadership through its extensive programme of extra-curricular activities.

We welcome pupils from a wide variety of ethnic and social backgrounds and faiths. We treat everyone as an individual and aim to develop the whole person equipped to take their place in the modern world.

DEFINITION OF REASONABLE FORCE

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 pupils.

Force is usually used either to control or restrain. This can range from guiding a pupil 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.

Schools generally use force to control pupils and to restrain them. Control means either passive physical contact, such as standing between pupils or blocking a pupil's path, or active physical contact such as leading a pupil by the arm out of a classroom.

Restraint means to hold back physically or to bring a pupil under control. It is typically used in more extreme circumstances, for example when two pupils are fighting and refuse to separate without physical intervention.

Staff 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 pupil.

WHO CAN USE REASONABLE FORCE?

All members of school staff have a legal power to use reasonable force.

This power applies to any member of staff at the school. It can also apply to people whom the Headmaster or Headteacher has temporarily put in charge of pupils such as unpaid volunteers or parents accompanying students on a school organised visit.

WHEN CAN REASONABLE FORCE BE USED?

Reasonable force can be used to prevent pupils from committing an offence, hurting themselves or others, from damaging property, or from causing disorder.

In a school, force is used for two main purposes – to control pupils or to restrain them.

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

The following list is not exhaustive but provides some examples of situations where reasonable force can and cannot be used.

Schools can use reasonable force to:

- remove disruptive children from the classroom where they have refused to follow an instruction to do so;
- prevent a pupil behaving in a way that disrupts a school event or a school trip or visit;
- prevent a pupil leaving the classroom where allowing the pupil to leave would risk their safety or lead to behaviour that disrupts the behaviour of others;
- prevent a pupil from attacking a member of staff or another pupil, or to stop a fight in the playground; and
- restrain a pupil at risk of harming themselves through physical outbursts.

Schools cannot:

- use force as a punishment – it is always unlawful to use force as a punishment.

POWERS TO SEARCH PUPILS WITHOUT CONSENT

In addition to the general power to use reasonable force described above, the Headmaster, Headteachers and authorised staff can use such force as is reasonable given the circumstances to conduct a search for the following “prohibited items”:

- knives and weapons
- alcohol
- illegal drugs
- stolen items

- tobacco and cigarette papers
- fireworks
- pornographic images
- any article that has been or is likely to be used to commit an offence, cause personal injury or damage to property.

Force cannot be used to search for any additional items banned under the school rules.

COMMUNICATING THE SCHOOL'S APPROACH TO THE USE OF REASONABLE FORCE

The Behaviour Management Policy, set out the circumstances in which force might be used. For example, teachers will physically separate pupils found fighting or that if a pupil refuses to leave a room when instructed to do so, they will be physically removed.

There is a legal duty to make reasonable adjustments for disabled children and children with special educational needs (SEN).

The school does not require parental consent to use force on a pupil.

By taking steps to ensure that staff, pupils and parents are clear about when force might be used, the school will reduce the likelihood of complaints being made when force has been used properly.

STAFF TRAINING

The Headmaster or Headteacher will consider whether members of staff require any additional training to enable them to carry out their responsibilities and should consider the needs of the pupils when doing so.

TELLING PARENTS WHEN FORCE HAS BEEN USED ON THEIR CHILD

It is good practice for the school to speak to parents about serious incidents involving the use of force and to consider how best to record such serious incidents.

In deciding the degree of seriousness of an incident, teachers should use their professional judgement and consider the:

- pupil's behaviour and level of risk presented at the time of the incident;
- degree of force used;
- effect on the pupil or member of staff; and
- the child's age.

WHAT HAPPENS IF A PUPIL COMPLAINS WHEN FORCE IS USED ON THEM?

All complaints about the use of force should be thoroughly, speedily and appropriately investigated.

Where a member of staff 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 defence to any criminal prosecution or other civil or public law action.

When a complaint is made the onus is on the person making the complaint to prove that his/her allegations are true – it is not for the member of staff to show that he/she has acted reasonably.

Suspension will not be an automatic response when a member of staff has been accused of using excessive force.

The Headmaster will consider carefully whether the circumstances of the case warrant a person being suspended until the allegation is resolved or whether alternative arrangements are more appropriate.

If a decision is taken to suspend a teacher, the school should ensure that the teacher has access to a named contact who can provide support.

The Chair of Governors will always consider whether a teacher has acted within the law when reaching a decision on whether or not to take disciplinary action against the teacher.

As an employer, the school has a duty of care towards its employees. It is important that the school provides appropriate pastoral care to any member of staff who is subject to a formal allegation following a use of force incident.

WHAT ABOUT OTHER PHYSICAL CONTACT WITH PUPILS?

It is not illegal to touch a pupil. There are occasions when physical contact, other than reasonable force, with a pupil is proper and necessary.

Examples of where touching a pupil might be proper or necessary:

- Holding the hand of the child at the front/back of the line when going to assembly or when walking together around the school;
- When comforting a distressed pupil;
- When a pupil is being congratulated or praised;
- To demonstrate how to use a musical instrument;
- To demonstrate exercises or techniques during PE lessons or sports coaching; and
- To give first aid.