

Dunclug Primary School



Use of Reasonable Force And Safe Handling Policy Policy

Date ratified by Board of Governors: April 2020

Date of Next Review: September 2022

Principles

Dunclug Primary School promotes the United Nations' Convention on the Rights of a Child and that every child must be protected from all forms of violence, abuse, neglect and mistreatment (Article 19).

We believe that:

- Each child has the right to be educated in a safe and secure environment
- 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.

Purposes

The following purposes underpin Dunclug Primary School's 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.

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;
- Health and Safety at Work Act (NI) Order 1978;
- Education and Libraries (NI) Order 2003 – Articles 17, 18, 19.

Links With Other Policies

This policy is one of a number of pastoral policies and dovetails into the school's existing Positive Behaviour Policy, Anti-Bullying Policy, Child Protection/Safeguarding Policy, SEN and Inclusion, Health and Safety Policy and Complaints' Procedure. It also takes account of the Staff Code of Conduct.

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);
- 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.

Practices

a. 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 school's behaviour management policy especially – defusing and de-escalating conflict/confrontation or aggression.

In extreme cases of violent behaviour, to ensure safety of all children it may be necessary to remove the child/children to a safe area of the school.

b. 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 have social, emotional and behavioural difficulties and/or exhibit disturbing or distressing behaviour.

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 should form part of the pupil's education plan.

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 an area 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.

However, some practical considerations also need to be taken into account:

- Before intervening physically a member of staff should seek to deploy other behaviour strategies. Where these have failed, the member of staff should, wherever practicable, tell the pupil who is misbehaving to stop, and what will happen if he/she does not. The member of staff should continue attempting to communicate with the pupil throughout the incident, and should make it clear that physical contact or restraint will stop as soon as it ceases to be necessary. 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, or to punish the pupil.
- Sometimes a member of staff should not intervene in an incident without help (unless it is an emergency), for example, when dealing with an older pupil, or a physically large pupil, or more than one pupil, or if the teacher believes he/she may be at risk of injury. In those circumstances the member of staff should remove other pupils who might be at risk, and summon assistance from a colleague or colleagues, or where necessary telephone the Police. The member of staff should inform the pupil(s) that he/she has sent for help. Until assistance arrives the member of staff

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

- Situations where a pupil refuses to obey an order to leave a classroom need to be handled carefully as they can be a prelude to a major confrontation, especially if reasonable force is used to eject older pupils. Where a pupil persistently refuses to leave a classroom and the teacher believes that the use of reasonable force will endanger the teacher or other pupils, a trusted pupil is sent for help.

Forms of Reasonable Force

Physical intervention can take a number of forms. It might involve staff:

- physically interposing between pupils;
- blocking a pupil's path;
- holding;
- pushing;
- leading a pupil by the arm;
- shepherding a pupil away by placing a hand in the centre of the back;
- or, in extreme circumstances, using more restrictive holds.

In exceptional circumstances, where there is an immediate risk of injury, a member of staff may need to take any necessary action that is consistent with the concept of 'reasonable force', for example, to prevent a young pupil running off a pavement onto a busy road, or to prevent a pupil hitting someone, or throwing something.

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 down.

Limits on the Use of Force

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/Safeguarding Policy and Article 19 of the United Nations' Convention on the Rights of a Child.

Staff should never act in a way that might reasonably be expected to cause injury, for example by:

- holding a pupil round the neck, or by the collar, or in any other way that might restrict the pupil's ability to breathe;
- slapping, punching, kicking or using any implement on a pupil;
- throwing any object at a pupil;
- twisting or forcing limbs against a joint;
- tripping up a pupil;
- holding or pulling a pupil by the hair or ear;
- holding a pupil face down on the ground.

Staff should also avoid touching or holding a pupil in any way that might be considered indecent.

Staff should never act in a way that might reasonably be expected to cause injury. 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 she/he may be injured or may endanger his/her life.

What action can be taken in self-defence or in an emergency situation?

Everyone has the right to defend themselves against an attack provided they do not use a disproportionate degree of force to do so. Similarly, in an emergency, for example if a pupil is at immediate risk of injury or on the point of inflicting injury on someone else, any member of staff would be entitled to intervene whether or not specifically authorised by the Principal to do so. The purpose of Article 4 and Circular 99/9 is to make it clear that teachers, and authorised staff, are also entitled to intervene in other, less extreme, situations.

