

St Michael's PS  
Dunnamanagh

## Use of Reasonable Force Policy



Signature of Chairperson of Board of Governors: \_\_\_\_\_

Signature of Principal: \_\_\_\_\_

Date approved: \_\_\_\_\_

Updated on: 22<sup>nd</sup> June 2020

Review Due: June 2023

## **CONTENTS**

Rationale

Principles

Purposes

Legislative Framework

Links with Other Policies

Definition of Reasonable Force

Practices

- Preventative Strategies
- Risk Assessment

Procedures

- Support Structures
- Roles and Responsibilities
- Insurance
- Procedures

Forms of Reasonable Force

Forms of Safe Handling

Health and Safety

Record Keeping

Post-Incident Management

Contacting Parents

Complaints

Designated Teacher

Training and Development

Policy Development and Guidance  
– Consultation

## **Appendices**

1. Risk Assessment
2. Risk Assessment Proforma
3. Incident Record Form

## **RATIONALE**

### Context

- our dual responsibility
  - providing safe and secure environment for the entire school community (pupils and staff)
  - promoting and sustaining appropriate behaviour;
- taking account of the United Nations Convention on the Rights of the Child (Article 12); International 1989 (UK 1991);
- taking account of the Education (NI) Order 1998 (Article 3) which requires Boards of Governors to ensure that policies are designed to promote good behaviour and discipline on the part of the pupils;
- taking account of the Education (NI) Order 1998 (Article 4) which clarifies the powers of members of staff of a grant-aided school regarding the use of reasonable force;
- taking account of the Education and Libraries (NI) Order 2003 (Articles 17 + 19) which imposes a duty on Boards of Governors to safeguard and promote the welfare of pupils; and
- taking account of the Human Rights Act 1998 which provides for the right to education.

This policy and our procedures have been developed in line with guidance from:

- The Department of Education NI circular 1999/9;
- DE document “Towards a Model Policy in Schools on the Use of Reasonable Force” August 2002;
- Pastoral Care in Schools: Promoting Positive Behaviour (2001);
- Pastoral Care in Schools – Child Protection: Code of Conduct for Staff (1999/10) paragraphs 69 to 72; and
- DE Circular 2003/13 Welfare and Protection of Pupils.

## **PRINCIPLES**

St Michael's Primary School believes that:

- Each child has the right to be educated in a safe and secure environment where each child's moral, intellectual, personal, social and emotional development is promoted.
- Parents and carers are informed and reassured that their children are being educated in a safe, caring and respectful atmosphere.
- All staff have the right to work in a safe and secure environment.

These principles underpin our school ethos and culture.

## **PURPOSES**

The following purposes underpin St Michael's Primary School policy and practices to:

- create a learning environment in which young people and adults feel safe;
- protect every person in the school community from harm;
- protect all pupils against any form of physical intervention, which is unnecessary, inappropriate, excessive or harmful; and
- develop and implement guidance for staff (teaching and non-teaching) so that they are clear about the circumstances in which they might use reasonable force to restrain pupils and how such force might be applied.

## **MISSION STATEMENT**

Our Mission Statement was drawn up by parents at our first meeting as St Michael's PS on Tuesday 10<sup>th</sup> September 2020. It reflects us coming together and moving forward as one school:

***Forward Together in Love***

## **LEGISLATIVE FRAMEWORK**

This policy has been formulated with due consideration to the following legislation:

- Children (NI) Order 1995 – duty to protect and child protection responsibilities/ fulfilling responsibility;
- UN Convention on The Rights of The Child 1989 – (Articles 12, 16 and 19); UK 1991;
- Education (NI) Order 1998 (Part II Article 4(1));
- Human Rights Act 1998 – Articles 3 and 5 of the European Convention on Human Rights;

## **LINKS with OTHER POLICIES**

- This policy is one of the overall pastoral policies and dovetails into the school's existing behaviour policy, anti-bullying policy, child protection policy, special needs policy, health and safety policy and complaints policy.
- It also takes account of the staff development and welfare policy.
- Teaching, learning and assessment policy and curricular policies.

