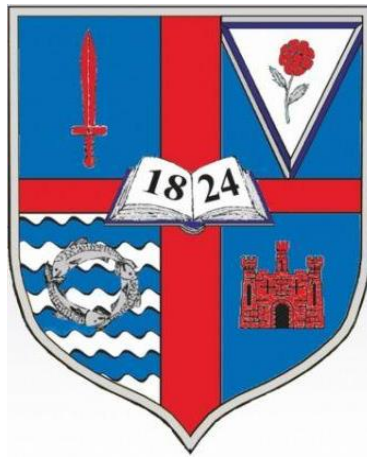


# Macosquin Primary School



## Use of Reasonable Force & Safe Handling Policy Summary

## **Rationale and Aims**

In line with all grant aided schools in Northern Ireland, Macosquin Primary School is obliged to draw up a policy on the use of reasonable force to restrain or control pupils.

The purpose of our school is to create a safe and secure environment where all children are enabled to achieve their full potential.

## **Vision Statement**

Together as a school family, we are committed to nurturing and **motivating** our children, enabling them to reach their full **potential** and **shine**- today and in the years ahead!

The school's policy on the use of reasonable force has been developed to enable staff to achieve this purpose.

As a school We have a pastoral responsibility towards the pupils in our charge and will, therefore:

- Provide a safe and secure environment for the entire school community;
- Take all reasonable steps to ensure that the welfare of pupils is safeguarded and that their safety is preserved; and
- Promote and sustain appropriate behaviour.

## **Legislative Framework**

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

- The United Nation's Convention on the Rights of the Child-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;
- The Human Rights Act 1998;
- The Children (NI) Order 1995 – duty to protect and child protection responsibilities/fulfilling responsibility; and
- Health and Safety at Work Act (NI) Order 1978.

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

- The Department of Education NI circular 1999/09;
- Regional policy Framework-(2004);
- Pastoral Care in Schools: Promoting Positive Behaviour (2001); and
- Safeguarding and Child Protection in schools: Code of Conduct for Staff (1999/10 Revised 2019/22).

This policy links to the suite of Pastoral Care Policies in place:

Child Protection Policy

Pastoral Care Policy

Positive Behaviour Policy

Anti-Bullying Policy

E-Safety Policy

Critical Incident

Health and safety Policy

Complaints Policy

### **Risk Assessment**

The behaviour of the vast majority of pupils in our 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, we will carry out a risk assessment under two headings:

- Environmental Risk Assessment; and
- Individual Risk Assessment.

#### **Environmental Risk Assessment**

In the event where a pupil is exhibiting disturbed or distressing behaviour a risk analysis within the school will be carried out 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 will make recommendations to the Board of Governors on the type and level of supervision which will be required to minimise risks.

#### **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, we will 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; and
- **Ensuring that additional support** can be summoned wherever possible.

## **Definition of Reasonable Force**

Article 4 of the Education (Northern Ireland) Order 1998 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.'*

The right of a member of staff to use such force as is reasonable to restrain or control a pupil applies:

1. Where the member of staff is on the premises of the school; or elsewhere at a time when he/she has lawful control or charge of the pupil concerned; and
2. To teachers at the school, and to any other member of staff who, with the authority of the principal has lawful control or charge of pupils.

*The application of reasonable force to restrain or control a pupil is to be used as a last resort, only when other behaviour management strategies have failed, and when the pupil, other pupils, members of staff, or property are at risk, or the pupil is seriously compromising good order and discipline.*

(DENI Circular 1999/9)

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 will 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.

## **Use and Forms of Reasonable Force**

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

Reasonable force will 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; or
- 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)<sup>1</sup>

Physical intervention in these circumstances may take several forms, e.g.:

- 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 uses of force as a punishment or to intentionally cause pain, injury or humiliation, such as the examples below, (which are not exhaustive) will 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 will 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 will, 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

---

<sup>1</sup> In circumstances where a pupil absconds, the school should make every reasonable effort to inform the parent/carer

him /herself or others. The use of reasonable force will involve a calm, measured approach at all times and be in accordance with agreed strategies and action steps.

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

### **Roles and Responsibilities**

The school will 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.<sup>2</sup>

Governors, staff, parents and pupils have been involved in the development of this policy and should be involved in any review. New staff should be given a copy of the policy and a senior member of staff will advise on its implementation.

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

The school SENCO will 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.

A copy of this policy is made available to parents and carers.

### **Record Keeping**

All incidents involving the use of reasonable force will be recorded in a detailed, contemporaneous written report. The school will keep an up-to-date record of all such incidents as 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.

Staff will keep their own copy of any written report.

### **Complaints**

---

<sup>2</sup> 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.

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.

### **Training and Development**

Although it is anticipated that incidences involving the use of reasonable force or physical intervention will be infrequent, all staff will be made aware through yearly training 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.