**St. Patrick’s P.S.**

**Derrygonnelly**



**Use of Reasonable Force Safe Handling Policy**

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**1. CONTEXT**

The purpose of every school should be to create a safe and secure

environment for the entire school community (pupils and staff), while promoting and sustaining appropriate behaviour.

No matter how skillfully and sensitively pupils are managed, a small

minority will occasionally engage in aggressive behaviour, which

threatens the safety of other pupils and staff. All schools have a pastoral responsibility towards the pupils in their charge and therefore we at St Patrick's take all reasonable steps to ensure that the welfare of pupils is safeguarded and that their safety is preserved.

St Patrick’s Primary School takes account of:

• The United Nations Convention on the Rights of the Child (Article 12); International 1989 (UK 1991)

• 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;

• 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;

• 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

• 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.

* The Regional Policy Framework on the use of Reasonable Force / Safe Handling, May 2004.

**2. AIMS OF THIS POLICY**

* To create a learning environment in which children and adults feel safe.
* To protect every person in the school community from harm.
* To protect all pupils against any form of physical intervention, which is unnecessary, inappropriate, excessive or harmful.
* To put in place guidance for staffso that they are clear about the circumstances in which they might use reasonable force to restrain pupils and how such reasonable force might be applied.

\*All references to staff apply to teaching and non-teaching staff

**Links with Other Policies**

This policy is one of our overall pastoral policies and dovetails into the school’s existing

1. Anti-Bullying Policy,
2. Safeguarding Policy
3. Health and Safety Policy
4. Complaints Policy
5. Positive Behaviour Management Policy
6. Special Needs Policy

**3. RISK ASSESSMENT**

* The behaviour of the vast majority of pupils in a school will never require any form of physical intervention. However, a small number of pupils may exhibit disturbed, or distressing behaviour, which may require some form of physical intervention by staff. In order to minimise the risk of incidents escalating unnecessarily due to lack of foresight, planning and training, the school will carry out a risk assessment under two headings:
  1. Environmental Risk Assessment; and
  2. Individual Risk Assessment.

1. **Environmental Risk Assessment**

The school should carry out a risk analysis within the school to identify those situations or locations where there is an increased risk of incidents happening and decide the appropriate type and level of supervision.

An analysis should be made of all past incidents in the school to identify medium to high risk locations. Staff and pupil opinion should also be canvassed to augment this information.

On the basis of the analysis, the Principal and Senior Management Team will oversee the type and level of supervision which will be required to minimise risks. Governors will be made aware as necessary.

1. **Individual Risk Assessment**

If the school becomes aware that a pupil is likely to behave in a

disruptive way that may require the use of reasonable force, it should plan how to respond if the situation arises. Such planning will address:

■ **consulting the parents** to ensure that they are clear about

the specific action the school might need to take;

■ **briefing staff** to ensure they know exactly what action they

should be taking. This may identify a need for training or guidance;

■ **managing the pupil,** for example, reactive strategies to

de-escalate a conflict;

■ **ensuring** that **additional support** can be summoned

wherever possible.

Environmental and individual risk assessment, allied to careful forward planning, should help result in a reduction in serious incidents. However, where they occur, the above strategies should help to ensure that any force used is the minimum necessary to achieve the desired outcome.

**4. 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:*

*a. committing any offence;*

*b. causing personal injury to, or damage to the property of, any*

*person (including the pupil himself); or*

*c. 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 use of reasonable force will always depend on the circumstances of the case and staff should take the following into consideration:

■ whether it is reasonable to use force, and the degree of force

that could reasonably be employed, given the age, sex,

physical strength, size, understanding, medical conditions and

any special educational needs of the pupil;

■ the use of force can be regarded as reasonable only if the

circumstances of the particular incident warrant it. The use of

any degree of force is unlawful if the particular circumstances

do not warrant the use of physical force. Therefore physical

force could not be justified to prevent a pupil from committing

a trivial misdemeanour, or in a situation that clearly could be

resolved without force; and

■ the degree of force employed should be in proportion to the

circumstances of the incident and the seriousness of the

behaviour or the consequences it is intended to prevent. Any

force used should always be the minimum needed to defuse

the situation.

**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 the Appendix 1 that follow, especially those on defusing and de-escalating conflict/confrontation or aggression.

**Other Legal Considerations**

Where force is applied it should be done in a manner that

attempts to REDUCE rather than PROVOKE.

1. The number of staff involved should be the minimum

necessary to intervene physically, whilst minimising injury.

1. The more serious the danger, the greater the degree of force

which may be used to avoid such danger.

1. Wherever practical retreat/ break-away should always be the

first consideration.

1. What constitutes “reasonable” will always be a matter of

personal and professional judgement that will need to be

justified, reported, recorded and evaluated

**Negligence**

**Negligence** has three main elements:

1. An established Duty of Care that is owed,
2. A breach of that duty,
3. Any ensuing damage/injury related to that breach.