## DEFINITION of REASONABLE FORCE

The Education (NI) Order 1998 (part II Article 4 (1)) states:

**“A member of the staff of a grant-aided school may use, in relation to any pupil at the school, such force as is reasonable in the circumstances for the purpose of preventing the pupil from doing (or continuing to do) any of the following, namely:**

- committing any offence;**
- causing personal injury to, or damage to the property of, any person (including the pupil himself); or**
- engaging in any behaviour prejudicial to the maintenance of good order and discipline at the school or among any of its pupils, whether that behaviour occurs during a teaching session or otherwise.”**

Based on this legal framework, the working definition of “reasonable force” is the minimum force necessary to prevent a pupil from physically harming him/herself or others or seriously damaging property but used in a manner which attempts to preserve the dignity of all concerned.

The school will use two types of intervention:

1. planned intervention in which staff employ, where necessary, pre-arranged strategies based upon a risk assessment and recorded within the pupil’s education plan; ref risk assessment; and
2. emergency or unplanned use of force/intervention, which occurs in response to unforeseen events e.g. pupil fights.

## PRACTICES

### Preventative Strategies

The school actively promotes positive behaviour management strategies thus reducing the need for the use of any form of physical intervention, except in emergency situations. Preventative strategies for inappropriate behaviour(s) are detailed in our schools’ Behaviour Management Policy especially – defusing and de-escalating conflict/confrontation or aggression.

### Risk Assessment

Risk assessment is one of our preventative strategies to minimise the risk of an incident escalating unnecessarily and will be a normal practice for our school where a pupil or a small number of pupils are known to exhibit disturbing or distressing behaviour (EBD). **Risk assessment will be considered only for those pupils where there is a foreseeable risk and enables the school to plan and train accordingly.** Risk assessment will be considered from two perspectives (a) environmental risk assessment or (b) individual risk assessment. This assessment will be part of the pupil’s education plan. (Appendices 1 and 2)

## **PROCEDURES**

### **Support Structures**

The following procedures have been agreed by the staff and adopted by the Board of Governors. Parents and pupils will be informed of the school's procedures and support structures within the overall **Pastoral Care Policy**.

### **Roles and Responsibilities**

Reasonable force/safe handling can be used by any member of staff who is authorised by the principal to have lawful control or charge of pupils, e.g. teachers, classroom assistants, supervisory assistants. The principal will confirm with all staff those who are authorised to oversee pupils at any given time.

*(In accordance with EA guidance provided in the model policy)* The Principal will confirm with all members of staff whether they meet the terms of authorisation.

### **Insurance**

*(In accordance with EA guidance provided in the model policy)* All staff and any other adult authorised by the principal to supervise pupils are adequately covered by insurance and have followed the school's policy and practice.

### **Procedures**

There may be circumstances when a member of staff may have to decide between making an intervention/using reasonable force by placing him/herself in a dangerous situation or standing back and thereby allowing colleagues or pupils to face a potential danger. There will always be an element of personal judgment in these decisions and there is the possibility of someone being injured. However, it is reasonable to expect a member of staff to engage in some risk where there is evidence of danger to others and intervention has a good chance of being effective. Staff should not, however, put themselves in personal danger merely to safeguard property.

Reasonable force/safe handling can be used by a teacher or other authorised person(s) on the school premises or when authorised elsewhere e.g., supervision of pupils in bus queues, a field trip, on other authorised out of school activities such as a sporting event or educational trip. Reasonable force should be limited to emergency situations and used only as a last resort when all other behaviour management strategies have been exhausted and where:

- action is necessary in self defence or because there is imminent risk of injury to another pupil or person;
- there is a developing risk of injury to another pupil or person, or significant damage to property;
- a pupil is behaving in a way that is compromising good order and discipline.