Is physical contact with pupils appropriate in other circumstances?

Physical contact with pupils should generally be avoided but there can be occasions when physical contact with a pupil may be proper or necessary other than those situations covered in Article 4. For example, some physical contact

may be necessary to demonstrate exercises or techniques during PE lessons, sports coaching, music, drama or technology and design or a pupil is in distress and needs comforting, etc or if a member of staff has to give first aid. Young children and children with special educational needs may also need staff to provide physical prompts to help. Teachers should use their own professional judgement when they feel a pupil needs this kind of support. Guidance on these issues can be found in the Code of Conduct, and also in paragraphs 73 and 74 of the booklet accompanying Circular 1999/10 (Pastoral Care in Schools: Child Protection). There may be some children for whom touching is particularly unwelcome, because, for example, they have been abused. Physical contact with pupils becomes increasingly open to question as pupils reach and go through adolescence, and staff should also bear in mind that even innocent and well-intentioned actions can sometimes be misconstrued.

Post Incident Management

Record Keeping

We will keep a detailed, contemporaneous, written report of any occasion (except minor or trivial incidents) where reasonable force is used. This may help prevent any misunderstanding or misrepresentation of the incident, and it will be helpful should there be a complaint. The school will keep an up-to-date record of all such incidents, in the incident book.

Immediately following any such incident the member of staff concerned should tell the Principal, Mr Beacom or a senior member of staff and provide a short written factual report (see Appendix 2) as soon as possible afterwards. That report should include:

- the name(s) of the pupil(s) involved, and when and where the incident took place;
- the names of any other staff or pupils who witnessed the incident;
- the reason that force was necessary (eg to prevent injury to the pupil, another pupil or a member of staff);
- briefly, how the incident began and progressed, including details of the pupil's behaviour, what was said by each of the parties, the steps taken to defuse or calm the situation, the degree of force used, how that was applied, and for how long;
- the pupil's response, and the outcome of the incident; and

- details of any obvious or apparent injury suffered by the pupil, or any other person, and of any damage to property.

The Chairman of the Board of Governors and the Principal will review the entries in the incident book annually.

Staff may find it helpful to seek advice from a senior colleague (eg the Principal or senior member of staff who has been designated to provide training and guidance on the use of reasonable force), or a representative of their professional association when compiling a report. They should also keep a copy of the report.

Incidents involving the use of force can cause the parents of the pupil involved great concern. Parents should be informed of any incident involving their child (other than a trivial incident), and given the opportunity to discuss it. The Principal, or a member of staff to whom the incident is reported, will need to consider whether that should be done straight away or at the end of the school day, and whether parents should be told orally or in writing.

The use of physical intervention can be upsetting, therefore, it is important to ensure that staff and pupils are given emotional support and where required basic first-aid treatment. Immediate action will be taken to ensure that medical help is accessed for any injuries that require more than basic first-aid. All injuries will be reported and recorded in accordance with the school's procedures.

Where it is clear that the teacher/member of staff concerned needs further support, advice or training, the Principal will take prompt action to ensure it is provided.

Complaints

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.

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 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 they may arise.

Consultation

The following people will be consulted about this policy:

- Children and young people;
- Parents and carers;
- Members of staff
- Board of Governors.

Appendix 1 Risk Assessment Guidance

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;
- individual risk assessment.

Environmental Risk Assessment

- Identify situations or locations where there is increased risk 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 Class Teacher 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 member of staff/class teacher thinks it is likely that a pupil will 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 – e.g. reactive strategies to de-escalate a conflict;
- ensuring that additional support can be summoned wherever possible;

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 2

Incident Record Form

Date of Incident _____

Pupil's Name: _____ Class: _____

Staff Involved in use of restraint: _____

Role _____

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?

Date: _____ Time: _____

Where did the incident occur? _____

What action was taken to try to de-escalate the situation before using restraint?

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

At risk of injury to self or others

At risk of significant damage to property

Compromising good order and discipline

At risk of committing a criminal offence

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 appropriate box)

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 given to the chairperson of the Board of Governors.