**Omission**

To take no action, where the outcome is that a child injures

himself, or another, including staff, could be seen as negligence.

**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.

**5. USE AND FORMS OF REASONABLE FORCE**

**When might it be appropriate to use reasonable force?**

Reasonable force should be limited to emergency situations and used only as a last resort in situations where:

■ 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 he/

she might cause an accident likely to injure him/herself or

others;

■ A pupil absconds from a class to leave school (NB this will

only apply if a pupil could be at risk if not kept in the

classroom or at school).

***2*** In circumstances where a pupil absconds, the school should make every reasonable effort to inform the parent/carer

Physical intervention in these circumstances may take several forms, eg:

■ physically interposing between pupils;

■ blocking a pupil’s path;

■ holding;

■ leading a pupil by the hand or arm;

■ shepherding a pupil away by placing a hand in the centre of

the back; or

■ (in extreme circumstances) using more restrictive holds.

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, such as the examples below, (which are not exhaustive) should not be permitted under any circumstances:

■ holding around the neck;

■ any hold that might restrict breathing;

■ kicking, slapping or punching;

■ forcing limbs against joints;

■ tripping;

■ holding by the hair; and

■ holding the pupil face down on the ground.

When used, physical intervention should avert danger by preventing or deflecting a pupil’s action or perhaps by removing a physical object which could be used to harm him/herself or others. It should, at all times, be carefully applied and may be eased by degrees as the pupil calms down in response to the physical contact. The child should be advised throughout that physical intervention will cease when he/she calms down.

The use of restraint is only likely to be needed in exceptional

circumstances if a pupil appears to be unable to exercise self-control of emotions and behaviour and is presenting a threat to him/herself or others. The use of reasonable force should involve a calm and measured approach at all times and be in accordance with agreed strategies and action steps (see Appendix 1).

There may be times when members of staff should not intervene in an incident without help (unless it is an emergency) (see Appendix 2).

**6. ROLES AND RESPONSIBILITIES**

The school should endeavour to ensure that all staff know and

understand their roles and responsibilities in relation to the management of pupils.

Legislation allows ‘members of staff’ to use ‘reasonable force’ and

defines a member of staff as ‘any teacher who works at the school and any person who, with the authority of the Principal, has lawful control or charge of pupils at the school’. The Principal will confirm with all members of staff whether or not they meet the terms of this definition.

Governors, staff and parents should be made aware of this policy. The policy will be made available to all new members of staff and a senior member of staff will advise on its implementation.

6.4 Staff should be kept informed of planning in relation to individual pupils who are considered likely to pose serious behavioural problems.

The school SENCO should keep staff informed about pupils with special educational needs who may require special attention with regard to their physical management. Staff will consult with the SENCO regarding any concerns which they have about the physical management of pupils with special educational needs.

This is intended to clarify who can use reasonable force, and in what circumstances. However, in an emergency, if it is likely that a pupil will sustain an injury or injure another pupil or adult, any member of staff can intervene and use reasonable force, to protect a pupil, other staff or defend themselves.

Line management and lines of reporting with regard to the use of

reasonable force should be the same as those for pastoral care/child protection.

It is recommended that parents be provided with a copy of the school’s written policy on the use of reasonable force, which could be an integral part of the school’s policy for promoting positive behaviour.

**7. RECORD KEEPING**

All incidents involving the use of reasonable force should be recorded in a detailed written report in accordance with school

procedures. The school should keep an up-to-date record of all such incidents (see Appendix 4). Such records may be required for future reference. Immediately following any such incident the member of staff concerned should inform the Principal or a senior member of staff and provide a written report.

Parents/carers should be contacted as soon as possible and the incident explained to them. This action will also be recorded as detailed in procedures (see Appendix 3).

Staff should keep their own copy of any written report.

**8. COMPLAINTS**

If an incident occurs in school involving the use of reasonable force by a teacher, the procedures governing such incidents should be followed.

This will include informing the parent(s)/guardian(s) of the child.

In the event of a subsequent complaint made against a member of staff either by or on behalf of the child, this should be dealt with in accordance with the school’s complaints procedures. A dispute about the use of force by a member of staff might lead to an investigation either under disciplinary procedures, or by the police and Social Services Department under child protection procedures.

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

**9. TRAINING AND DEVELOPMENT**

Although it is anticipated that incidences involving the use of reasonable force or physical intervention will be infrequent, all staff should be made aware of the issues relating to the use of reasonable force and physical intervention as well as procedures and practices relating to school discipline and child protection procedures. As part of the school’s training and development policy, all staff should receive appropriate training in the use of preventative strategies and approaches for managing difficult situations when they arise.