Examples that fall into the above categories are:

- a pupil attacks a member of staff, or another pupil;
- pupils are fighting;
- a pupil is causing, or at risk of causing, injury or damage by accident, by rough play, or by misuse of dangerous materials, substances or objects;
- a pupil is running in a corridor or on a stairway in which s/he might cause an accident likely to injure her/himself or others;

- a pupil absconds from a class or tries to leave school (Note: this will only apply if a pupil could be at risk if not kept in the classroom or at school);
- a pupil persistently refuses to obey an order to leave a classroom;
- a pupil is behaving in a way that is seriously disrupting a lesson.

*(In accordance with EA guidance provided in the model policy):* If an individual pupil is identified as likely to behave in a disruptive/inappropriate way (in line with an individual pupil risk assessment and individual behaviour plan) that may require reasonable force/safe handling, the principal and class teacher will draw up an individual plan for action. In line with this, procedures for summoning additional support will be agreed upon and will be put into action. These summoning procedures will involve the use of an agreed signal message between staff delivered by a classroom assistant or reliable pupil.

## **FORMS of REASONABLE FORCE**

**When other behaviour management strategies have failed**, it should be the minimum intervention or force that should reasonably be employed depending on the **age, sex, physical strength, size, understanding, medical condition and any special needs of the pupil** and used in a way that **preserves the dignity and respect of all concerned**. The use of reasonable force/ safe handling should always involve a calm and measured approach appropriate to the pupil and be in accordance with the schools agreed strategies and the following procedures:

- tell the pupil to stop the inappropriate behaviour;
- ask the pupil to behave appropriately, clearly stating the desired behaviour;
- tell the pupil that physical intervention will take place if inappropriate behaviour continues;
- during the incident repeatedly reassure the pupil and tell him/her that physical contact will stop as soon as he/she is ready to behave appropriately;
- if the teacher, classroom assistant or supervisory assistant feels at risk, e.g. from a large or older group of pupils, send for the nearest staff support.

The forms of reasonable force the school will use will depend on the individual circumstances and are:

*(In Accordance with EA guidance provided in the model policy)*

- **separating pupils who are fighting, or who are about to fight;**
- **blocking a pupil's path;**
- **holding;**
- **breakaway techniques (e.g. when a member of staff is grabbed by a pupil);**
- **leading a pupil by the arm;**
- **shepherding a pupil away by placing hands on the backs of elbows; or**
- **using more restrictive holds (in extreme circumstances).**

## **FORMS of SAFE HANDLING (Appropriate for Nursery, Early Years and Special Schools)**

The forms of safe handling the school will use are:

*(In accordance with EA guidance provided in the model policy)*

- **teaching a child to hold an adult's arm appropriately whilst walking down a corridor or a staircase; or on a visit outside school;**
- **reacting instinctively to a situation by holding or restraining a child who is running onto a busy road;**
- **physically prompting a young child as part of an educational or behaviour programme; or**
- **assisting a child with toileting.**

## **HEALTH and SAFETY**

When using reasonable force/physical intervention/restraint/safe handling, the pupil's health and safety must always be considered and monitored. Physical interventions should involve the minimum amount of force necessary to resolve the situation and calm the pupil.

### **Limits on the Use of Force**

*(In accordance with EA guidance provided in the model policy)*

**The law strictly prohibits the use of force, which constitutes the giving of corporal punishment. The use of force as a punishment or to intentionally cause pain, injury or humiliation would contravene our Child Protection Policy. Staff should never act in a way that might reasonably be expected to cause injury, for example by:**

- **holding around the neck;**
- **any hold that might restrict breathing;**
- **kicking, slapping or punching or using any implement;**
- **forcing limbs against joints;**
- **tripping;**
- **holding or pulling by the hair;**
- **holding the pupil face down on the ground;**
- **staff should also avoid touching or holding a pupil in any way that might be considered indecent.**

The use of reasonable force is only to be employed in exceptional circumstances or an emergency where a pupil appears to be unable to exercise self-control of emotions and whose behaviour is presenting a threat to himself/herself or others. A member of staff should not intervene in an incident without help if there is a risk that he/she may be injured or may endanger his/her life.