Approved by Board of Governors: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_ Chairperson

Date of next review:\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

***Appendix 1***

**PREVENTATIVE STRATEGIES**

**All teachers need to be aware of strategies and techniques for dealing with difficult pupils and steps, which they can take to defuse and calm a situation. The strategies listed below as examples will be influenced by the age of the pupil(s) and the context in which they are applied.**

1. Move calmly and confidently;

2. Make simple, clear statements;

3. Intervene early;

4. Try to maintain eye contact;

5. If necessary summon help before the problem escalates; and

6. If possible, remove audience from the immediate location.

**ACTION STEPS**

1. Tell the pupil who is misbehaving to stop and tell him/her the possible consequences of failure to do so.

2. If possible, summon another adult.

3. Continue to communicate with the pupil throughout the incident.

4. Make it clear that physical intervention will cease as soon as it is no longer necessary.

5. Appropriate follow-up action should be taken, which may include:

■ providing medical support;

■ providing respite for those involved; and

■ accessing external advice/support.

A calm and measured approach to a situation is needed and staff should never give the impression that they have lost their temper or are acting out of anger or frustration when handling a problem.

***Appendix 2***

**INTERVENTION GUIDELINES**

**There are situations where staff should not intervene without help. Assistance should be sought when dealing, for example, with:**

■ an older pupil;

■ a physically large pupil;

■ more than one pupil;

■ when the teacher believes that he/she may be at risk of injury.

**In those circumstances where the member of staff has decided that it is not appropriate to restrain the pupil without help, he/she should:**

■ remove other pupils who might be at risk;

■ summon assistance from colleagues;

■ where necessary, contact the police;

■ inform the pupil(s) that help will be arriving; and

■ continue to attempt to defuse the situation orally, and try to prevent the incident from escalating.

***Appendix 3***

**Risk Assessment**

A small number of pupils may exhibit disturbed or distressing behaviour which may require some form of physical intervention by staff. To minimise the risk of incidents escalating unnecessarily due to lack of foresight, planning and training, schools should carry out a risk assessment from two perspectives:

• environmental risk assessment; and

• individual risk assessment.

**Environmental Risk Assessment**

• Identify situations or locations where there are increased risks of incidents happening.

• Analysis of past incidents to identify medium to high risk locations.

• Staff and pupils consulted.

• Individual pupil consulted.

• Decide the appropriate type and level of supervision.

• Principal and SMT to make recommendations to Board of Governors on type and level of supervision to minimise risk.

• Implement plan.

• Review plan.

**Individual Risk Assessment**

Where a school is aware that a pupil is likely to behave in a disruptive way that may require the use of reasonable force/safe handling, the school should plan its response by:

• consulting the pupil, as appropriate;

• consulting the parents – specific action the school may need to take;

• briefing staff – what action they should be taking (may require training or guidance);

• managing the pupil – eg reactive strategies to de-escalate a conflict;

• ensuring that additional support can be summoned wherever possible;

• implementing plan and review;

• reviewing Plan.

**Risk Reduction**

Risk reduction should include:

• proactive measures to support the child effectively and prevent difficulties emerging;

• early interventions to help the child in difficult situations and avert problems; and

• planned measures to manage the child and others safely, when unavoidable difficulties arise

***Appendix 4***

**St Patrick’s P.S. Use of Reasonable Force Incident Record**

Date of Incident: \_\_\_\_\_\_\_\_

Year Group:

Staff Involved in restraint: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Designation: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

*Events Leading up to the Incident*

Where did the incident start?

What was happening at the time?

*Describe the Event that Occurred*

When did the incident occur?

Day: \_\_\_\_\_\_ Time: \_\_\_\_\_\_\_

Where did the incident occur?

What action did you take to try to de-escalate the situation before using restraint?

What behaviour was the child presenting that warranted restraint/physical intervention *(Please tick as appropriate)*

At risk of injury to self or others

At risk of significant damage to property

Compromising good order

At risk of committing a criminal offence

Discipline

What do you believe would have happened if there had been no physical intervention?

How was the pupil held?

How long did the pupil need to be held?

Was anybody injured?

YES/NO If yes, please give details

Name of member of staff who verbally checked pupil for injury after the hold

Has the pupil been physically restrained before?

**YES/NO**

*Implications for Future Planning*

Does this pupil have an individual behaviour programme/education plan?

**YES/NO**

Do changes need to be made to any of the following? *(Please tick asappropriate)*

The environment eg organisation, curriculum

Targets for teaching new skills

Reinforcement strategies Defusing and calming strategies

Other Please specify

Do other agencies need to be involved in the future

**YES/NO**

If yes, please specify who and with what aim

*Follow Up Action*

Medical intervention was needed

**YES/NO**

Has school nurse/doctor been informed

**YES/NO**

Please specify other recording procedures:

Accident book Accident form Child Protection Record

Parent/carer informed by

Telephone

Letter

Direct Contact

Form completed by: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Post held: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Principal’s signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date: \_\_\_\_\_\_\_\_\_\_\_\_\_

***A copy should be sent to the chairperson of the Board of Governors***