*(In accordance with EA guidance provided in the model policy)*

The school will pay attention to the Code of Conduct for Staff and the provision of post-incident support for staff.



## **RECORD KEEPING**

All incidents involving the use of reasonable force must be recorded in the schools agreed pro-forma “**Record/Report of The Use of Reasonable Force**”. The school (Principal) will keep an accurate up-to-date record of all such incidents. Immediately following any incident, the member of staff concerned must inform the Principal or a senior member of staff and complete the written record/report. (Appendix 3 Incident Record Form)

The Chairperson of the Board of Governors and the Principal will review **annually** the entries in the incident book. Records of incidents will be kept until the date of the child’s twenty-first birthday. In the event of the young person being over 18 when they leave school, records should be kept for 3 years after their date of leaving. Confidentiality and the young person’s right to privacy will need to be ensured.

The pupil’s views should also be recorded as soon as possible, preferably on the same day. (Appendix 3 Incident Record Form)

## **POST-INCIDENT MANAGEMENT**

*(In accordance with EA guidance provided in the model policy)*

The use of physical intervention can be upsetting to all concerned; therefore, it is important to ensure that staff and pupils are given emotional support and where required basic first-aid treatment. Immediate action should be taken to ensure that medical help is accessed for any injuries that require more than basic first aid. All injuries should be reported and recorded in accordance with the school’s procedures – parents/carers must be informed and allowed an opportunity to discuss. Where the teacher/member of staff concerned needs further support, advice or training, the Principal will take prompt action to ensure it is provided. Mrs Moore or Mrs Doherty will check for injuries, provide first-aid or arrange for medical aid, if necessary. Following an incident, the Principal will seek advice from relevant EA departments in order to engage support for staff and children.

## **CONTACTING PARENTS**

Parents/carers will be contacted as soon as possible, and the incident explained to them. This will also be recorded in the “**Record/Report of The Use of Reasonable Force**”. Any complaint from a parent will be dealt with within the school’s complaints policy/procedures as detailed below.

## **COMPLAINTS**

If an incident occurs in St Michael’s Primary School, involving the use of reasonable force/restraint by a teacher, the procedures governing such incidents should be followed. This will include informing the parent(s)/guardian(s) of the child as outlined above.

In the event of a subsequent complaint made against a member of staff either by or on behalf of the child, this will be dealt with in accordance with the School’s Complaints Policy/Procedure and in accordance with the Circular 1999/10, Pastoral Care in Schools – Child Protection.

Staff who themselves are subject to physical violence or assault should be supported, as appropriate, in taking any necessary action against an assailant.

## **DESIGNATED TEACHER**

*(In accordance with EA guidance provided in the model policy)*

The designated teacher is Mrs K Carlin. She will have special responsibility for providing guidance to other staff on the use of reasonable force/safe handling and for implementing and supporting the school’s procedures.

## **TRAINING and DEVELOPMENT**

All staff will have regular awareness raising of issues relating to the use of reasonable force/safe handling, procedures and practices relating to Behaviour Management and Safeguarding and Child Protection policy and procedures. All staff will receive appropriate training and development, in line with the school's Staff Development policy, in the use of preventative strategies and approaches for managing difficult situations when a situation deems it necessary. Training will be provided by accredited trainers.

*(In accordance with EA guidance provided in the model policy)*

The school will avail of any training offered in reasonable force/ safe handling and will seek support if an individual case deems it necessary.

## **POLICY DEVELOPMENT and GUIDANCE**

### **Consultation**

The following key stakeholders will be consulted on the policy – (Education & Libraries Order (NI) 2003):

- parents;
- all staff; and
- Board of Governors.